

Application No: W 10 / 0340

Town/Parish Council: Leamington Spa
Case Officer: Rob Young

Registration Date: 19/03/10
Expiry Date: 14/05/10

01926 456535 planning_east@warwickdc.gov.uk

Clarendon Arcade, Parade, Leamington Spa

Erection of mixed use scheme (A1/A2/A3/A4/A5 uses) together with 9 town houses. Service access at basement level with two levels of car parking above the retail on second floor and third floor and a plant deck above. New entrance portico on Parade and extension and conversion of 17 Parade for retail / bar use with offices above. New vehicular accesses and other highway alterations. FOR Wilson Bowden Developments

This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received.

SUMMARY OF REPRESENTATIONS

COMMENTS RECEIVED IN RELATION TO APPLICATION AS ORIGINALLY SUBMITTED

Leamington Spa Town Council: RESOLVED that an objection is raised for the following reasons:

Whilst the Town Council recognises the need for the Town to maintain its ranking as a vibrant regional shopping centre the Town Council objects to the proposals on the following grounds:

1. The size, height and bulk of the development are disproportional to the surrounding retail and residential properties in a central location of the town.
2. There is a detrimental visual impact on other properties in the Conservation Area due to the proposed height and size of the development.
3. The scale and height of the proposed development will have an effect on the living conditions of residents in Clarendon Avenue, William House and George House causing loss of light and impacting on their privacy (contrary to DP1 in the Local Plan)
4. There is inadequate information on highway traffic noise and pollution. In particular there does not appear to be a transport assessment available for usage on Saturdays, the busiest shopping day, nor how the new development will be serviced by public transport.
5. The proposal to replace the existing 150 car parking spaces +30 on-street spaces by 540 car parking spaces on three levels is likely to lead to higher emissions and additional traffic noise. Consideration should be given to the provision of underground car parking which would reduce the height and impact on surrounding properties.

6. The proposed demolition of 25 late-Victorian properties particularly in Guy Street and Guy Place West would be a loss to the Conservation Area. Whilst these buildings are not of themselves very distinguished their height and bulk does respect the nature of the Conservation Area. The proposed demolition would appear to go against the spirit of the Local Plan which states: "Buildings which do not merit statutory listing often contribute as much to the overall character of the Conservation Area as those that are Listed Buildings"; it is this character that would be lost and therefore the development would appear to go against DAP9 in the Local Plan.
7. The loss of long-established and successful local businesses including Locke and England's Auction House and Feldons Veterinary practice will be detrimental particularly if they are not re-established close by.
8. The loss of existing street patterns will impact on the established urban character of the streets and could impact on traffic flows along adjoining streets. (Contrary to DP1 of the Local Plan)
9. Continuous access by service and delivery vehicles will lead to an increase in traffic movements and noise (contrary to DP7 of the local Plan).
10. The proposed use of brick will emphasise the bulk of the building and will stand out unsympathetically with the other adjoining and adjacent properties.
11. The loss of 20 mature trees which enhance the current environment and are irreplaceable.
12. Members questioned the viability of the retail case in this current economic climate.

Public Response: 63 responses have been received from local residents, businesses and organisations, other Leamington and Warwick District residents, former Leamington residents and visitors to the town. The representations are ones of objection and concern, with one letter of support from an existing retail operator.

The main objections raised are as follows:

- the scale and height of development is excessive and will dominate the Conservation Area, harming its character;
- a number of properties which make a significant contribution to the character of the Conservation area are being demolished;
- the fabric and setting of a number of listed buildings is being harmed;
- the building over of Guy Street will erode the historic grid iron street pattern of the town. Other streets are also being lost i.e. Guy Place West and Oxford Row at the rear of Warwick Street;
- there is no need for a retail development of the scale proposed in the present economic climate, there are many vacant shops in the town;
- the extent of the development goes beyond the boundary of the Area of Search for retail development set out in the Local plan and conflicts with policy TCP2;
- the development will shift the focus of retail activity to the north of the town, harming other retail businesses in the town centre;

- existing retailers will relocate into the arcade and this will create vacancies elsewhere in the town;
- a number of distinctive local businesses are being lost as a result of the development;
- the operation of other businesses will be impaired as their premises will be affected by demolition needed for the development and their service/parking arrangements will be adversely affected;
- the demolition of ancillary floorspace to adjacent commercial properties will have a negative impact on the ability to let those properties;
- the service yard is too small;
- the service corridors to existing properties are too small and have ramps that are too steep;
- the development does not provide any access to the rear of 7 Parade for the collection of refuse;
- the impact of the development in traffic terms will be detrimental to the town, through increased congestion, noise and pollution;
- the amount of car parking on the site conflicts with sustainability principles and will lead to a dramatic increase in car related journeys;
- inadequate parking;
- the car parking figures do not take account of the private parking spaces that will be lost to the rear of properties on Parade - this will have a negative impact on the ability to let the upper floors of those properties;
- the proposed car park will not be as attractive as the existing surface car park;
- the amenities of residential properties close to the site will be harmed through overshadowing, loss of light and privacy;
- the living conditions of neighbours will be harmed by noise, traffic dust and pollution during the construction process;
- no account has been taken of the light levels for Wildes Wine Bar;
- the implications of the red-lined boundary of the site are not clear as this includes existing parking and servicing areas for a number of properties;
- the detailed impact of the development on properties on Parade is difficult to assess in terms of extent of demolition, light levels and proximity of the new development;
- the development conflicts with a number of local plan policies and approved supplementary guidance which seeks to protect residential amenity;
- long fire escape routes and restricted access for fire appliances to the rear of existing properties;
- the arcade will reduce permeability, closing off a large part of the town centre out of hours;
- the proposed town houses would not be provided with a satisfactory living environment, being single aspect and adjacent to the service accesses;
- question the level of job creation claimed, particularly as this does not take account of the fact that existing businesses will be forced to close and others will relocate from elsewhere in the town;
- the development will result in the loss of a central open space and a number of mature trees;
- the proposals will destroy the very character that attracts people to Leamington, making it more like a clone town;
- Leamington should not seek to build a large shopping centre to copy other towns such as Solihull or Coventry, but should focus on its own strengths;
- there have been improvements in technology in all "renewable energy" applications since the Environmental Impact Assessment was written in June 2009 and therefore the proposals should be updated to reflect this; and

- there are no details of how the developer is planning to offset the CO2 emissions incurred during the construction and operation of the development.

Conservation Area Advisory Forum: At an overall level, the members of CAAF felt strongly that the scale of the project was too large and overwhelmed this part of the historic core of Leamington Spa. Particular concerns were expressed that the layout did not respect the historic street pattern of the town, particularly as the shopping mall has a dog leg at the department store and the line of Guy Street will then pass through the department store to the rear entrance rather than monitoring the line of the street. The street pattern of Leamington is an important part of its character and to place a building across the street in this monolithic form does not maintain the character of the town. Obliterating the street pattern in this way should be strongly resisted.

The scale of the building and impact on the surrounding streets and listed buildings was also considered unacceptable in the context of the historic environment. In particular, the impact of large areas of brickwork, particularly on Chandos Street and the impact on houses in Clarendon Street was felt to be unacceptable in the conservation area. The provision of car parking at high level was felt to be inappropriate as it manifested itself in high level brickwork with narrow vent slots which do not enhance the building. In particular the brickwork viewed from Chandos Street and above the entrance from Warwick Street were considered unacceptable.

It was strongly felt that car parking should be underground and possibly a roof garden created at the higher level. The scale of the building could be reduced significantly by putting car parking underground. It was noted that the car parking has been set back to lessen the impact on the Clarendon Avenue properties, however it was still felt this would make an unacceptable change to the residents of this area. The concentration of car parking in this area would be detrimental to the retail in other parts of the town.

The need for additional parking to the level provided was also questioned and the impact of bringing additional cars into the town was of significant concern. Similarly, the servicing of the project with heavy goods vehicles in this part of the town was of concern.

In terms of the provision of a mall itself, the character of the mall, as displayed in the drawings was felt to be out of character with Leamington Spa and did not create the same light and airy environment as in the original Royal Priors building. It was felt that the interior of the shopping mall, if it is to be a "street" should reflect the street character of the town itself, which it was felt this did not, and the second higher tier of shopping was considered questionable economically.

The loss of up to 18 trees on the car park was considered unacceptable in the conservation area.

The economic viability of producing such a scheme was also questioned. It was also questioned, if the scheme is successful, profit margins should be capped for the developers to avoid excessive profit at the expense of the historic town. The effect on the other parts of the town, by concentrating retail in the area would be significant and would also have a significant effect on retailing in Warwick.

The gradual change of emphasis of the shopping centre in Leamington from the bottom of the Parade to the top would be significantly worsened by this scheme and there could also be a detrimental effect on the retail units on the Parade. It was felt that this was an out of town shopping centre forced into a town centre location.

The environmental impact of the scheme was of concern and it was felt that if the project requires piling, then advantage could be taken of using ground source heat pumps, together with significant use of roof space for solar energy.

Significant concerns were expressed at the entrance feature onto Warwick Street, particularly the visibility of the car park above and the detailing of the vent slots for the car park.

The quality of the living spaces created by the single aspect housing and the fact that these did not fully mask the car park was of concern.

In terms of the impact on the town itself, two members considered that the town centre did not need any additional shopping and that shopping at this scale would be detrimental to the character of the town, it was felt that the new shops granted in Kenilworth Street were adequate for the needs of the town. There was therefore a majority in favour of additional shopping, however the proposal, as put forward, was not considered to be appropriate to Leamington and it was felt to have not been tailored to the specific historic character and attractive shopping experience that Leamington currently provides. Concerns were expressed that a Shopping Centre with no individuality, similar to Coventry, Solihull or Birmingham was being proposed.

The model, it was felt, should have been coloured to reflect the development as proposed. The white model does not adequately reflect the bulk and scale.

These notes summarise discussion at four successive CAAF meetings. A minority view was expressed at one meeting by a representative of the Chamber of Trade and a Councillor, that increasing floor space is important to maintain and improve the town's competitive position as a retail centre. The committee as a whole, while accepting that evolution of the retail offer is important, did not share the view that regeneration is a conservation issue and concluded that it should not form part of the CAAF response to the proposal.

Town Centre Partnership: Have written to register their support in principle for a retail development in Leamington Town Centre, broadly in line with the proposals for Clarendon Arcade.

Leamington Society: Raise objection on grounds of gross overdevelopment, adversely affecting local residents amenity and conflicting with policies TCP1 and TCP3 of the Local Plan; increased traffic and pollution contrary to policy DP9 of the Local Plan; loss of successful popular businesses and reduction in the shopping diversity of Leamington by drawing trade away from smaller shops at the lower end of town contrary to the principles of PPS4: Planning for Sustainable Economic Growth; identity of anchor store is not known and if M&S are involved it will have a major effect on other parts of town; demolition of existing buildings is not justified; lack of need for more shops in Leamington town centre (Livery Street still has 4/5 unoccupied units); architectural impact on Leamington is damaging; three streets are being built over and proposal is architecturally dull with loss of good trees.

Leamington Society have also engaged consultants to look at the Transport Statement – they consider that adoption of a methodology based on car parking spaces as opposed to floor area is flawed as it does not take account of the variation in size between this centre (21,477 sq.m.) and Royal Priors (14,000 sq.m.). The car park survey was done on Thursday 14.2.2009 – there was heavy snowfall that day. Trips are likely to exceed predictions due to Chandos Street always being high turnover/seen as a convenient car park – a revised assessment is needed considering peak period for traffic generation based on a robust trip rate methodology.

A further submission by the Leamington Society raises objection on grounds of Design and Conservation and the Society considers that the development is "too big and intrusive" to maintain the balance between sustaining the local economy and sensitivity to the Conservation Area. The submission is accompanied by a Conservation Assessment report of the application which concludes that insufficient weight has been given to Leamington's distinctive architectural character or its historical context and status and recommends that the application be withdrawn or refused and that fundamental design considerations are reviewed.

MADE Design Review (West Midlands): Consider that the current plans improve the previous scheme reviewed in 2007 in a number of respects but MADE remains opposed to the location of the Department store across the historic line of Guy Street and consider that visitors to the development approaching from the north should enter directly into the principal mall on the line of Guy Street and not through a department store.

Their response notes a number of improvements to the scheme compared to earlier plans:-

- the improved design of the entrance portal to Warwick Street
- the omission of entrance doors which enables natural ventilation of the arcade.
- the reduction in overall height of the building compared to earlier plans
- the improved parking and servicing arrangements with the parking ramps accessed off Chandos Street embedded within the fabric of the building
- the sustainability elements, i.e. CCHP and green roofs are noted but are considered to be fairly modest
- they consider the remaining section of Guy Street should be paved over as a pedestrian street, with vehicle access only to the parking court at the rear of Villiers House.

West Midlands Leaders Board: The proposal would seem to be in general conformity with the Regional Spatial Strategy and the emerging Phase 2 Revision.

Warwickshire Wildlife Trust: Note that the bat survey is dated Sept 2008 – an update is required

Georgian Group: Raise objection - scale and massing would dominate early 19th century buildings to an unacceptable degree; PPS5 policies HE7.5 and HE10.1 not met; development visible above rooflines of listed buildings on Warwick Street and Chandos Street dominating the historic roofscape; removal

of 6 Guy Street, 18 Guy Street and 4-6 Chandos St is unacceptable as they make a positive contribution to character of Conservation Area; Guy St as an historic thoroughfare would be eradicated; historic character of Leamington Conservation area would be harmed and government policies and guidance for the historic environment not followed.

Victorian Society: Particularly object to the demolition of the former fire station building at 6 Guy Street and the pair of villas at 2-4 Chandos Street all of which date from around 1900. These buildings have a distinctive appearance and contribute positively to the character of Conservation Area and provide an important contrast to the otherwise mainly stucco clad or white painted buildings.

Ancient Monuments Society: Endorse the Georgian Group's objection – development as a whole will have severely adverse effect on Conservation Area; loss of town plan; loss of unlisted buildings which contribute to the character of the Conservation Area. Further risk of damaging the traditional retail centre of the town, which has been damaged by the Regent Court development.

English Heritage: Considers that while the demolition of 2-4 Chandos Street and 6 Guy Street is regrettable, it is integral to the purpose of the development. They are accordingly willing to accept the Council's assessment of the merits of the case for demolition. They consider that an internal link through the anchor store is a satisfactory response to concern about the loss of the line of Guy Street, but note that a creative approach to managing the space will be required to make this a really permeable route. They note the various changes that have been made to the design and elevational treatment of the scheme through the design process and have no further comments on these aspects.

Natural England: No comments to make.

Environment Agency: No objections subject to conditions on site investigation, verification of any required contamination, foundation design.

Central Networks: No objection.

Warwickshire Police: Need for barriers to be of required specification – plans do not provide robust access control to the site.

WCC Highways: Raise no objection subject to conditions including provision of an improved pedestrian crossing facility across Warwick Street towards Royal Priors, improvements to off-site junctions, provision of CCTV cameras at agreed locations in order to provide an improved method of managing the highway network, submission of a green travel plan and submission of a scheme for altering/revoking traffic regulation orders.

WCC Fire and Rescue: No objections subject to a condition on water supplies and fire hydrants.

WCC Ecology: No objection but request conditions requiring further bat survey and soft planting scheme including the green roof.

WCC Archaeology: No objection subject to condition securing the implementation of a programme of archaeological work.

WDC Housing: No comments.

FURTHER COMMENTS RECEIVED FOLLOWING RECONSULTATION ON AMENDED PLANS

Town Council: RESOLVED that an objection is raised for the following reasons:

In principle, the Town Council supports the idea of a development on this site that would enhance the economic viability of Leamington Town Centre. However, the Town Council objects to this particular development on the following grounds:

1. The size, height and bulk of the development are disproportional to the surrounding retail and residential properties in a central location of the town.
2. There is a detrimental visual impact on other properties in the Conservation Area due to the proposed height and size of the development and the distance separation between the proposed development and residential properties particularly Chandos Court (sheltered accommodation).
3. The scale and height of the proposed development will have an adverse effect on the living conditions of residents in Clarendon Avenue, William House, George House and Chandos Court causing loss of light and impacting on their privacy (contrary to DP1 in the Local Plan).
4. The visual impact of car parking provision on three levels. Consideration should be given to the provision of underground car parking which would reduce the impact of height, traffic noise and emissions on surrounding properties.
5. The proposed demolition of 25 late-Victorian properties, particularly in Guy Street and Guy Place West, would be a loss to the Conservation Area. Whilst these buildings are not, of themselves, very distinguished, their height and bulk does respect the nature of the Conservation Area. The proposed demolition would appear to go against the spirit of the Local Plan which states "Buildings which do not merit statutory listing often contribute as much to the overall character of the Conservation Area as those that are Listed Buildings". It is this character that would be lost and therefore the development would appear to be contrary to DAP9 in the Local Plan.
6. There is a lack of identified provision for those businesses being compulsorily displaced which will be detrimental to the needs of the local community.
7. The proposed development would appear to detract from the vitality of this area of Leamington Town Centre as a consequence of restricted public access to this location after shopping hours.
8. The loss of 20 mature trees which enhance the current environment.

Public response: 123 further objections have been received, again from local residents, businesses and organisations, other Leamington and Warwick District residents, former Leamington residents and visitors to the town. This includes responses from people who responded previously as well as new objectors. The comments received reiterate previous concerns that are listed in the previous section of this report and state that the amendments are minor and have not

addressed the concerns raised. The concerns have been listed in the previous section of this report.

Conservation Area Advisory Forum: These notes summarise discussion at four successive CAAF meetings in June 2010 and a further presentation by the applicants in July 2011. A minority view was expressed at one meeting by a representative of the Chamber of Trade and a Councillor, that increasing floor space is important to maintain and improve the town's competitive position as a retail centre. The committee as a whole, while accepting that evolution of the retail offer is important, did not share the view that regeneration is a conservation issue and concluded that it should not form part of the CAAF response to the proposal and felt that the spoliation of a major part of the conservation area was not justified.

At an overall level, the members of CAAF felt strongly that the scale of the project was too large and overwhelmed this part of the historic core of Leamington Spa. Particular concerns were expressed that the layout did not respect the historic street pattern of the town. It is regrettable that the street will now pass through the department store to the rear entrance which will discourage through foot traffic particularly at night. The street pattern of Leamington is an important part of its character and to place a building across the street in this monolithic form does not maintain the character of the town. Obliterating the street pattern in this way should be strongly resisted.

The scale of the building and impact on the surrounding streets and listed buildings was also considered unacceptable in the context of the historic environment. In particular, the impact of large areas of brickwork, particularly on Chandos Street and the impact on houses in Clarendon Street was felt to be unacceptable in the conservation area. The provision of car parking at high level was felt to be inappropriate as it manifested itself in high level brickwork with narrow vent slots which do not enhance the building. In particular the brickwork viewed from Chandos Street and above the entrance from Warwick Street were considered unacceptable.

It was strongly felt that car parking should be underground and possibly a roof garden created at the higher level. The scale of the building could be reduced significantly by putting car parking underground. It was noted that the car parking has been set back to lessen the impact on the Clarendon Avenue properties, however it was still felt this would make an unacceptable change to the residents of this area. The concentration of car parking in this area would be detrimental to the retail in other parts of the town.

The need for additional parking to the level provided was also questioned and the impact of bringing additional cars into the town was of significant concern. Similarly, the servicing of the project with heavy goods vehicles in this part of the town was of concern.

In terms of the provision of a mall itself, the character of the mall, as displayed in the drawings was felt to be out of character with Leamington Spa and did not create the same light and airy environment as in the original Royal Priors building. It was felt that the interior of the shopping mall, if it is to be a "street" should reflect the street character of the town itself, which it was felt this did not, and the second higher tier of shopping was considered questionable economically.

The loss of up to 18 trees on the car park was considered unacceptable in the conservation area.

The economic viability of producing such a scheme was also questioned. Significant concerns were expressed that the proposal is based on retail projections which are now out of date and the scheme will be underused. The effect on the other parts of the town, by concentrating retail in the area would be significant and would also have a significant effect on retailing in Warwick. Attention was also drawn to the fact that there are outstanding permissions for larger shops in Kenilworth Street.

The gradual change of emphasis of the shopping centre in Leamington from the bottom of the Parade to the top would be significantly worsened by this scheme and there could also be a detrimental effect on the retail units on the Parade. It was felt that this was an out of town shopping centre forced into a town centre location.

Significant concerns were expressed at the entrance feature onto Warwick Street, particularly the visibility of the car park above and the detailing of the vent slots for the car park. Consideration should be given to putting a level of car parking underground in order to remove one level of multi-storey parking.

The quality of the living spaces created by the single aspect housing and the fact that these did not fully mask the car park was of concern.

In terms of the impact on the town itself, two members considered that the town centre did not need any additional shopping and that shopping at this scale would be detrimental to the character of the town, it was felt that the new shops granted in Kenilworth Street were adequate for the needs of the town. There was therefore a majority in favour of additional shopping, however the proposal, as put forward, was not considered to be appropriate to Leamington and it was felt to have not been tailored to the specific historic character and attractive shopping experience that Leamington currently provides. Concerns were expressed that a Shopping Centre with no individuality, similar to Coventry, Solihull or Birmingham was being proposed.

The model, it was felt, should have been coloured to reflect the development as proposed. The white model does not adequately reflect the bulk and scale.

Whilst some minor modifications were discussed at the presentation in July 2011, CAAF are still of the view that the development is still too large for Leamington Spa, as both the scale, mass and footprint have only been altered by a small reduction from the original scheme.

Leamington Society: Having examined the changes contained in the revised application, we find no reason to alter our overall view. The Leamington Society objects, on the grounds:

1. Massive overdevelopment of site. The scheme stretches upwards, outwards and into every nook and possible cranny, and is a gross overdevelopment relative to most neighbouring buildings. While it may have a smaller footprint than Royal Priors it has a significantly larger amount of retail area – achieved by squeezing in more units, and having a much narrower central mall.

2. Retail and economic environment. This is worsening all the time – the cost of living is rising faster than wages; mortgage interest rates can only go up; having to save more for old age. All of this on top of an average debt of £16,000 per household, *before* mortgage. The outlook is bleak. Government debt is currently increasing at £250 million a *day*, or about £3,500 per household a *year*. The country is facing a long term recovery.

3. Empty shops. Leamington already has many empty shops. Clarendon Arcade will draw shoppers away from the south side of town as well as from Kenilworth and Warwick. It is fanciful to think that this development will enable Leamington Spa to compete with Solihull or Coventry. The Arcade is more likely to be a white elephant.

4. Loss of diversity of shopping mix. Many specialist shops (Chico's, Feldon's, Locke & England, ...) will go, if necessary by CPO, spoiling the individuality of Leamington Spa, and taking it closer to a soulless clone town. The success and popularity of Leamington is largely due to its diverse collection of popular small shops – with many sole traders. Regent and Warwick Streets are not "fringe retail streets" as claimed by Wilson Bowden, but are thriving and dynamic, and give Leamington its much valued individuality.

5. Design & effect on Conservation Area. The proposed development fails to preserve or enhance the area (required under Listed Buildings and Conservation Areas Act of 1990). The development overshadows the residences in Clarendon Avenue on their south side, and the sheltered housing in Chandos Court on their west side. It will entail the loss of trees and bushes, as well as open space and airiness

6. Increase in vehicles in the area. Although the County Highways section of WCC raised no objection, there must be a dramatic increase in vehicles and air pollution in the town centre – unless the development is a failure

7. Car parking. At the highpoint of demand for parking (Saturday midday) there are 500+ vacancies at the main off-street car parks in Leamington (Covent Garden, Royal Priors; St Peter's and Chandos Street). There is no rationale for 350 extra spaces. Motorists have a strong preference for surface car parking; they might be tempted away by the large surface free car park at the Leamington Retail Park.

Royal Leamington Spa Chamber of Trade: Wish to register support for this much needed town centre development and make the following points:

1. The site has been identified by virtue of the Council's Development Brief (Aug 2006) and confirmed through the Local Plan (Sept 2007).
2. Local Plan Policy TCP3 identifies the importance of providing for large scale shopping growth in Leamington Town Centre. In addition, the Local Plan also confirms the importance of such development in protecting the role of Leamington Town Centre as the District's main focus for retail activity and in reinforcing Leamington's market position in relation to other competing centres in the region.
3. The government's current "Town Centre First" policy encourages town centre developments to protect the high street. It states clearly that Council's should recognise town centres as the heart of their communities and should pursue policies to allow them to thrive.
4. In the current climate any developer wishing to make major capital expenditure would be welcomed by most towns and Leamington should do the same.
5. This development would have a positive impact on the viability and vitality of the town centre and communities around it and would encourage more national and independent retailers to Leamington Town Centre.

6. The development in its current revised form has the desirable sizes of flexible units to attract the quality retailers that have been knocking on the door of Leamington Town Centre.
7. The Chamber of Trade welcomes the additional 500 plus car parking spaces associated with the development. The improvements in traffic management and extended CCTV coverage will improve safety and security.
8. The development will improve the street scene behind the Parade and will improve safety as all Parade shops will be serviced from within the development.
9. The linkage between Royal Priors and Upper Parade will improve the pedestrian flow around the town and offer improved shopper experience.
10. We recognise that some shops may move from existing town centre locations to the new development, but we are encouraged to see that WDC will have some control on marketing to ensure that not only the new shops are attracted to the new development but also vacant sites are made available to independent businesses.

Finally the potential edge of town sites such as Leamington Shopping Centre, the former Ford site and the Queensway site offer a real threat to the town centre and the Planning Committee must give our town centre a chance by giving approval to this planning application.

Warwickshire Association for the Blind: We have found several areas as possibly needing further consideration and / or explanation:

- Although an overall parking layout is shown, no dedicated disabled spaces are indicated, neither is any dedicated drop down points or safe walkways to and from the disabled parking, including drop of points at the front of the building entrances.
- An overall building management strategy would be required, to define how the building and staff would deal with all aspects of disability within the building complex, outlining the various aspects of Part M, such as routes to and from lifts, staircases, and car parking areas.
- Although the Access Statement specifies that the building will comply with several standards, including Approved document M, and BS 8300' more detail is required within the plan set to show or confirm compliance.
- Reference made to the DDA is now out of date.

English Heritage: We have examined the revised drawings for this scheme and we generally welcome the revisions particularly the better definition of the route of Guy Street through the anchor store. Otherwise our advice remains as stated previously.

Natural England: The Phase 1 Habitat survey undertaken by Scott Wilson in November 2007 found six buildings were identified as having high bat roost potential, ten with moderate, and one with low/moderate potential. Two further dusk emergence / dawn re-entry bat surveys were undertaken at Chandos Street, Leamington Spa, during September 2008. These are now all more than 2-3 years old and therefore not considered up to date surveys.

Natural England advises the authority that further survey effort is required in accordance with Bat Surveys - good practice guidelines and you should request additional information from the applicant. If it is not provided, then the application should be refused.

Following the completion of an up-to-date bat survey, Natural England advise that permission should be granted (subject to other constraints) and that the authority should consider requesting enhancements.

Environment Agency: No further comments to add.

Ancient Monuments Society: Reiterate previous objection.

Georgian Group: Reiterate previous objections.

Severn Trent Water: No objection, subject to a condition to require drainage details.

Warwickshire Police: Due to the recent problems nationally with the riots/ general disorder and the amount of damage/ looting and violence that took place I have consulted with my colleges in the Counter Terrorism Department who posed the following questions. I spoke to Tim Partington, from Chapman Taylor and obtained the answers.

What vehicle rejection mechanism is in place – any vehicle that arrives to make a delivery will stop at a vehicle blocker and speak to a member of staff via the intercom and if it is not being allowed access the management will task a member of staff who will supervise the reversing of the vehicle back onto the road.

What is the specification of external glazing – the 'design and access' statement stated that internal glazing would be laminated etc however there was no mention of the specification of the glazing externally or on the roof.

This was purposely omitted as the standard periodically changes and what might be relevant now might be different in two years time. I would recommend that all glazing be laminated or ASF protected (anti shatter film) to whatever the CT standard recommends at the time.

What CCTV will be installed – there currently is not a CCTV layout, I have asked that the police be consulted when it is being considered.

The use of the ACPO Secured By Design award scheme as a 'planning condition' would provide the developer with an approved police inspection standard for secure commercial units. SBD as an independent award ensures the adoption of appropriate security design and features in accordance with basic levels of insurance specifications.

WCC Fire & Rescue: No comment to make on this amendment, existing water supplies being sufficient for firefighting purposes.

WCC Ecology: There are no significant changes that alter our initial ecological comments and recommendations for these applications.

WDC Environmental Health: There is potential for noise and dust nuisance to occupiers of premises along the site boundary arising from both demolition and construction activities. A number of sensitive receptors have been identified, in particular residents of Chandos Court and those who share a party wall with the site. It is accepted that suitable methods of work will influence the noise level at source and some protection can be provided by shielding the receptors.

However, having taken account of those measures, there will still be some activities which are extremely noisy for receptors. The timing and duration and method of those activities with potential for nuisance needs to be controlled by means of a Construction Management Plan which should include detailed plans and procedures for the control of noise, dust and other nuisances.

Further conditions are recommended to cover the following issues: contamination; noise limits on plant and equipment installed on the completed development; noise from public address or music systems within the development to be inaudible within neighbouring dwellings; noise from vehicles on the access ramps to be inaudible within the proposed townhouses; restrictions on the external use of public address or music systems; details of kitchen ventilation systems; details of how any affected ventilation or extraction systems for adjacent premises will be treated; details of any fuel for the CHP plant other than natural gas; details of external lighting; and provision of suitable waste storage facilities.

WDC Conservation: Provide a detailed assessment of the impact on the character and appearance of the Conservation Area and the various Listed Buildings around the site. Conclude that the proposals would not harm the special historic interest of the Listed Buildings, that the proposed building would preserve the character and appearance of the Conservation Area and that the harm arising from the loss of the traditional unlisted buildings would be outweighed by the public benefits of the proposals.

WDC Community Safety: If the Police have commented on the detail of design I would like to make a general comment that any new development must demonstrate clearly how crime and disorder will be prevented, detected and responded to by community safety partners, particularly Police following reductions in staffing with further reductions likely.

Though probably not the domain of the developer the individual outlets need to take responsibility to limit the opportunities for crime and disorder, provide security staff and support each other as members of the Leamington Retail Crime Initiative.

RELEVANT POLICIES

- Planning Policy Statement 1 : Delivering Sustainable Development
- Planning Policy Statement 3 : Housing
- Planning Policy Statement 4 : Planning for Sustainable Economic Growth
- Planning Policy Statement 5 : Planning for the Historic Environment
- Planning Policy Statement 9 : Biodiversity and Geological Conservation
- Planning Policy Guidance 13: Transport
- Planning Policy Statement 22 : Renewable Energy
- Planning Policy Statement 23 : Planning and Pollution Control
- Planning Policy Statement 25 : Development and Flood Risk
- Ministerial Statement of 23 March 2011 on "Planning for Growth"
- Draft National Planning Policy Framework (July 2011)
- UR3 - Enhancing the Role of City, Town and District Centres (West Midlands Regional Spatial Strategy 2008)
- PA11 - The Network of Town and City Centres (West Midlands Regional Spatial Strategy 2008)
- UR3 - Enhancing the Role of City Town and District Centres (West Midlands Regional Spatial Strategy Phase Two Revision - Draft December 2007)

- PA11 - The Network of Town and City Centres (West Midlands Regional Spatial Strategy Phase Two Revision - Draft December 2007)
- PA12A - Comparison Retail Floorspace Requirements 2006-2026 (West Midlands Regional Spatial Strategy Phase Two Revision - Draft December 2007)
- TC2 - Hierarchy of Town Centres (Warwickshire Structure Plan 1996-2011).
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC15 - Public Art (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- UAP2 - Directing New Employment Development (Warwick District Local Plan 1996 - 2011)
- UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 1996 - 2011)
- TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
- TCP3 - Providing for Shopping Growth in Leamington Town Centre (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)

- Open Space (Supplementary Planning Document - June 2009)
- Leamington Spa Conservation Area Statement (2007)

PLANNING HISTORY

The main part of the application site is occupied by the Chandos Street public car park which was laid out and landscaped in the 1980's. The site was originally occupied by compact terraced houses fronting both Guy Street and Chandos Street. These were cleared between 1965-1986 as part of the former Leamington Borough's wider slum clearance programme. In addition, the application site contains properties fronting Parade, Guy Street, Chandos Street, Guy Place West and Oxford Row, many of which have individual planning histories but not of material relevance to the current application which seeks to redevelop the site.

KEY ISSUES

The Site and its Location

The application site has an overall area of approx. 1.6 hectares, the large central part of which comprises the Chandos Street car park, which currently accommodates 153 car parking spaces. The car park has ornamental hedge and semi-mature tree lined boundaries to the north, west and south and a mature London Plane tree some 11 metres high is present in the centre of the car park.

The application site extends beyond the boundary of the car park to the north, west and south. To the north, the development site incorporates land occupied by buildings on the north side of Guy Place West and two Victorian dwellings at 2-4 Chandos Street. The north boundary of the development site immediately abuts the rear gardens of the dwellings at 16-30 Clarendon Avenue. To the west, the application site incorporates land occupied by buildings on the west side of Guy Street, together with land occupied by the rear of buildings fronting Parade, and land to create a pedestrian linkage to the Parade at no. 15. The site also incorporates the adjacent building at No. 17 Parade. To the south, the site includes land occupied by the rear of buildings fronting Warwick Street which face onto Oxford Row, together with Nos. 69-71 and 73 Warwick Street.

To the west of the application site lies Parade, the principal shopping thoroughfare that links the northern part of the town centre with the Old Town on the south side of the River Leam. To the north is Clarendon Avenue, which is predominantly residential in character. Chandos Street to the east is also predominantly residential in character where it abuts the application site, whilst Warwick Street to the south is commercial in character. The northern entrance to the Royal Priors shopping development is to the south, opposite 69-71 Warwick Street.

Details of the Development

This is a full planning application. The associated listed building consent and conservation area consent applications are W10/0341LB and W10/0342CA. The three applications were submitted in March 2010. The originally submitted planning application was accompanied by an Environmental Statement (ES) as the proposal constitutes a Schedule 2 project under the Environmental Impact Assessment Regulations 1999. The ES was subject of a scoping opinion prior to its submission when consultation with key consultees was carried out and the advice of the Institute of Environmental Management (IEMA) was obtained at

that stage. IEMA have also been consulted on the final submitted ES which accompanied the planning application and they are of the view that it does contain the information required by the regulations and is of a satisfactory standard.

Amendments to the originally submitted plans were submitted in August 2011, together with an updated Environmental Statement. The amendments are principally designed to reduce the impact of the scheme in a number of areas, but are relatively modest in nature. The updated traffic information required by the Highway Authority has necessitated an update to the Environmental Statement, which also now reflects updated government guidance in the form of PPS4 and PPS5.

The following supporting reports have also been submitted with the application:

- Planning Statement
- Design and Access Statement
- Retail Statement
- Historic Environment report
- Transport Assessment
- Arboricultural Assessment

The proposed scheme comprises of the following:

- a shopping centre with a floorspace of 21,500 sq metres incorporating A1/A2/A3/A4/A5 uses (maximum 10% of floorspace to be non-A1 uses);
- nine residential dwellings;
- offices on the upper floors of No. 17 Parade;
- a car park accommodating 512 parking spaces;
- a service area for the retail units at basement level; and
- highway alterations to parts of Clarendon Avenue, Guy Street, Chandos Street, Oxford Street and Warwick Street.

Retail units

The retail component includes an anchor store of around 7,300 sq. metres gross sited at the northern end of the scheme and 42 other retail units of varying sizes, distributed between the basement, ground floor (and mezzanine) and first floor. The principal customer entrances to the scheme will be from Warwick Street and Parade, with a further customer access from the shortened Guy Street into the anchor store.

At basement level are two large retail units of 1,200 sq. metres gross and 1,700 sq. metres gross respectively which will be linked with the ground floor lobby by escalators. Part of the basement will also be occupied by anchor store floorspace (2,300 sq. metres).

At ground floor are 23 retail units (occupying a total of 5,500 sq. metres gross) centred on a glazed arcade broadly along the location of Guy Street, terminating in a central square with a naturally lit glazed roof, from where a glazed arcade extends westwards towards Parade with a new porticoed entrance at no. 15. 2,500 sq. metres gross of the anchor store will be on the ground floor.

The first floor comprises a gallery open to the arcade, providing access to 17 retail units of similar size to the ground floor units (a total of 4,200 sq. metres gross), and the first floor of the anchor store (2,500 sq. metres gross).

The applicant has confirmed that any A4 use (drinking establishment) will only be accommodated within the basement and ground floor of 17 Parade. The plans also annotate 2 units to be used as restaurants / cafes (Use Class A3). Overall, it is proposed that A2, A3 and A5 uses will be limited to no more than 10% of the overall floorspace of the development and the application provides flexibility for any of the units to be used for any purposes within Use Classes A1, A2, A3 and A5, subject to this overall floorspace limit.

Residential element

The residential element comprises 9 single aspect three storey town houses along Chandos Street, each containing 2 bedrooms. No off-street parking or private external amenity space is proposed for these dwellings.

Offices

The upper floors of No. 17 Parade are proposed to be used as offices.

Parking, servicing and highway works

The service yard for the retail units is at basement level, designed to minimise the noise and visual impact of servicing activities. The service yard is accessed by a ramp entrance from Chandos Street, opposite Oxford Row, with the ramp (1 in 10) contained within the envelope of the building. Space is provided for up to 9 HGVs in the basement area.

A further vehicular access point towards the northern end of the development onto Chandos Street leads to a ramp up to a car park at second and third floor level, providing 512 parking spaces with 30 disabled spaces on the second floor. There is also a direct pedestrian access into the car park from Chandos Street, opposite the Baptist Church.

The scheme will build over Guy Place West, the section of Oxford Row between Guy Street and Chandos Street and most of Guy Street. A section of Guy Street will be retained as a 'shared surface' to allow pedestrian access to the north of the anchor store whilst retaining vehicular access to the parking area behind William House, George House and Villiers House. A raised 'crossing table' is proposed for the section of Warwick Street between the entrance to the new Arcade and the existing entrance to Royal Priors opposite. The plans show a total of 146 cycle spaces at street level within widened footway sections along Guy Street, Warwick Street and Chandos Street.

Design

In terms of scale, a large part of the main bulk of the development is contained behind the 4 storey Parade frontage and the retained frontage buildings along Warwick Street. The only element visible from Parade will be the proposed new entrance portico designed in a traditional style, similar to the entrances from Parade into the Royal Priors development. The Warwick Street elevation has been developed by extending the rendered facades of the existing buildings, creating two contemporary blocks either side of the glazed entrance into the Arcade. The principal entrances (onto Parade and Warwick Street) have been

designed to be open, with gates providing security after retail opening hours. The northerly entrance into the development from the shortened Guy Street is treated in a contemporary style similar to the form of the Warwick Street entrance.

Along the northern boundary, the development abuts the rear boundaries of houses fronting Clarendon Avenue, with the massing of the new building stepped back on each level. A pathway runs immediately along their rear boundary, with the existing separate rear access path to those properties retained alongside. This elevation to the development will comprise two levels of retail space occupied by the anchor store, with the first floor stepped back approx. 5.5 metres from the face of the ground floor which will have a flat green roof treatment.

Above the retail are two levels of car parking, stepped back a further 4.5 metres from the first floor, again with a flat green roof element above the first floor retail space. A plant deck clad in grey metal panels sits above the central part of the car park, positioned a minimum of 10 metres back from the edge of the upper level of the car park along Chandos Street and the rear of the Clarendon Avenue properties.

The green roof elements within the development cover approx. 600-700 sq metres in area. A small number of semi-mature trees are also proposed to be planted along Chandos Street and Guy Street.

On the eastern boundary fronting Chandos Street, the proposed rendered/slate roofed residential units are designed to mask a large part of the red brick faced Arcade building and parking to the rear and to present a facade which is complementary to the residential properties on the other side of the street. Chandos Street also provides access to the basement service yard via a ramp opposite Oxford Row, and to the car park with its ramped access up to the two parking levels, opposite Guy Place East.

In terms of materials, render and brickwork predominate, with the retail frontages within the Arcade also using similar materials to maintain a consistent streetscape impression. The rendered elements, principally the entrance facades to Warwick Street and the shortened Guy Street and the houses fronting Chandos Street, exhibit a contemporary design approach with aluminium framing to the fenestration. The car park at the core of the development is faced in orange/red brickwork to match nearby brick elevations, reflecting the render/brickwork mix often found on the front/rear of Leamington properties.

Assessment

The assessment of this application against the development plan and other material considerations raises the following general issues:-

- conformity with retail policy;
- impact on the historic environment and design;
- impact on the highway network and parking;
- impact on the living conditions of nearby properties;
- impact on ecology/biodiversity;
- sustainable construction and renewable energy;
- planning for growth; and
- other matters.

Conformity with retail policy

Retail policy within the Development Plan is set out within:

- the West Midlands Regional Spatial Strategy (RSS) and the RSS Phase Two Revision;
- the saved policies of Warwickshire Structure Plan; and
- the saved policies of the Warwick District Local Plan.

In relation to the RSS, Policy UR3: "Enhancing the role of City, Town and District Centres" requires that: "...town centres ... should be enhanced to play a leading role in urban renaissance programmes in order to provide services for local communities, a sense of identity and as drivers of economic growth". Policy PA11: "The Network of Town and City Centres" identifies a network of 25 strategic town and city centres that will be developed across the Region, including Leamington Spa. The network of town and city centres will be the focus for major retail developments (i.e. where the comparison retail floorspace exceeds 10,000m² gross). Policy PA12A of the RSS Phase Two Revision also requires that the Council should plan for up to 35,000m² of gross floorspace in Leamington Spa between 2006 and 2021 and more thereafter, although this is not adopted policy and therefore does not have the same weight as policies of the RSS. It should also be noted it is the intention of the Government to abolish the RSS through the Localism Bill currently passing through Parliament, however, the RSS policies remain relevant and limited weight should be given to the intention to abolish them.

The relevant saved Warwickshire Structure Plan policy is TC2. This sets out the retail hierarchy in Warwickshire, where Leamington Spa is designated as a Main Town Centre. The policy states that all new major shopping development should be located in town centres (with proposals over 2,500 sq. metres directed towards the main town centres). It goes on to state that proposals for developments within the defined centres should be compatible with the scale, nature and character of that centre.

Warwick District Local Plan policy TCP1 states that proposals for retail, entertainment and leisure development will be permitted where they are of an appropriate scale in relation to the role and function of the town centre and its catchment, and reflect the character and form of the town centre. TCP2 goes on to state that within Leamington Spa, new retail development will be primarily directed to the retail areas defined on the proposals map. The policy states that where suitable opportunities cannot be found within the retail areas, retail development will be supported in the 'area of search' for major retail development.

Policy TCP3 states that proposals for large scale shopping development will be permitted in Leamington Town Centre provided:

- they are within (i) the retail areas of the Town Centre, and then (ii) the area of search defined on the proposals map;
- a) it can be demonstrated that the proposal meets the retail need in a way which is of an appropriate scale that respects the character and form of the town centre;

- b) proposals create strong and direct pedestrian links between the existing main shopping core along the primary retail frontages and the development;
- c) the impact of the proposal upon traffic movements is fully considered and appropriate measures to promote public transport and provide car parking are included in the proposal; and
- d) proposals are acceptable with regard to the development principles set out in Policy DP1 of the Plan.

The following sections of the report address the above tests, with reference to Local Plan Policy UAP3 and the more recent national policy requirements as set out in PPS4 in terms of the sequential approach and impact assessment, and the draft National Planning Policy Framework (NPPF) although as this is only a consultation draft it should be afforded less weight.

Retail areas and area of search (sequential approach)

Policy TCP3 and related policy UAP3 of the Local Plan require large scale shopping to be first 'within the retail areas of the town centre', and then secondly, 'the area of search defined on the proposals map'. This reflects in part the 'sequential test' as set out in national policy (PPS4) in helping to ensure major retail development is accommodated within existing centres where it can best help to support their vitality and viability and deliver more sustainable patterns of development thus reducing the need to travel. In the context of an absence of sites within the retail area or area of search, policies would support development in edge of centre or out of centre locations.

The 'retail areas of the town centre' are defined within the Local Plan, and include the primary and secondary frontages of the town centre (the main shopping streets). The applicant has considered the potential of land and buildings within this area to accommodate the development proposed, and concluded there are no sites currently available or suitable, having regard to the scale of development required to meet the quantitative and qualitative need (as described in the next section). They also argue it is not possible to disaggregate this quantum of development having regard to the viability of the development, and the need for an 'anchor store' and floorspace for modern retailers. It is also noted that part of the proposed development does fall within the 'retail area' on the Parade and Warwick Street, and therefore links in with the retail area.

The next step therefore is to consider land and buildings within the 'area of search'. This covers a wider area of land to the north of the river around the main shopping streets. The applicant again has considered all potential land and buildings within this wider area to accommodate the development proposed, namely Covent Garden Car Park, Bedford Street Car Park, the Spa Centre, Euston Square, and Kenilworth Street. They have concluded that none of these sites are currently available for large scale retail development.

An independent assessment of this analysis has been undertaken by Dr Norris, a retail specialist. He concludes there are currently no alternative sequential sites that can accommodate the proposed development. This view is shared by officers.

The application site itself falls within the defined 'Area of Search', save for its inclusion of buildings to the north of Guy Place West. The majority of the proposed development would therefore comply with this part of Policy TCP3. The small part of the development that falls outside would strictly be required by

Policy UAP3 to be within an 'edge of centre' location, which this site is as it falls within 300 metres of the primary shopping area.

In conclusion, it is therefore considered the proposal has demonstrated compliance with criteria a) of Policy TCP3 and, in respect of the small part of land outside of the 'area of search', Policy UAP3 of the Local Plan. As the scheme will form an integral part of the retail area of the town centre, it can be regarded as an 'in-centre' option for the purposes of PPS4, and the sequential approach to retail development in national policy is also satisfied.

Retail need

The policy requires the demonstration that the proposal meets the 'retail need' in a way which is of an appropriate scale that respects the character and form of the town centre. It is noted that the test to demonstrate 'need' no longer forms a specific requirement of national policy in PPS4, although the draft NPPF does state that it is important that retail needs are met in full and are not compromised by limited site availability. The lower case text within the Local Plan referred to a need for 37,700 gross square metres comparison floorspace, anchored by a major new department store. This reflects the RSS Phase Two Revision Policy PA12A requirement that the Council should plan for up to 35,000m² of gross floorspace in Leamington Spa between 2006 and 2021.

The assessment informing the Local Plan text was, however, based on a study undertaken in 2004 and is clearly somewhat dated. The applicant has therefore undertaken an updated assessment as part of their submission to the Council demonstrating a need in both quantitative (i.e. there is sufficient available expenditure in the area that the development seeks to serve to support the quantum of floorspace to be created and the type of goods to be sold) and qualitative (i.e. there is a need for greater range or provision of shops to provide more choice for the community) terms.

Having regard to the likely available expenditure in the area, and the estimated turnover of existing shopping provision in the centre, the applicant has demonstrated there is a quantitative need for approximately 23,000 square metres net of comparison floorspace by 2014. This is greater than the level of floorspace proposed within the development by approximately 5,500 square metres. In terms of qualitative need, the applicant has identified there are a number of retailers who have a requirement to be within the town and who one would expect to be located within a town centre of this size. They consider this is a consequence of the limited supply of larger units available within the existing centre to accommodate the demands of consumers for wider product ranges. They also highlight the need previously identified by the Council for a larger retail store.

The independent assessment by Dr Norris concludes that there is sufficient expenditure within the catchment area to support the proposed development, and therefore this proposal will meet a retail need. Moreover, in relation to the qualitative arguments, he agrees that although the centre is an attractive and popular shopping destination, the supply of modern new floorspace is not meeting the requirements from operators for representation. As the largest centre in the District, the capacity assessment indicates the need for new development over the short to medium term to enable Leamington Spa to maintain and enhance its important role and offer in the retail hierarchy and as a strategic town and city centre as defined by the RSS. This assessment was

undertaken in June 2010, and Dr Norris has confirmed in October 2011 that his appraisal and recommendations are still valid.

Objection has been raised to this aspect of the application on the grounds there is no longer a need for this scale of development due to the economic downturn. This objection is not supported by the quantitative evidence presented by the applicant or assessed by Dr Norris. Moreover, even if this were the case, and there was less expenditure to justify the quantitative need for this development this would not diminish the qualitative need within the town centre for greater choice and provision for consumers.

Appropriate scale and impact assessment

In terms of the appropriateness of the scale of the development proposed and its impacts (which is also a test of national policy in PPS4), the applicant has demonstrated there will be no harmful impact on the vitality and viability of surrounding retail destinations. While the turnover of Leamington Spa town centre is estimated to increase by some £73.4m, the vast majority of this turnover is estimated to be trade 'clawed back' from Coventry (which is expenditure 'leaking' from Leamington Spa's catchment area), followed by expenditure clawed back from Solihull and Stratford-upon-Avon. This level of diversion is not expected to have a harmful impact on those centres (all of which have benefited from major retail and leisure schemes in recent years).

The level of trade diversion estimated from other centres within the District is lower still in comparison, namely Leamington at 4.6%, Warwick at 4% and Kenilworth at 3.4%. The trade diversion in Leamington to the proposed development is, however, expected to be counter-balanced by the positive benefits in terms of increased trips, footfall, and spin-off expenditure. Overall, therefore, turnover is estimated to increase from £344 million to £417.5 million. It is also suggested that the proposed development will not therefore seriously harm the overall vitality and viability of the town centre, as the centre would benefit from further investment and an injection of new retailers to offer additional consumer choice, including a new 'anchor' store in order to remain robust and competitive.

The proposed development will also not impact on other planned investment in the town centre, nor is it likely to prejudice developments in nearby centres planned in the longer term. I note that objectors have questioned the need for the development given the amount of vacant units within the town centre. However, I do not consider that the proposed development will seriously harm the overall vitality and viability of the town centre. It represents an opportunity for new investment and the creation of a 'destination' shopping offer in the town centre. It will also satisfy the identified need for new modern retail floorspace and meet the demand from retailers seeking representation helping to reinforce the overall vitality and viability of the centre. With regard to existing vacancy levels, the proposals will attract more people to the town centre and this should improve the viability of existing vacant units.

The independent assessment by Dr Norris agrees and shares these conclusions. He does not consider that the forecast levels of impact on the turnover of Leamington Spa and competing centres will harm their overall vitality and viability. In his judgement it will not undermine investor confidence or operator demand for representation in Leamington Spa. The proposed development will meet the 'pent up' capacity and market demand for new comparison goods

floorspace in the District and specifically Leamington Spa. The proposed scheme will help to 'claw back' a proportion of the shopping trips and residual expenditure currently 'leaking' to competing centres outside the District. This view is shared by officers.

Meeting the need for new comparison floorspace within the town centre, in accordance with the plan-led approach, will help the Council resist further edge of centre or out of centre retail development that would potentially be detrimental to the vitality and viability of the town centre.

The final part of criterion (b) of Policy TCP3 is that the proposal respects the character and form of the town centre. This is analysed in detail within the section of the report that deals with its impact on the Conservation Area.

Accessibility and pedestrian linkages

Criterion (c) requires proposals to create strong and direct pedestrian links between the existing main shopping core along the primary retail frontages and the development. It is clear from the proposal that the proposed development has been designed to function as an integral part of the town centre and will help to strengthen the retail circuit and footfall to the north of the Parade. It will provide a 'seamless' extension to retailing leading from the Royal Priors down to Regent Court and provides a significant opportunity to extend Leamington Spa's shopping floorspace with strong and direct pedestrian links.

Criteria (d) and (e) in relation to transport and design are addressed separately later in the report.

In summarising the proposals conformity with retail policy, and having regard to later sections of this report which deal with transport and design matters, the proposal is considered to be in accordance with the retail policies of the Development Plan (notably TCP3 of the Local Plan and Policy UR3 of the Regional Spatial Strategy), and with national policy set out in PPS4.

The Town Council have objected on the grounds that the development is not economically viable. However, there is no evidence to support this assertion. This has to be weighed against the evidence so far, in that the developer will have invested significant time and money to get to the current stage in the planning process, including going through a competitive process to be selected as the preferred developer and entering into a development agreement. It is unlikely that the proposals would have got to the current stage unless the developer was convinced that this was a viable scheme.

Other objectors have also argued the absence of need as there are many vacant shops in the town centre, and further shops will only increase vacancy rates. It is important to recognise that in every town centre there will always be a proportion of vacancies as businesses move within or out of the centre, and it is healthy to have some vacant units in order to provide opportunities for new businesses to start up or business to grow. The existing proportion of vacancies within Leamington town centre is not unusual therefore in this context. Moreover, part of the argument for the proposal is that it will help to meet a qualitative need by many retailers not represented in the town for larger, modern retail units which the existing vacant supply cannot meet.

Impact on the historic environment and design

The legislative framework for the assessment of applications which affect Listed Buildings and Conservation Areas is provided by the Listed Buildings and Conservation Areas Act 1990. The Act requires Planning Authorities to have special regard to the desirability of preserving a Listed Building or its setting or any features of architectural or historic interest which it possesses. For Conservation Areas, a key legislative requirement is the need to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

National policy is provided by the recently published PPS5 and its Practice Guide. A recent English Heritage publication - "Understanding Place: Conservation Area Designation, Appraisal and Management" also provides a useful summary of the principles which should be followed in the management of change within Conservation Areas.

At the local level, the Council has a series of policies which seek to ensure that development preserves the special architectural or historic interest of Listed Buildings and the character and appearance of Conservation Areas. The Council has also issued a series of Conservation Area Statements for the District's towns, highlighting the essential characteristics of each Conservation Area, areas requiring improvement and other particular distinctions of the area. The document contains character summaries for Upper Parade, Warwick Street, and Christchurch Gardens which list the key characteristics of each of these areas.

The application is accompanied by a specialist Historic Environment report which sets out the heritage designations of the historic assets affected by the development, both directly and indirectly, and assesses the extent of survival of those assets, both individually and the contribution they make to the character and appearance of the Leamington Conservation Area. The setting of Listed Buildings adjacent to the site is also considered.

The key aspects which need to be addressed in relation to the impact on historic environment and design are:

- e) the direct effects of the development on Listed Buildings within the site;
- the wider effects of the development on the setting of Listed Buildings surrounding the site; and
- the effect of the development on the character and appearance of the Conservation Area.

Direct effects on Listed Buildings

In relation to Listed Buildings on or immediately adjoining the site, numbers 1-31 (odds) Parade including railings attached to 1-7, and numbers 75-85 (odd) Warwick Street are all statutorily Listed. The submitted Historic Environment report details all the direct impacts on these Listed Buildings as a result of the development as follows:-

- 9 Parade - removal of modern extensions at the rear and construction of new party wall with the development
- Walton House, rear of 11-13 Parade - removal of modern two storey rear extension and constructing new party wall with the development

- 13 - 15 Parade - demolition of modern two storey extensions to 13-15 Parade. Form new party wall to the development. New entrance into the development from Parade and creation of entrance portico at number 15.
- 17 Parade - minor internal alterations to facilitate conversion to retail with offices above. Construction of new glazed link into the development which opens up views of the original rear elevation of the building.
- 19-21 Parade / 20-22 Guy Street - demolition of rear extension currently occupied as Argos store. New party wall constructed with the development.

The western face of the new development will represent a major presence at the rear of the directly affected Listed Buildings along Parade. However, the rear elevations of most of those buildings have been significantly changed in previous years and in many instances now present a relatively modern face to Guy Street. At the northern end of Parade, numbers 1-7 (William House and George House) are outside the application site and their fabric is not affected by the development. In relation to number 9, Walton House r/o 11-13, and 15 Parade, modern additions will be removed and a new party wall with the development created in each case. Number 17 (former Post Office) is the most complete surviving example of an original layout and will be refurbished to provide a wine bar / retail on basement / ground floor and offices above. The original rear elevation will be retained as existing and the ground and first floor levels fully enclosed with a simple glazed structure linking the building into the new development.

For the Listed Buildings along Warwick Street, elements to be removed are not within their curtilages but are unlisted modern single storey extensions to the rear accessed from Oxford Row which are considered to have a negligible impact on the architectural or historic interest of the frontage Listed Buildings.

In summary, therefore, the direct impacts on Listed Buildings are not considered to unacceptably harm their intrinsic historic or architectural interest; in fact there are positive impacts in that modern additions to the rear of a number of the affected buildings are to be removed. The Listed Building which has retained its original form and appearance is to be refurbished, repaired and satisfactorily integrated into the development.

Amendments to the plans since the original submission have improved the distance separation between the western face of the development and the rear of Listed Buildings along Parade and it is considered that a reasonable relationship between the retained rear facades and the new development has been achieved.

Impact on the setting of Listed Buildings adjoining the site

Other Listed Buildings immediately adjacent to the site whose setting may be affected by the proposed development are numbers 12-42 evens Parade including 59 Warwick Street (group Listed as 2*); numbers 75-85 odds and 84-98 evens Warwick Street; numbers 31-37 Chandos Street; and numbers 2-4 Kenilworth Road (all grade 2 Listed). For Parade, the impact on the setting of Listed Buildings on the west side will be minimal since the existing buildings on the east side will shield the development to their rear. The main change to the historic townscape is the introduction of the traditional entrance portico on 15 Parade which is considered to have a beneficial effect. The Kenilworth Road Listed Buildings (numbers 2 and 4) face towards Christchurch Gardens with the flank wall of number 2 prominent in the view in a northerly direction up Guy

Street. From the Listed Buildings, the development will be seen down the foreshortened Guy Street and above the rear of the Clarendon Avenue properties, introducing a significant new element but viewed alongside the bulk of Villiers House which sits very close to the road frontage, such that the setting of the Kenilworth Road Listed Buildings, whose principal elevations face towards the gardens, will not be compromised.

On the east side of Chandos Street, numbers 31-37 comprise a terrace of early 19th century houses which make an important contribution to the local townscape. They currently look towards the open surface car park which replaced the housing that was cleared from the site in the 1960s. Clearly, the new development will have a major impact on the setting of the Listed Buildings, but will reinstate a domestic frontage, with the bulk of the upper level car park mitigated to a certain extent. Overall, it is considered that the setting of these Listed Buildings will not be unacceptably harmed.

For Warwick Street, Listed Buildings whose settings are affected by the development are numbers 75-85 on the north side which back onto the development site and numbers 84-98 on the south side which face them. Numbers 69-71 and 73 Warwick Street are of undistinguished architectural quality and are being demolished and replaced by the more elegant contemporary entrance to the new Arcade and the setting of the adjacent Listed Buildings is considered to be improved. For the Listed Buildings on the north side, the new development will be a major presence at the rear of the buildings and will be seen in association with them from the corner of Park Street. This relationship is discussed in more detail in the next section of this report.

Effect of the development on the character and appearance of the Conservation Area

The proposed development will result in a major change to the historic environment in this part of the Leamington Conservation Area, including the demolition of some historic buildings, changes in the street layout and the insertion of a substantial new development.

Significant objection has been raised to the demolition of traditional buildings and to the loss of part of the historic grid street pattern of the town, principally arising from the building over of Guy Street and also from the building over of part of Oxford Row and Guy Place West. Significant objection has also been raised to the scale and mass of the proposed development which is considered to be dominant and oversized for its context.

A number of unlisted buildings within the Conservation Area will be demolished as a result of the scheme. These include both modern and traditional properties. Traditional buildings to be demolished are:

- 6 Guy Street - currently Chico's restaurant - probably constructed c 1900 as a two carriage fire station - which makes a positive contribution to the character of the Conservation Area; and
- 2 and 4 Chandos Street - a pair of brick, three-storey, semi detached Victorian houses whose facade and materials make a positive contribution to the character of the Conservation Area.

More modern or altered properties to be demolished include:

- 69-71 and 73 Warwick Street - modern retail units known as Priceless Shoes and Cargo Homeshop to the west of Guy Street and QS Store to the east - both are considered to have a negative effect on the Conservation Area;
- 18 Guy Street - a much altered two storey mews building associated with 13 Parade formerly occupied by Locke and England as a showroom - of some historical interest as the last surviving example of an original mews building associated with the Parade, but, because of alterations and loss of context, now considered to make only a neutral contribution to the character of the Conservation Area;
- 1 Guy Street and 1a Guy Place West - the modern two storey veterinary centre which is considered to make a neutral contribution to the character of the Conservation Area;
- 1 and 3 Guy Place West - much altered late 19th century rendered cottages considered to make a neutral contribution to the character of the Conservation Area;
- rear of 7 Parade - a modern single storey outbuilding currently used for storage which is considered to make a negative contribution to the character of the Conservation Area. An electricity substation at the rear of 23-31 is also to be removed; and
- rear of 81 and 83 Warwick Street - later/modern rear additions accessed from Oxford Row which are not considered to be within the curtilage of the Listed main buildings fronting Warwick Street and make negative/neutral contributions to the character of the Conservation Area.

In summary, whilst the majority of the unlisted buildings shown as being demolished make a negative or neutral contribution to the character of the Conservation Area, three significant buildings are being lost, i.e. the pair of Victorian houses on Chandos Street and 6 Guy Street which is currently occupied as a restaurant.

With regard to the historic street pattern, whilst much of Guy Street will be lost, its replacement will be by a naturally lit and ventilated arcade which will provide a permeable route from north-south through the development. At the northern end, the anchor store extends across the development and the northerly entrance into the arcade will, therefore, be through the anchor store. Discussions have taken place with the developer on the management of the space through the anchor store to ensure a permeable route is retained and a condition can be imposed on any permission to ensure that an open walkway through the store is retained.

The sections of Oxford Row and Guy Place East that border the surface car park are also being lost, thereby further eroding the existing street pattern, but the view is taken that these streets, fronted by a somewhat fragmented townscape with buildings of limited quality, do not add significantly to the character of the Conservation Area and their loss will not have a serious adverse impact in terms of the appearance of the Conservation Area. The position of the vehicle entrances on Chandos Street opposite the retained sections of Oxford Row and Guy Place East reflects the alignment of the removed sections of these streets and therefore does have regard to the historic grid of streets.

Further analysis of the impact of the development on the character and appearance of the Conservation Area requires a careful assessment of the impact on significant views of the historic townscape. These are addressed in an appendix to the applicants Historic Environment report where some 21 key views are examined.

For views from Parade, the impact on key views is considered to be acceptable, with the new entrance portico in lieu of the modern shopfront at number 15 considered to be beneficial and with the development itself sitting behind the Parade properties and masked by them. From the corner of Parade / Warwick Street, views are considered to be enhanced through the demolition of the more modern 69-71 and 73 Warwick Street and their replacement with the new Arcade entrance. There is a significant view of the unaltered rear facade of the Listed 17 Parade which will be masked by the building over of Guy Street, but the architects have taken this into account in the detailed design of the development which enables the rear facade to be viewed through the glazed entrance arcade which links through to Parade.

From Warwick Street, the bulk of the development will also be masked by the height of the frontage properties. The principal sensitive view from Warwick Street is northwards from the junction with Park Street where the bulk of the development will be seen above the modest two storey buildings to the rear of no. 85 Warwick Street. Whilst this will in part be mitigated by the rendered domestic frontage of the proposed three storey houses along Chandos Street, whose monopitched slate roofs will sit against the red brick facade of the development, the townscape will be significantly altered and a new west side of Chandos Street created. The main visible element is the car park whose two levels rise above the proposed frontage houses. Section drawings of the development indicate that the parapet level of the car park element will be higher than the parapet on the Warwick Street / Chandos Street corner property, but this element will be set back from the street frontage by the depth of the proposed town houses and, in height terms, equates with the ridge level of the Warwick Street Listed Buildings closest to Chandos Street. The continuity provided by the rendered facade of the proposed houses helps to reinforce the established character of the Conservation Area at street level and whilst the mass and bulk of the new development will be prominent in the street scene, I do not consider that this unacceptably compromises the balance between the commercial function of the town centre and the predominant character of the Conservation Area.

Along Chandos Street itself, the existing view of its west side both from the north and south looking up and down the street is of the surface car park which breaks the typical pattern of street frontage development in the street itself and currently represents a loss of townscape in the wider Conservation Area. The replacement of the car park by built development is considered to be beneficial in townscape terms, with the rendered town houses reinforcing the predominant character of the Conservation Area. The amended plans for the development reinforce the predominant character further with the incorporation of additional rendered elements to the facade of the staircase tower towards the northern end of Chandos Street, consolidating the theme of rendered facades, with rear elements in brickwork, found on many of the properties within the Conservation Area.

From Clarendon Avenue, highly sensitive views are looking south from the junction with Kenilworth Road and also looking south from the junction with Chandos Street. The development will form a major new backdrop to the terrace of 19th century villas on the south side of Clarendon Avenue and all levels of the development, including the plant deck will be visible from the corner of Chandos Street and Clarendon Avenue. However, from this corner, the mass of the development is viewed as a series of steps with a relatively simple neutral

facade which emphasises its "backdrop" role. The parapet level of the retail component is approximately at the ridge height of the Clarendon Avenue houses, with the two levels of car parking having a parapet level a further 4.35 metres above the retail but with this component being set into the development site by over 10 metres. Whilst this view is radically changed from the existing one, and a new skyline is created, the impact is considered to be acceptable for this town centre location and not at variance with the site's wider context with taller 4/5 storey buildings along both Parade and Warwick Street.

In summary, I am satisfied that the new building would preserve the character and appearance of the Conservation Area and in some respects would represent an enhancement. However, the loss of the existing traditional buildings would cause substantial harm to the character and appearance of the Conservation Area. The loss of part of the historic street pattern will also result in a small degree of harm to the character of the Conservation Area.

Guidance on this issue is provided by Policy HE9 of PPS5, which states that there should be a presumption in favour of the conservation of designated heritage assets. Policy HE9 goes on to state that where an application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss. Similarly, Local Plan Policy DAP9 states that there will be a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area.

The view of the statutory consultee on this matter - English Heritage - is that the demolition of these buildings is regrettable but is integral to the purpose of the development and accordingly they are willing to accept the Council's assessment of the merits of the case for demolition.

I am conscious that there would be positive benefits to the Conservation Area arising from the development of the large surface car park that occupies the main part of the site. The scheme will create a new section of townscape which addresses a large "gap" in the street scene, providing an integrated shopping development that strengthens the role of the town centre. The indirect benefits to the Conservation Area of a large scale investment in the town's retail function which will increase footfall and reinforce the viability of the town centre and the necessary maintenance of its built fabric are also considered to weigh in favour of the development. The scheme would also bring substantial wider public benefits in terms of economic development, jobs and meeting a retail need in a sustainable location in accordance with national, regional and local planning policy. In my view these significant public benefits would outweigh the substantial harm arising from the loss of the traditional buildings and the lesser harm arising from the loss of part of the traditional street pattern.

In conclusion on the impact of the development on the historic environment:

- the direct effects of the development on Listed Buildings do not give rise to such harm that would warrant a refusal of permission since these effects predominantly relate to the removal of modern additions to the rear of Listed Buildings. The rear facades of the Listed Buildings on the east side of Parade will be presented with a view of the wall of the new retail development, but views to and from the one Listed Building which has retained its original rear facade (number 17) will be sympathetically handled. Amendments to the

scheme since the original submission have increased the distance separation between the western edge of the development and the rear facades of the Parade Listed Buildings, and for a town centre context, the relationship is not considered to unacceptably compromise the architectural interest of the Listed Buildings;

- improvements to the setting of some of the Listed Buildings adjoining the site can be identified, principally those on the south side of Warwick Street which face towards the glazed Arcade entrance which replaces the rather undistinguished existing buildings of numbers 69-71 and 73 which are being demolished;
- it is considered that the scheme pays special attention to the need to preserve or enhance the character and appearance of the Conservation Area. In terms of its form and design, it responds sympathetically to the scale and architectural interest of the Listed Buildings on Parade and Warwick Street and the design refinements incorporated into the scheme to mitigate its impact on the smaller scale buildings along Clarendon Avenue and Chandos Street assist in the integration of the development into these streets. Viewed as a whole, the development is considered to respect its historic context and to harmonise acceptably with the predominant character of the Leamington Conservation Area; and
- the demolition of 6 Guy Street and 2-4 Chandos Street would cause substantial harm to the Conservation Area. Furthermore, the loss of part of the historic street pattern would cause more limited harm to the Conservation Area. The rationale for the removal of these buildings and building over the streets focuses on the need to secure an overall integrated development that meets an identified retail need in a manner that enhances the shopping offer within the town centre. The substantial public benefits arising from the proposed development are considered to outweigh the harm arising from the loss of these distinctive but not outstanding buildings.

Impact on the highway network and parking

The application is accompanied by a Transport Assessment which has been scrutinised by the Highway Authority, who required additional work to be carried out to ensure the traffic impact of the development had been modelled robustly to meet all technical requirements. This work has been completed and the results provided to the Highway Authority. They now raise no objections subject to conditions which (inter alia) require provision of an improved pedestrian crossing facility between the access on Warwick Street and the entrance to Royal Priors and improvements to off-site junctions at Chandos Street / Oxford Street / Clarendon Avenue.

The Transport Assessment notes the sustainable location of the development with good connections to the surrounding area in terms of footpath links and public transport facilities. There are 14 bus stops within 200 metres of the site, with the railway station some 800 metres from the site. Permeability is encouraged through the scheme entrances off the shortened Guy Street and the location of the main Warwick Street access opposite the entrance to Royal Priors. The link through to the Parade consolidates this connectivity and is situated opposite the walkway link to the Covent Garden car park to the north of the Tesco store.

The traffic impact is assessed over a 10 year period from the 2009 base situation, with the capacity of nine key junctions analysed. The network has been assessed in 2019 both with and without the addition of development traffic.

The analysis shows that the junctions either end of Chandos Street currently operate below capacity with minimal queues. Junctions whose theoretical capacity is currently exceeded are Guy Street / Clarendon Avenue and Clarendon Street / Warwick Street with other junctions between Clarendon Avenue and Parade / Kenilworth Road and Oxford Street at capacity.

The predicted traffic impact of the new development has been based on survey data from the Royal Priors car park, which contains 470 spaces. The closure of Guy Street requires the existing traffic using this route to be redistributed throughout the network. The assessment concludes that mitigation is required at two junctions, to ensure that they will continue to operate within capacity or at 'nil detriment'. These are, firstly, the Clarendon Avenue / Chandos Street junction which provides access to the development site entrance and therefore experiences the greatest increase in traffic flows. The improvement will provide 2 lanes on the Chandos Street arm to facilitate left and right turning movements out of Chandos Street onto Clarendon Avenue. Secondly, extra width is provided on the Oxford Street arm to facilitate access into Clarendon Avenue. All junction improvements can be accommodated within highway land.

The total amount of car parking provided by the development is 512 spaces. The Council's Parking Standards require a maximum of 435 spaces for the retail development and 14 spaces for the town houses. If replacement parking for the existing public car park (153 spaces) and existing on-street parking (50 spaces) is added, this would give a total maximum requirement of 652 spaces, and consequently there would be a shortfall of 140 spaces in relation to this maximum requirement.

Planning policy guidance on parking provision was updated in PPS4 where policy EC18.1 states that local parking standards should apply to individual planning applications unless:

- the applicant has demonstrated (where appropriate through a transport assessment) that a higher level of parking provision is needed and shown the measures to be taken to minimise the need for parking; and
- for retail and leisure developments located in a town centre, the planning authority is satisfied that:
 - the parking provision is consistent with any town centre parking strategy and the facilities will genuinely serve the town centre as a whole and this has been secured before planning permission has been granted; and
 - a. the scale of parking is proportionate to the size of the centre.

The new car park of 512 spaces will represent an increase of around 300 spaces on site, which is below the number of spaces specified by the Council's Parking Standards. However, this level of parking provision is seen as proportionate to the size of the centre and would amount to more spaces than are provided at Royal Priors. Increasing the amount of parking to replace existing parking as well as meeting approved standards for the proposed development would represent a design challenge for this Conservation Area location (most likely requiring an additional deck). In any case, providing additional car parking is not considered to be desirable and in pre-application discussions the Highway

Authority sought to limit the amount of parking spaces on sustainability grounds. Furthermore, the proposed green travel plan will assist in suppressing parking demand.

The overall level of parking provision on the site was informed by the Council's approved Car Parking Strategy of 2007 which included (inter alia) retention and upgrading of Covent Garden car park - proposed to be increased from 600 to 850 spaces, and also closure of the 50 space Bedford Street car park. The permission for the extension of Covent Garden car park expired in 2009 and it is now unlikely that this will be implemented. Nevertheless, since the 2007 strategy was approved, the effects of the decriminalisation of on-street parking controls have become apparent. Decriminalisation has resulted in a reduction in the use of most short stay town centre car parks and there is now significant spare capacity in Covent Garden, other than at major peaks. Taking this into account, I am satisfied that there is sufficient rationale to justify a level of parking provision that meets the Council's Parking Standards for the proposed development but does not replace all of the existing parking spaces. The fact that the Highway Authority raise no objection on highway grounds reinforces my view on this matter. Furthermore, it is notable that a number of objectors have expressed the view that fewer parking spaces should be provided. With regard to the short-term loss of the existing parking spaces while the development is being constructed, I am satisfied that there is adequate capacity within Covent Garden to accommodate this demand.

The operation of the multi storey car park provided as part of the development which replaces the Council's surface car park will be subject to appropriate legal agreements with the Council as landowner which will ensure the new facility is secured before the development is brought into use. A planning condition will also require this car parking provision.

Policy TCP3 requires measures to promote public transport to be provided as part of town centre retail developments. The Highway Authority have requested a condition requiring provision of CCTV cameras to provide an improved method of managing the highway network at key junctions and this will assist in improving the efficient operation of bus services in the streets close to the development. The Highway Authority require no further measures to promote public transport. Given this fact, and since the location of the scheme is close to a large number of bus stops, I am satisfied that public transport use will be consolidated.

I note that concerns have been raised in the public response regarding the size of the servicing area. However, the Highway Authority have not objected to the servicing arrangements and therefore I am satisfied that the proposals are acceptable in this respect.

In conclusion, therefore, in terms of both the impact on the highway network and parking, the proposed development in this sustainable location, well served by public transport routes and good pedestrian links is acceptable in transport terms. The level of on-site parking provision is consistent with the objectives that underpin relevant national and local policy guidance.

Impact on the living conditions of nearby properties

In addition to the commercial properties adjoining the application site, there are significant numbers of residential properties either adjoining or close to the site. The principal groups of residential properties are:

- b. flats in William and George House and above other Parade properties;
- houses along Clarendon Avenue;
- flats above some Warwick Street properties; and
- residential properties in Chandos Street including the sheltered flats known as Chandos Court.

The main concerns about residential amenity expressed by local residents are as follows:

- the overdominant scale, height and mass of the development which will be visually intrusive and result in serious adverse effects on daylight, sunlight and privacy to flats, houses and their gardens;
- noise and disturbance both during the construction phase and in the operational phase of the development; and
- general adverse local environmental effects including increased pollution, loss of trees and open space.

Scale of development and impact on daylight, sunlight and overshadowing issues

Concerns relating to the scale, height and mass of the development figured prominently in the pre-application consultation process. A number of design changes were made prior to the submission of the application following receipt of feedback from public meetings and exhibitions. Key changes designed to mitigate the impact of the development on the living conditions of neighbouring dwellings included:

- the stepping back of the building at the northern boundary to introduce green roof treatments to parts of the development and improve the distance separation with the houses in Clarendon Avenue;
- changes to the Chandos Street frontage which originally included external service vehicle and car access ramps fronting the street. These have been relocated inside the main building with a residential facade introduced along the street frontage; and
- the parking layout has been rationalised and a proposed third deck to the car park has been removed, thereby lowering the height of the development.

The Environmental Statement submitted with the application is accompanied by a full sunlight and daylight report, based on the relevant Building Research Establishment (BRE) methodology, which has examined the sunlight and daylight impacts of the development in relation to all the neighbouring residential properties. The key conclusions of the daylight assessment are that there would be negligible to minor impacts on light levels to adjoining properties, but with some adverse effects on sunlight particularly during winter months to both the rear windows of Clarendon Avenue houses and the front windows to the flats on Chandos Street. In addition, there would be some minor adverse effects to residential windows to the rear of 75-79 Warwick Street and negligible to minor adverse impacts to windows on Parade properties containing residential accommodation.

For sunlight, in relation to Clarendon Avenue, the report concludes that BRE guidance will continue to be satisfied in the great majority of locations. Where

sunlight levels fall below recommended requirements, although annual probable sunlight hours would continue to satisfy BRE, there would be moderate adverse impacts during winter months, mainly to bedrooms or kitchens rather than main living rooms which are more important for the purposes of BRE guidance.

For Chandos Street, windows of residential properties face due west and Chandos Court in particular has benefited from the open aspect of the surface car park. There are bay windows to living rooms within Chandos Court which contain a south facing element but some living room windows and bedroom and kitchen windows will be affected. The report concludes that because of the noticeable difference between the various facets of the bay windows and considering bedrooms and kitchens are considered less important, the overall impact is moderate adverse.

For other properties on Parade and Warwick Street, with windows facing north or east, there would be no sunlight impact.

The report also considers overshadowing, which is principally an issue with the rear gardens of the Clarendon Avenue houses, where the conclusion is that the impact of the development on shade at both 21 March and 21 June will be almost non-existent.

The other key group of affected properties in terms of daylight, sunlight and outlook is on Parade, particularly at the northern end focusing on 7 Parade, William House and George House. For 7 Parade, there is planning permission for conversion of the upper floors to flats.

Concerns expressed during the public participation process relate to reduced light levels to rear windows and oppressive and claustrophobic effects on William House and George House due to the proximity of the development. These concerns have been raised with the architects and revised plans have been submitted to increase the separation distance from those flats. As amended, I do not consider that the proposals would cause such harm in terms of loss of daylight, sunlight or outlook for those properties as to justify a refusal of planning permission.

In summary, therefore, in relation to the impact of the development on sunlight and daylight levels to residential properties, the extent of the impact is not considered to give rise to a level of harm which would be sufficient to justify refusal of the scheme on these grounds.

In addition to the more "technical" assessment of the development in terms of measurable impacts on light and sunlight levels, a judgement is also required on the effect on the outlook of the adjoining residential properties. Clearly, the mass and bulk of the new development will be prominent in views from a number of residential properties and it is necessary to assess whether its impact is acceptable in planning terms. In this context, there are no prescriptive distance separation standards which are required to be followed, with the Council's Distance Separation Standards stating that they will not be directly applied in Conservation Areas, where the overriding requirement is to preserve or enhance the character or appearance of the area.

The sensitive nature of the relationship of the development with the residential properties along Clarendon Avenue was subject to detailed discussion at pre-application stage when the height and scale of the building as viewed from

Clarendon Avenue was moderated, with a "stepping back" arrangement now incorporated. The rear gardens of many of these properties abut existing (mainly two storey) commercial or non-residential buildings along Guy Place West which occupy a prominent position in their outlook. The relevant section drawing for the proposed retail development shows the ground floor of the development (with its external wall height of 5.5 metres) approximately 15.5 metres away from the main rear facade of 28 Clarendon Avenue, with the first floor element (of equivalent wall height) set back by just over 5 metres from the ground floor. The two levels of car parking which sit above the retail floorspace are set back a further 4.5 metres into the development site. The two floors of retail have a solid brick facade with brick panels used to introduce a degree of relief. The car park levels above are similarly faced in brickwork with a line of openings for ventilation and light on level 1 some 28 metres away from the main rear facade of the affected houses.

In terms of overall impact, it is considered that significant mitigation for the Clarendon Avenue houses is achieved through the stepped back plan form which helps to break up the mass of the development and also introduces elements of greenery (albeit roof surface treatments) through the incorporation of green roofs at the ground floor and first floor roof levels. Further mitigation could be achieved by increasing the extent of the set backs to achieve greater distance separation, which would have implications for the amount of retail floorspace or the level of car parking provision. However, the scheme as submitted is required to be determined on its merits and I am of the view that, in the context of a town centre site, the impact on the amenities of the Clarendon Avenue houses in terms of their rear outlook, which abut commercial properties and look towards a large surface car park, is not so harmful that a refusal of permission on these grounds could be substantiated.

I am satisfied that windows in the proposed development are situated far enough away from neighbouring dwellings to ensure that the proposals will not cause unacceptable loss of privacy. The closest facing relationship is between the front windows of the proposed town houses and the front windows of Chandos Court. However, as this relationship is across a public street and is comparable to the separation distances across many streets within the Conservation Area, I do not consider that this would be inappropriate.

Noise and disturbance during construction

The key issues here are noise and vibration impacts associated with the construction process and changes in traffic noise levels on the road network as a result of the development (including service deliveries and private cars).

Concerns expressed through the public participation process are that "large numbers of properties will be blighted" by the construction process with "years of noise and dust nuisance". Increased traffic in the vicinity of the site is seen as a further negative impact on residential amenity both during the construction period and from when the development is operational.

Chapter 12 of the Environmental Statement relates to noise and vibration and this considers the impact of the demolition and construction phases of the development. The demolition required by the scheme should take approximately 4 months to complete overall, with the work focused on three areas: the rear of Warwick Street; the rear of Parade; and the housing and vets premises at the rear of Clarendon Avenue. The developers have indicated that the period of

actual demolition to each area should not extend beyond 6/8 weeks with the properties at the rear of Parade taking the longest period. Piling is estimated to be in the region of 4 months, but may vary slightly dependent on the results of further site investigation which may affect the foundation solution. The Environmental Statement concludes that noise levels will increase over the baseline levels as a result of the construction activity but the increase is not considered to be significantly worse than baseline levels. The foundations will be constructed by continuous flight augured piling and this will reduce vibration levels to the lowest levels practicable for the chosen construction methods. The assessment concludes that vibration levels during piling works are unlikely to be perceptible at surrounding sensitive receptors.

Excavation to construct the basement will result in some 4000 cubic metres of material being removed off the site. During the construction phase, estimated to be 31 months, HGV traffic will enter and leave the site via Chandos Street. The maximum number of HGV movements is estimated to be 40 per day. Increased noise levels as a result of the HGV traffic have been assessed against existing traffic flows and a 0.1 dba increase in noise levels is predicted and it is concluded in the Environmental Statement that this would not be significant.

In assessing the impact of demolition and construction activities on surrounding properties, it is important to bear in mind that this is a brownfield town centre site. Therefore development activity and associated construction noise cannot be ruled out in this location. Properties on Chandos Street and Clarendon Avenue in particular have a high degree of sensitivity to construction noise and adverse impacts can be expected (albeit for temporary periods) during both the demolition phase (4 months) and the longer period of construction of the piling, substructure and superstructure. Discussions have taken place between Environmental Health Officers and the applicant on these matters and it has been agreed that a Construction Management Plan will be developed to seek to limit any harmful impact. A condition is recommended to require such a Plan to be submitted for approval and I am satisfied that this will ensure that demolition and construction activities will not cause unacceptable harm to the living conditions of nearby residents.

Noise and disturbance from the completed development

The main sources of potential noise from the completed development would be from increased traffic, public address / sound amplification systems and the operation of plant and equipment. Operational traffic noise levels over and above existing traffic levels have also been assessed and the environmental statement concludes that the noise effect of the traffic changes on the road network resulting from the operation of the scheme is not significant. With regard to noise from public address / sound amplification systems and the operation of plant and equipment, various conditions are recommended to limit any potential impact from these sources. In accordance with the comments of Environmental Health, I am satisfied that these conditions will satisfactorily limit any potential noise and disturbance for surrounding properties.

Air quality

The Environmental Statement submitted with the application includes an air quality assessment. The air quality assessment covers temporary effects as a result of the construction process and also exhaust emissions from road traffic in the vicinity of the site. A three month monitoring programme has been carried

out to establish current data and the predicted pollutant concentrations are assessed for a 2019 end date with the development in place. Baseline annual mean concentrations of pollutants are within air quality objectives in 2009 and are predicted to remain so with the development in place.

The Environmental Statement notes that dust emissions during construction works could have potential adverse effects at sensitive nearby receptors. However, with effective implementation of measures detailed within an agreed dust mitigation statement, impacts will be minimised to infrequent, short term events during periods of dry or unusually windy weather. This would form part of the Construction Management Plan that has been referred to previously.

The proposed development will impact on ventilation and fume extraction equipment for some surrounding premises, e.g. by physically blocking existing flues or by introducing a tall building alongside existing flues. Therefore, in accordance with the comments of Environmental Health, I have recommended a condition to require the developer to carry out a survey of ventilation and fume extraction equipment on all surrounding premises to identify which of these would be adversely affected by the proposals and to identify remedial measures to address any adverse impacts identified.

In accordance with the comments of Environmental Health, further conditions are recommended in relation to the combined heat and power plant, fume extraction for the proposed development, lighting and the provision of waste storage.

In summary, the key conclusions on the impact of the development on residential amenity are:

- the impact of the scale and mass of the proposals on the Clarendon Avenue properties in particular will be significant but is considered to be within the limits of acceptability as the technical assessments of effects on daylight, sunlight and overshadowing are such that there is no evidence to substantiate a refusal on these grounds;
- for the cluster of residential properties on Parade, near the north western corner of the development, the impact of the scale and mass of the development will also be significant but amendments to the plans since submission will mitigate the impact to an acceptable level;
- the development will not cause unacceptable loss of privacy for neighbouring residents;
- a Construction Management Plan will be required to ensure the effects of the construction process are regulated so that noise, vibration or dust emissions are minimised;
- suitable conditions will ensure that noise and disturbance from the completed development will be within acceptable levels;
- for the operational phase of the development, predicted traffic levels over and above existing traffic will not increase noise levels to an unacceptable extent; and
- the impact on air quality has been analysed within the Environmental Statement which has demonstrated that annual mean concentrations of pollutants will remain within air quality objectives.

Finally, I have also considered the impact on the amenity of neighbouring commercial premises and I do not consider that the proposals would have an adverse impact on any of those premises in terms of any of the above factors.

Impact on ecology/biodiversity

The overarching policy framework is provided by PPS9 Nature Conservation and Warwick District Local Plan Policy DP3.

The Environmental Statement (ES) submitted with the application has been scrutinised by WCC Ecology who are satisfied that the statement, together with its supporting habitat surveys, has given due consideration to the nature conservation status of the application site and surrounding land. Within the site, the ornamental tree/shrub planting associated with the public car park is considered to be of low ecological value, although a number of mature trees are to be lost. All habitat losses are required to be mitigated and enhancements implemented in order to ensure an overall enhancement in biodiversity, in accordance with the objectives of PPS9 on Nature Conservation and Policy DP3 of the Warwick District Local Plan. The incorporation of green roofs is welcomed in order to provide a bio-diversity enhancement in an urban environment and new tree planting will be undertaken on Chandos Street (five semi-mature trees).

There is some concern about the storm water run-off from the development which will connect ultimately to the River Leam via the storm water drains. The ES notes that an oil interceptor will be required to ensure water quality is not affected and WCC Ecology are satisfied that so long as the mitigation measures identified in the ES are implemented, adverse impact will be unlikely.

In relation to bats, a survey was carried out in September 2008 and a further survey was carried out in September 2011. These surveys did not find evidence of bats using any of the affected buildings. WCC Ecology and Natural England have accepted the results of these surveys.

Objections have been raised to the loss of greenery/trees on the site. An arboricultural survey has been carried out following the required BS methodology for categorising the quality of the existing trees. Some 18 trees will be lost as a result of the development, 9 of these are classed as Category C - no restriction to development, with 7 under Category B - consideration should be given to retaining them. Two trees were classed as Category A - which advises that they should be retained as part of any new development. These are a London Plane approx. 11 metres high at the centre of the car park and a Silver Birch approx. 7 metres high on the north side of the car park. Since the whole site is being redeveloped, it is not possible to retain these trees and compensatory planting is proposed within the footway on the west side of Chandos Street. This is regarded as reasonable for a town centre scheme of the nature proposed.

A condition is recommended to require details of soft landscaping including details of planting and maintenance of replacement trees and the green roof areas, together with provision of additional bat roosts and bird nesting sites.

In conclusion, it is considered that the ecology/biodiversity issues raised by the application have been properly assessed under the Environmental Statement process and adequate mitigation for the loss in biodiversity is incorporated into the proposals. WCC Ecology have raised no objections to the development subject to appropriate conditions being imposed to secure these biodiversity enhancements and to ensure that wildlife interests are not adversely affected.

Sustainable construction and renewable energy

The relevant policy at the local level is provided by the approved Supplementary Planning Document (SPD) on Sustainable Buildings which amplifies policies DP12 and DP13 of the Warwick District Local Plan. The policy requirement is for a minimum of 10% of the energy demand for the development to be met from renewable sources. The SPD states in paragraph 4.2 that the 10% will be applied to all developments "unless the applicant can demonstrate it would not be appropriate, and that the development has been designed to maximise energy efficiency". Section 4 of the SPD lists a number of examples where the Council may accept that the 10% requirement is not appropriate. These are where:

- it can be demonstrated that the location, character or scale of development would not be feasible for any type of renewable technology;
- (i) the installation of renewables would conflict with other planning objectives; or
- (ii) it can be demonstrated that implementing renewables would not be financially viable and would undermine the delivery of development.

The application is accompanied by an Energy Statement which details the results of the energy and carbon emissions impact assessment and proposes an optimised carbon reduction strategy. The aim is to achieve minimum ratings of BREEAM (Building Research Establishment Environmental Assessment Method) Retail 'Very Good' (Shell and Core), BREEAM Retail 'Very Good' (Anchor store fit out) and Code for Sustainable Homes - Level 3 for the proposed houses.

Sustainability issues have been considered throughout the design process with a high performance building envelope incorporating facade design which aims to reduce solar gain whilst providing good quality natural daylight. The pedestrian arcade will act as a covered street that will require no environmental conditioning, being naturally ventilated and thus not requiring mechanical ventilation or cooling systems. Modulated openings within the roof canopy will be used to control internal temperature and CO₂.

The submitted Energy Statement provides an assessment of a range of renewable technologies potentially suitable for the development. Wind turbine and photovoltaic arrays would need to be extensive and judged to be inappropriate in an historic environment. Solar water heating is considered suitable for the domestic water supply for the nine houses. Ground source heating/cooling would require drilling of boreholes and is not judged to be a cost effective solution for the development.

The approach set out in the Energy statement focuses on carbon reduction as the key objective. The predicted electricity consumption of the development accounts for approx. 90% of the development carbon emissions. The key element in the carbon reduction strategy therefore focuses on displacing grid use electricity requirements.

The submitted energy report concludes that an energy centre which will include tri-generation (combined cooling, heat and power - CCHP) represents the best option for the development in terms of a viable integrated solution, whilst also meeting the objectives that underpin planning policy targets. The system will serve approx. 68% of the development's heating and cooling requirements. The

system produces power through combustion of fuel which is then used to generate electricity through an internal electrical generator. The heat emitted during the power generation process is recovered to provide space heating in the winter, comfort cooling in the summer and domestic hot water all year round. The proposed CCHP installation will be designed to ensure certification under the government's CHPQA scheme to ensure there is evidence of its optimum operation and the expected carbon dioxide emission savings equate to 10.4% against baseline energy demand.

In relation to fuel for the power unit, bio-fuel options have been examined but the conclusion is that at this stage they are not considered a viable option and their production in itself can have questionable environmental effects. Facilities for the storage of large quantities of biomass material at ground level would be required and exhaust flues for large boilers are not favoured within densely built up areas with significant numbers of residential properties. The adopted system infrastructure, however, will allow for upgrading to a centralised bio-fuel or fuel cell system in the future if reliable, efficient and environmentally friendly bio fuel supply chains are developed

For the residential properties, solar panels are incorporated to help meet the hot water requirement. A 36 sq m array is expected to achieve a 6% carbon reduction from the residential annual emissions.

In relation to the Council's SPD on Sustainable Buildings, paragraph 4.9 states that the Council may consider reducing the 10% renewables requirement if a Combined Heat and Power (CHP) Unit is implemented and the applicant can demonstrate that this will provide significant carbon savings.

In summary, therefore, given the historic environment context for the development, large scale photovoltaic arrays or wind turbine installations are considered to conflict with other planning objectives to protect the character of the Conservation Area and the setting of nearby Listed Buildings, due to their visual prominence. The applicant has demonstrated that an energy efficient design has been achieved and has considered the use of a range of renewable technologies which have either been discounted for cost reasons or judged not feasible for the form and character of the development being proposed. The proposed CCHP installation is therefore considered to be an appropriate solution for the form of development proposed in a Conservation Area which will deliver significant carbon emission savings which are of a scale which meets the objectives of government policy statements on carbon reduction and the council's current policies on sustainable construction.

I note that it has been suggested in the public response that the developer should be required to off-set the carbon emissions of the development. However, there is no reference to such a requirement in the Council's Sustainable Buildings SPD on Sustainable Construction and therefore I do not consider that there is any policy basis for such a requirement.

Planning for growth

The 23 March 2011 Ministerial Statement on "Planning for Growth" states that the Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy. The Statement goes on to state the following:

"When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:

- (iii) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;*
- (i) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (ii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- (iii) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggests that prior assessments of needs are no longer up-to-date; and*
- (iv) ensure that they do not impose unnecessary burdens on development."*

The developer estimates that the development will create in the order of 700 jobs. Objectors have disputed this claimed level of job creation due to the fact that existing businesses will be forced to close to make way for the development and the fact that future occupiers of the development may relocate from existing premises within the town centre. However, viewed as a whole, I consider that the proposals would bring significant economic benefits. In accordance with the Ministerial Statement, this is a material consideration that weighs in favour of granting planning permission.

Other matters

Waste management

Waste management during the construction process will be regulated through the implementation of a Site Waste Management plan (SWMP) as required by the SWMP Regulations which came into effect in 2008. Major sources of waste during the construction process are demolition spoil, packaging and waste generated during the construction process itself. The demolition and excavation processes in particular will generate significant quantities of waste material which will need to be transported off the site. The Construction Management Plan referred to earlier in this report could include, inter alia, restrictions on the hours of operation of construction vehicles and their routing to specified landfill sites.

For the operational phase of the development, the relevant issues are considered to be segregation of waste generated by the retail development both from customers visiting the Arcade and the businesses within the development, waste generated by the 9 houses, and the loss of the recycling facility which currently exists within the Chandos Street surface car park. Space exists within the basement service area for storage of segregated waste containers with commercial waste being catered for by a private contractor. Bin stores are provided within the 9 houses with space for red boxes. Within the Arcade, segregated bins can be provided to maximise recycling opportunities. The views of the Council's Waste Management team have been obtained on the loss of the

Chandos St car park recycling facility but given the level of usage, they consider its loss would not have a major impact on the recycling rate, with the well used Covent Garden surface car park recycling facility remaining at the northern end of Parade.

Groundwater and contamination issues

Groundwater and contaminated land matters have been reviewed by the Environment Agency who have made a number of comments relating to the protection of controlled waters. The site is not in a source protection zone in terms of water resources but the River Leam some 600 metres to the south is a potential receptor and the river deposits within the site are designated as a Secondary A Aquifer (formerly a Minor Aquifer). Previous uses on the site mean that there is potential for contamination of the underlying soil and groundwater to have occurred. Any contamination may be currently impacting on controlled waters or receptors and there is potential for remobilisation of any contaminants during site development. The Agency have no objections to the development subject to conditions to ensure any potential adverse impact on controlled waters and receptors is minimised.

Archaeology

An assessment of the archaeological impact of the proposed development has been undertaken and its results detailed within Section 9 of the Environmental Statement. The assessment concluded that any archaeological remains surviving on site are likely to be of local to regional significance and any remains would be significantly disturbed or destroyed by the proposed development. WCC Archaeology have requested a pre-commencement condition to require an appropriate programme of archaeological work to be submitted and approved to ensure any deposits are not damaged and are recorded.

Safety and security

Safety and security issues have been an integral part of the design process for the development and have been discussed at length with Warwickshire Police, including counter terrorism advisors. There have been various adaptations to the scheme designed to improve security, ensuring that vehicles that enter the site are recorded and recognised by a vehicle recognition system. Service vehicles will be vetted before entering the basement and suspect vehicles refused entry by use of barriers to the required standard. The arcade itself will be easily accessible, however, safety barriers to the required standard are provided at each pedestrian access point to prevent unsolicited vehicle entry. A condition is recommended to require details of security measures and a CCTV scheme to be submitted for approval.

Disabled access

I note the concerns of the Warwickshire Association for the Blind. Whilst these concerns largely relate to matters to be addressed under the Building Regulations, I am satisfied that the design solution for the Arcade can meet statutory requirements and promote mobility for all potential visitors. Level access is provided at all entrances, and where ramps are necessary due to the existing site contours they will comply with Building Regulations requirements. A condition is recommended to require the submission of a Disabled Access Scheme to cover more detailed matters relating to disabled access through the

communal spaces. In my view the Warwickshire Association for the Blind regarding access could be satisfactorily addressed through such a scheme.

With regard to the request for disabled drop off points to be provided at the entrances of the development, I am not convinced that this would be practical. This would require space within the public highway and it would be difficult to regulate how such areas are being used. The Highway Authority have not suggested that drop-off areas are required and therefore I do not consider that it would be appropriate for such areas to be included within the scheme. I note that disabled parking spaces to the required space standard are provided on level 1 of the car park.

Public art

Policy SC15 of the Warwick District Local Plan relates to the provision of new works of art as part of development schemes and states that developers will be encouraged to set aside a proportion of their costs, in line with the UK Percent for Art scheme, for works of art to be provided within the development or where this is not appropriate, at a nearby location. The applicant has indicated a willingness to accept a planning condition requiring the submission and approval of a scheme for public art prior to the occupation of the development. Given the nature of the development with its significant open internal spaces and entrance areas which provide opportunities for incorporation of art work, the imposition of a pre-occupation condition is regarded as a reasonable approach for securing an appropriate public art feature for this particular development.

Living conditions of the proposed dwellings

I note that concerns have been raised regarding the living conditions of the proposed town houses, which are single aspect and positioned alongside the service entrance and public car park entrance and associated access ramps. However, I am not convinced that a reason for refusal could be substantiated on these grounds. Single aspect dwellings have been permitted elsewhere within the town centre and are now generally considered to provide a satisfactory living environment. The car park and service yard access ramps would be isolated from the structure of the dwellings and the dwellings have no openings in the rear or side walls and would have a suitable construction to ensure that noise levels are acceptable. Furthermore, prospective occupiers of the proposed town houses would be aware of the situation of the houses when they choose to move in. I note that the dwellings would not be provided with any external amenity space. However, in view of the location of the site within the commercial core of the town centre and in close proximity to public open space at Christchurch Gardens, I do not consider that this would be inappropriate. Many dwellings within the commercial core of the town centre do not benefit from any external amenity space.

Access, parking and ancillary floorspace to surrounding buildings

I note that the owners / occupiers of some neighbouring properties have raised concerns about the loss of ancillary floorspace to their premises and the impact on their rear parking, servicing, refuse collection and in some cases the entrance to flats. If planning permission were to be granted, these issues would receive further scrutiny when the developer undertakes the process of assembling the site and dealing with the relevant land owners. However, in as far as this issue is relevant to the consideration of this planning application, I am not convinced

that the proposed development would worsen the existing access arrangements to an extent that would justify a refusal of planning permission. The basement service area within the development would also serve the surrounding properties. I consider that the service corridors linking the service area to the rear of surrounding properties would be satisfactory. The affected properties would benefit from similar servicing arrangements to the new stores within the development. Similar corridors would provide access to the affected flats and I am satisfied that this would be an appropriate alternative to the existing access arrangements.

Loss of existing businesses

I note that a number of objectors have raised concerns about the loss of existing businesses on the application site. Whilst this is regrettable, it cannot be a reason for refusing planning permission because it is not a material planning consideration.

Public open space

The Council's Open Space Supplementary Planning Document would require a contribution of £11,304 towards the provision and enhancement of public open space in relation to the proposed town houses. As the Council is the landowner it is not possible to secure this contribution by the normal method of a Section 106 Agreement. However, the Council's Cultural Services Department have confirmed that there are enhancement projects for Christchurch Gardens to a similar value that the developer could carry out instead of making a monetary contribution. This would meet the requirements of Local Plan Policy SC13 and therefore I have recommended a condition to require public open space enhancements to be carried out in accordance with details to be approved by the Council.

No public open space enhancements are proposed in relation to the commercial elements of the scheme because the proposal includes other public realm enhancements. Furthermore, retail developments do not place as significant a demand on public open space as a residential use would and consequently there is less justification for requiring public open space enhancements in relation to such developments.

Fire safety

A number of objectors have raised concerns about the impact on fire escape routes and access for fire appliances to the rear of existing properties. However, the issue of fire safety is a matter to be dealt with under building regulations. Nevertheless, Building Control have confirmed that the proposed layout would be acceptable in principle from a fire safety point of view. Furthermore, WCC Fire and Rescue have not objected to the application. I would also note that the impact of the development on fire escape routes / access for fire appliances would be similar to the existing situation at Royal Priors.

CONCLUSION

This is a major scheme for Leamington Town Centre which will secure significant improvements in the retail offer for local residents and visitors to the town and will sustain the vitality and viability of the town centre. Whilst strong objection has been raised to the scheme on grounds of a perceived lack of need for

additional retail development in Leamington town centre, the retail impact of the scheme has been carefully scrutinised and specialist advice obtained which has confirmed its compliance with national planning policy guidance, the Regional Spatial Strategy and saved Structure and Local Plan policies and its adherence to the floorspace parameters in the District's most up-to-date retail study. The format for the retail floorspace will result in a qualitative improvement in the shopping environment of the town enhancing the size range of outlets likely to be attractive to retailers and a high degree of integration with the existing shopping environment is achieved.

The impact of the development on the highway network has been assessed and the Highway Authority have concluded that the scheme will not be to the detriment to highway safety. Whilst the level of parking provided within the development does not fully meet current approved parking standards, the amount of parking provided is seen as appropriate for the size of shopping centre proposed and considering the fact that adequate capacity would remain across the town centre car parks. Also, the provision of further parking would not be desirable on sustainability or conservation grounds.

The new building would preserve the character and appearance of the Conservation Area. The loss of the existing traditional buildings would cause substantial harm to the character and appearance of the Conservation Area and the loss of part of the historic street pattern will also result in a small degree of harm to the character of the Conservation Area. However, this harm would be outweighed by the substantial public benefits of the development in terms of other enhancements to the Conservation Area, promoting economic development, creating jobs and meeting a retail need in a sustainable location in accordance with national, regional and local planning policy.

The Royal Priors development and its later extension in a more contemporary style is widely regarded as a successful example of achieving an acceptable balance between retail needs and conservation requirements and is now an established feature of the town. The Clarendon Arcade proposals represent a further phase in the evolution of the retail environment of the town and are also considered to meet identified retail needs, whilst responding acceptably in design terms to the qualities of the Conservation Area and the Listed Buildings around the site.

The application site is close to residential properties and strong concerns have been raised about the impact of the development on residential amenity. The various impacts in terms of loss of light, overshadowing, loss of privacy and noise and disturbance have been comprehensively analysed through the Environmental Statement process and none are considered to result in a level of harm that would justify a refusal of planning permission for the development proposed on this town centre site.

Sustainability principles have been respected and a carbon reduction strategy put forward which meets the objectives of national and local policy.

In conclusion, the proposals would be in accordance with the Development Plan and there are no other material considerations to indicate that planning permission should be refused.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) CTL-XXX-00-(10)-1102-02, CTL-XXX-00-(10)-1104-02, CTL-XXX-03-(02)-1013-02, CTL-XXX-0B-(20)-1001-11, CTL-XXX-00-(20)-1002-12, CTL-XXX-04-(20)-1003-11, CTL-XXX-01-(20)-1004-11, CTL-XXX-02-(20)-1005-11, CTL-XXX-03-(20)-1006-11, CTL-XXX-04-(20)-1007-11, CTL-XXX-XX-(21)-2121-04, CTL-XXX-XX-(21)-2122-03, CTL-XXX-XX-(21)-2123-03, CTL-XXX-XX-(21)-2124-03, CTL-XXX-XX-(21)-2125-03, CTL-XXX-XX-(21)-2101-06, CTL-XXX-XX-(21)-2102-02, CTL-7P-00-(02)-1031-00, 16038-01-1-OS-003 & 16038-01-1-OS-004, and specification contained therein, submitted on 1 August 2011, 11 October 2011 & 12 October 2011, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

 - 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved. Please note elements of 1) may have already been covered in the preliminary investigations.

REASON: To ensure the protection of controlled waters, in accordance with Policy DP9 of the Warwick District Local Plan..

- 4 Prior to development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure the stages in Condition 3 have been successfully completed and also to ensure there is a mechanism in place to allow for the remediation strategy to be amended if needed, in accordance with Policy DP9 of the Warwick District Local Plan.

- 5 Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON :** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
- 6 The development hereby permitted shall not commence until a detailed Soft Landscaping and Ecological Scheme has been submitted to and approved in writing by the District Planning Authority, in line with the mitigation proposals set out in Section 13.6 of the Environmental Statement. The plan should include details of planting and maintenance of the trees and green roof. Details of species used and sourcing of plants should be included. The plan should also include details of any habitat creation measures such as the provision of additional bat roosts and bird nesting sites, as well as details of managing the whole site for wildlife. **REASON:** To ensure a net biodiversity gain in accordance with PPS9 and Policy DP3 of the Warwick District Local Plan.
- 7 No development shall commence unless and a scheme for public realm

enhancements to Guy Place, Warwick Street and Chandos Street has been submitted to and approved in writing by the District Planning Authority. None of the retail units hereby permitted shall be occupied unless and until the public realm enhancements have been completed in strict accordance with the approved details. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011.

- 8 No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011.
- 9 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety.
- 10 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), gates, shopfronts, eaves, verges, parapets, external staircases, guard rails, the plant deck, portico, the car park access, the service access and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 11 No development shall take place unless and until a Disabled Access Scheme has been submitted to and approved in writing by the District Planning Authority. None of the retail units hereby permitted shall be occupied unless and until the Disabled Access Scheme has been implemented in strict accordance with the approved details. **REASON** : To ensure that the proposals provide safe, easy and inclusive access, in accordance with Policy DP15 of the Warwick District Local Plan.
- 12 No development shall be carried out on the site which is the subject of this permission until:
 - (a) a survey to assess the impact of the development on ventilation and fume extraction equipment on all premises adjoining the application site; and
 - (b) details of remedial measures to ensure that the affected equipment continues to operate effectively,have been submitted to and approved by the District Planning

Authority. The remedial measures shall be implemented in strict accordance with the approved details. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

- 13 No development shall take place unless and until a scheme for the provision of CCTV cameras to monitor the highway network has been submitted to and approved in writing by the District Planning Authority. None of the retail units hereby permitted shall be occupied unless and until the CCTV cameras have been installed in accordance with the approved details. **REASON:** In the interests of Highway safety and to meet the requirements of policy DP6 of the Warwick District Local Plan 1996-2011.
- 14 Samples of all external facing and surfacing materials to be used for the construction of the development hereby permitted, including details of any paint finishes, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 15 No development shall take place until a Construction Management Plan has been submitted to and approved by the District Planning Authority. This shall include, inter alia, details of restrictions on the hours of operation of construction vehicles and the routing of vehicles carrying waste material to specific landfill sites. The development shall be carried out strictly in accordance with the approved Construction Management Plan. **REASON** : To protect the living conditions of nearby residents and to ensure that construction waste is dealt with appropriately, in accordance with Policies DP1, DP2 and DP9 of the Warwick District Local Plan.
- 16 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 17 No part of the development hereby permitted shall be used as a restaurant, cafe or hot food takeaway unless:
 - (a) details of a fume extraction system for that part of the development have been submitted to and approved by the District Planning Authority; and
 - (b) the approved fume extraction system has been installed in full accordance with such approved details.Any fume extraction system approved under this condition shall be retained at all times thereafter and shall be maintained in strict accordance with the manufacturer's recommendations, unless agreed otherwise in writing by the District Planning Authority.

REASON : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

- 18 No part of the development hereby permitted shall be occupied unless and until:
- (a) a scheme for the inclusion of public art within the overall development including details of location, design and materials and an implementation plan has been submitted to and approved by the District Planning Authority; and
 - (b) the approved public art scheme has been completed in strict accordance with the approved details.
- REASON:** To ensure suitable provision is made for public art, in accordance with Policy SC15 of the Warwick District Local Plan.
- 19 None of the dwellings hereby permitted shall be occupied unless and until:
- (a) a scheme for public open space enhancements at Christchurch Gardens or another nearby area of public open space has been submitted to and approved in writing by the District Planning Authority; and
 - (b) the public open space enhancements have been completed in strict accordance with the approved details.
- REASON:** To ensure satisfactory provision is made for public open space for the dwellings hereby permitted, in accordance with Policy SC13 of the Warwick District Local Plan.
- 20 No part of the development hereby permitted shall be occupied unless and until:
- (a) a scheme to provide an improved pedestrian crossing facility (which may require the introduction of signalised control) between the development access onto Warwick Street and the entrance to the Royal Priors Shopping Centre has been submitted to and approved in writing by the District Planning Authority; and
 - (b) the approved scheme has been completed in strict accordance with the approved details.
- REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 21 None of the retail units hereby permitted shall be occupied unless and until a scheme for revoking / altering traffic regulation orders has been submitted to and approved by the District Planning Authority. None of the retail units hereby permitted shall be occupied unless and until the scheme has been implemented in strict accordance with the approved details. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 22 None of the retail units hereby permitted shall be occupied unless and until a scheme for revalidating the SCOOT region for the area has been submitted to and approved by the District Planning Authority. None of the retail units hereby permitted shall be occupied unless and until the scheme has been implemented in strict accordance with the approved

details. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

- 23 None of the retail units hereby permitted shall be occupied unless and until the improvements to the junctions between Clarendon Avenue and Chandos Street and between Clarendon Avenue and Oxford Street have been completed in strict accordance with drawing nos. 16038-01-1-OS-003 & 16038-01-1-OS-004, unless agreed otherwise in writing by the District Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 24 The car park hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of any of the retail units hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996 - 2011.
- 25 The cycle parking provision shown on the approved plans shall be completed before any of the retail units hereby permitted are occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 26 None of the retail units hereby permitted shall be occupied unless and until:
(a) a scheme for the provision of security measures and a CCTV system to serve the development have been submitted to and approved in writing by the District Planning Authority; and
(b) the approved security measures and CCTV scheme have been implemented in strict accordance with the approved details.
REASON : To minimise the potential for crime and anti-social behaviour and to improve community safety, in accordance with Policy DP14 of the Warwick District Local Plan.
- 27 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 28 The combined heat and power plant hereby permitted shall only be fueled by natural gas unless agreed otherwise in writing by the District Planning Authority. **REASON** : In the interests of air quality, and to protect the living conditions of nearby dwellings, in accordance with

Policy DP9 of the Warwick District Local Plan.

- 29 The development shall be carried out in strict accordance with the revised Waste Management Strategy as submitted on 18 May 2011. Provision shall be made for the collection of waste from surrounding dwellings in accordance with the Waste Management Strategy from the commencement of development and at all times thereafter, unless agreed otherwise in writing by the District Planning Authority. **REASON** : To protect the amenities of nearby dwellings and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 30 None of the dwellings hereby permitted shall be occupied until the bin store for that dwelling has been provided in strict accordance with the approved plans. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 31 None of the retail units hereby permitted shall be occupied unless the refuse and recycling storage area has been constructed in full accordance with such approved plans. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 32 Any amplified music or public address system operated externally or within the communal internal parts of the development shall not be audible within any residential property. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- 33 Noise and vibration from vehicles using the access ramps to the car park and service area shall not be audible within the dwellings hereby permitted. **REASON** : To protect the amenities of the dwellings hereby permitted, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- 34 Noise arising from any plant or equipment at these premises, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) measured as LAeq(5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.
REASON : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- 35 The route through the anchor store MSU01 from the arcade/square entrance to the store up to the Guy Street entrance and annotated as "Access Route" on approved drawing no. CTL-XXX-00-(20)-1002-12 shall be clearly defined as a pedestrian route and kept clear of any

display of retail goods at all times. **REASON:** To retain a route along the line of Guy Street in order to have regard to the historic interest of the Conservation Area, in accordance with the objectives of Policy DAP8 of the Warwick District local Plan 1996-2011.

- 36 No more than 10% of the retail floorspace of the development hereby permitted shall be occupied by uses within Use Classes A2, A3 and A5 of the Town and Country Planning (Use Classes) Order 2006, and no part of the development shall be used for any purpose falling within Use Class A4 except for the basement and ground floor of 17 Parade (annotated as Units SU05 and SU06 on the approved plans). **REASON:** To ensure the primary purpose of the development is for retail purposes which support the predominantly retail character and function of Leamington Town Centre, in accordance with the objectives of policy TCP2 of the Warwick District Local Plan 1996-2011.
- 37 A Travel Plan comprising the following details shall be submitted to and approved in writing by the District Planning Authority, in consultation with the Highway Authority, within 3 months of the date of the first occupation of any of the retail units hereby approved and should include the following:-
(i) a target for the proportion of employees who will travel to and from the site by foot, cycle, public transport means other than single car occupancy;
(ii) a strategy for achieving the target(s);
(iii) a management programme;
(iv) a process for monitoring the process towards achieving the target(s); and
(v) measures should targets not be achieved.
Thereafter the use of the site shall operate in strict accordance with the approved Travel Plan, unless otherwise agreed in writing by the District Planning Authority, in consultation with the Highway Authority.
REASON : To satisfy the aims of PPG13 : Transport in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site and in accordance with Policy DP7 of the Warwick District Local Plan 1996-2011.
- 38 No external lighting or sound amplification or tannoy system shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the District Planning Authority. **REASON :** To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.
- 39 No piling or any other foundation designs using penetrative methods shall be used unless agreed in writing by the District Planning Authority. If piling or other foundation designs using penetrative methods are proposed then details shall be submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with any such approved details. **REASON :** To ensure that a preferential pathway for contamination to be mobilised is not created, in accordance with Policy DP9 of the Warwick District Local Plan.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

PPS4, RSS Policy UR3, Structure Plan Policy TC2 and Local Plan Policies TCP1, TCP2, TCP3 and UAP3 - These policies require large scale retail development to be located within town centres and, in the case of Warwick District, within Leamington town centre. It is considered that a need has been demonstrated for the scale of retail development that has been proposed and there are no available sites within the retail area of Leamington town centre for this scale of development. Therefore the proposals for a retail development largely within the area of search for new retail development within Leamington town centre and well linked to the existing retail area are considered to be in accordance with these policies.

PPS5 and Local Plan Policies DAP4, DAP7, DAP8 and DAP9 seek to ensure that development preserves the special architectural or historic interest of Listed Buildings and the character and appearance of Conservation Areas. In the opinion of the District Planning Authority, the development would preserve the character and appearance of the various Listed Buildings that would be affected and the design of the proposed new building would preserve the character and appearance of the Conservation Area. Any harm to the Conservation Area arising from the loss of certain traditional buildings and the loss of part of the historic street pattern would be outweighed by the wider public benefits of the proposals in accordance with PPS5.

Local Plan Policies DP2 and DP9 state that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents or gives rise to soil contamination or air, noise, radiation, light or water pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors. Policy DP2 goes on to state that acceptable standards of amenity should be provided for future users / occupiers of the development. In the opinion of the District Planning Authority, the proposals would not cause unacceptable harm to the living conditions of nearby dwellings or other nearby uses and would not give rise to unacceptable air, noise, light or other pollution. Furthermore, the development would provide acceptable standards of amenity for future occupiers of the proposed town houses.

PPS9 and Local Plan Policy DP3 require development to protect important natural features and positively contribute to the natural and historic environment through good habitat / landscape design and management. In the opinion of the District Planning Authority, adequate information has been submitted to demonstrate that the development will not harm protected species and will not result in the loss of important natural features. Adequate mitigation for any loss of biodiversity has been incorporated into the proposals.

PPS1 and Local Plan Policies DP12 and DP13 require development proposals to promote energy efficiency and to incorporate renewable / low carbon energy production. In the opinion of the District Planning Authority, sustainability principles have been respected and a carbon reduction strategy has been put forward which meets the objectives of these policies.

PPG13 and Local Plan Policies DP6, DP7 & DP8 require development proposals to provide safe, convenient and attractive access routes for pedestrians, cyclists, public transport users and other users of motor vehicles, to demonstrate that they do not cause harm to highway safety and to make provision for appropriate car parking. In the opinion of the District Planning Authority, the proposals would not be detrimental to highway safety. Furthermore, in view of the overall parking provision across the town centre car parks, the level of parking provision is considered to be consistent with the objectives of these policies.

Local Plan Policy DP4 states that the Council will require that an agreed programme of archaeological investigation and recording precedes development where a proposal will have an adverse effect on archaeological remains. In the opinion of the District Planning Authority, the imposition of a condition to require such an investigation to be carried out is sufficient to meet the requirements of Policy DP4 in this case.

Local Plan Policy DP14 states that the layout and design of development will be encouraged to minimise the potential for crime and anti-social behaviour and improve community safety. In the opinion of the District Planning Authority, the development has been designed to adequately minimise the potential for crime and anti-social behaviour.

Local Plan Policy DP15 states that the layout and design of development will be encouraged to meet the highest standards of accessibility and inclusion for all potential users, regardless of disability, age or gender. In the opinion of the District Planning Authority, the design and layout of the development makes satisfactory provision for access by all potential users, including disabled users.

Local Plan Policy SC13 requires developments to make suitable provision for public open space. The proposals include public realm enhancements within and adjacent to the application site and the developer has agreed to secure works of enhancement to nearby public open space. In the opinion of the District Planning Authority, this would meet the requirements of Policy SC13.

Local Plan Policy SC15 requires the provision of public art within developments. The developer has agreed to install public art in accordance with this policy.

The 23 March 2011 Ministerial Statement on "Planning for Growth" states that the Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy. In the opinion of the District Planning Authority, the proposals would bring significant economic benefits and, in accordance with the Ministerial Statement, this weighs in favour of granting planning permission.

In conclusion, the proposals would be in accordance with the Development Plan and there are no other material considerations to indicate that planning permission should be refused.

This decision has taken into account the Environmental Statement, the further information submitted, representations made by bodies required by the EIA regulations to be invited to make representations, and all representations made by any other person about the environmental effects of the development.