

**Application No:** W 10 / 0342 CA

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

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

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**Clarendon Arcade, Parade, Leamington Spa**

69-71 Warwick Street - Complete demolition of the retail units formerly known as Priceless Shoes and Cargo Home Shop at ground floor and associated offices on 1st and 2nd floor levels.

73 Warwick Street - Complete demolition of the retail unit and associated offices, currently known as QS Store, which extends across lower ground, ground, first and second floors.

1 Guy Street & 1a Guy Place West - Complete demolition of the two storey Veterinary Surgery, including rear extensions and the first floor flat.

6 Guy Street - Complete demolition of the existing restaurant known as Chicos, including first floor residential element and associated rear extensions.

18 Guy Street - Complete demolition of the two storey mews building with rear modern two storey extension, formerly occupied by Locke and England as a showroom with associated storage and offices.

1 Guy Place West - Complete demolition of two storey residential property.

3 Guy Place West - Complete demolition of two storey residential property.

2 & 4 Chandos Street - Complete demolition of two semi-detached houses.

81 Warwick Street - Demolition of the rear single storey modern or later unlisted addition to 81 Warwick Street, currently known as Andrew Murray Hairdressers accessed from Oxford Row.

83 Warwick Street - Demolition of the rear two storey later unlisted addition to 83 Warwick Street, currently occupied by Parkes Hireware also accessed from Oxford Row.

7 Parade - Demolition of single storey modern unlisted out-buildings within the curtilage of number 7 Parade, used as storage space.

23-31 Parade - Demolition of modern unlisted electrical sub-station within the curtilage and to the rear of numbers 23-31 Parade. FOR Wilson Bowden Developments

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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 FOLLOWING INITIAL CONSULTATION**

NB. Many of these comments also relate to the associated applications for planning permission and listed building consent (Refs. W10/0340 and W10/0341LB).

**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.

**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.

**Georgian Group:** Raise objection - scale and massing would dominate early 19<sup>th</sup> 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.

#### 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.

**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.

**Ancient Monuments Society:** Reiterate previous objection.

**Georgian Group:** Reiterate previous objections.

**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.

### **RELEVANT POLICIES**

- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Planning Policy Statement 5 : Planning for the Historic Environment
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Ministerial Statement of 23 March 2011 on "Planning for Growth"
- Draft National Planning Policy Framework (July 2011)
- 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**

The application proposes the following demolition works:

- 69-71 Warwick Street - Complete demolition of the retail units formerly known as Priceless Shoes and Cargo Home Shop at ground floor and associated offices on 1st and 2nd floor levels.
- 73 Warwick Street - Complete demolition of the retail unit and associated offices, currently known as QS Store, which extends across lower ground, ground, first and second floors.
- 1 Guy Street & 1a Guy Place West - Complete demolition of the two storey Veterinary Surgery, including rear extensions and the first floor flat.
- 6 Guy Street - Complete demolition of the existing restaurant known as Chicos, including first floor residential element and associated rear extensions.
- 18 Guy Street - Complete demolition of the two storey mews building with rear modern two storey extension, formerly occupied by Locke and England as a showroom with associated storage and offices.
- 1 Guy Place West - Complete demolition of two storey residential property.
- 3 Guy Place West - Complete demolition of two storey residential property.
- 2 & 4 Chandos Street - Complete demolition of two semi-detached houses.
- 81 Warwick Street - Demolition of the rear single storey modern or later unlisted addition to 81 Warwick Street, currently known as Andrew Murray Hairdressers accessed from Oxford Row.
- 83 Warwick Street - Demolition of the rear two storey later unlisted addition to 83 Warwick Street, currently occupied by Parkes Hireware also accessed from Oxford Row.
- 7 Parade - Demolition of single storey modern unlisted out-buildings within the curtilage of number 7 Parade, used as storage space.
- 23-31 Parade - Demolition of modern unlisted electrical sub-station within the curtilage and to the rear of numbers 23-31 Parade.

The current application for conservation area consent was submitted with associated applications for planning permission and listed building consent (Refs. W10/0340 & W10/0341LB). Amendments to those applications were submitted in August 2011, together with an updated Environmental Statement.

## **Assessment**

The main issue relevant to the consideration of this application is the impact on the character and appearance of the Conservation Area.

The assessment of this application for conservation area consent can only consider the impact of the demolition of the buildings in question on the character and appearance of the Conservation Area. Issues relating to the impact of the new build development on the character and appearance of the Conservation Area are considered in the report on the associated planning application.

The legislative framework for the assessment of applications which affect Conservation Areas is provided by the Listed Buildings and Conservation Areas Act 1990. The Act requires Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

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 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.

This application proposes the demolition of a number of unlisted buildings within the Conservation Area. Significant objection has been raised to these proposals. The buildings to be demolished 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.

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.

Many of the objections that have been submitted in relation to this application for conservation area consent are also objecting to the associated planning

application. Consequently they raise a wide range of issues that are not relevant to the assessment of this application for conservation area consent but are considered separately in the report on the associated planning application.

## **RECOMMENDATION**

GRANT, subject to the conditions listed below.

## **CONDITIONS**

- 1 The works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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)-1108-01 & CTL-XXX-00-(02)-1011-02, and specification contained therein, submitted on 1 August 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 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under planning permission no. W10/0340 has been made. **REASON** : Since demolition is only justified by the significant public benefits of the development proposed under planning permission no. W10/0340, in accordance with Policy DAP8 of the Warwick District Local Plan 1996-2011.

## **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:

PPS5 and Local Plan Policies DAP8 and DAP9 seek to ensure the retention of traditional buildings that contribute to the character and appearance of a Conservation Area, unless the loss of the buildings is outweighed by other public benefits. In the opinion of the District Planning Authority, any harm to the Conservation Area arising from the loss of these traditional buildings would be outweighed by the wider public benefits of the proposals, in accordance with PPS5.

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