

Our ref: J025948

Planning Policy Manager
Warwick District Council
Riverside House
Milverton Hill
Leamington Spa
CV34 5QH

27 June 2014

Dear Sir/ Madam

Warwick District Council Local Plan Publication version May 2014

On behalf of our client NewRiver Retail ('NRR'), we hereby submit representations to the Publication Version of the Warwick District Council Local Plan. At this stage of the Local Plan consultation process, respondents are asked to indicate whether the policies meet the tests of soundness set out in Paragraph 182 of the National Planning Policy Framework (NPPF).

We consider that amendments are required to ensure that the policies would be effective in accordance with the test of soundness.

Background

Regent Court is a mixed use scheme with a mix of restaurant (Class A3) and retail (Class A1) uses on the ground floor and residential above in Leamington Spa Town Centre. Since its opening in 2005, Regent Court has struggled to let the units to Class A1 retailers. By comparison, the cafes and restaurants within the scheme have traded well during the same period, including Strada, Starbucks and Bar Angeli.

NRR acquired Regent Court in December 2012 and has sought to improve the performance and quality of tenants at the centre. Planning permission was granted in December 2013 to change the use of Unit 11 from Class A1 to Class A3 (ref: W/13/1339). Planning permission was also granted in February 2014 to change eleven units from retail (Class A1) to restaurant/ cafes (Class A3) (ref: W/13/1578). Further applications have subsequently been approved to create external seating areas for those approved Class A3 units (ref: W/14/0430 and W/14/0437).

NRR are keen to build on this momentum and fully realise the vision for Regent Court to become a 'restaurant and café quarter' for Leamington Spa. We have therefore focused our representations on proposed Policy TC9 of the Warwick District Council Local Plan (Royal Leamington Spa Restaurant and Café Quarter).

Designation of Regent Court as a 'Restaurant and Café Quarter'

Regent Court is designated as a 'Restaurant and Café Quarter' on the Warwick Local Plan Proposals Map. We note that not all units in Regent Court appear to be included in this designation. The success of café and restaurant units will in part be supported by achieving a critical mass, and the wider environment / public realm provided by the entirety of the Centre. Therefore in order for the policy to be effective, it is necessary for all units to be included. We have therefore attached a red line plan of Regent Court to this letter which outlines clearly where Policy TC9 should apply to.

Benefits of Restaurant and Café uses in Town Centres

We support the designation of Regent Court as a 'Restaurant and Café Quarter' and consider it to be appropriate given its central location in Leamington Spa Town Centre and also the increasing number of Class A3 operators choosing to locate within Regent Court.

The designation of Regent Court as a restaurant and café quarter recognises the benefits that food and drink uses have for the local economy and vitality of the wider town centre. There is widely recognised evidence that food and drink outlets drive footfall in town centres across the UK, and there is an increasing demand for space from the food and beverage sector (Experian Marketing Services White Paper – Town Centre Futures 2020, September 2012). Furthermore, market evidence supports the case that the vitality and viability of the future of town centres will be strengthened by diversifying uses beyond the traditional fashion retailers.

By designating Regent Court as a restaurant and café quarter, it will increase activity in this location throughout the day and into the evening, creating an important 'evening economy' which Leamington Spa currently lacks. This is in accordance with Paragraph 23 of the NPPF, which requires Local Planning Authorities to "*promote competitive town centres that provide customer choice*" and to "*pursue policies to support their viability and vitality*".

Amendments to the Policy

We note that whilst the Council supports restaurant and café uses at Regent Court, the supporting text for Policy TC9 imposes restrictions.

It is important to emphasise that significant weight needs to be given to the location of Regent Court in the town centre. Restaurants and cafes are appropriate 'town centre uses' and therefore appropriate in the town centre. The planning policy related to planning applications for new restaurants and cafes should therefore equally and specifically recognise the benefits of the investment in individual units within a new restaurant quarter will bring to Leamington Spa. This includes support for the associated operational works required for the restaurant and café quarter e.g. hours of operation and external seating applications.

In order for the policy to be effective, we propose that the Policy TC9 is amended as follows (additional wording has been underlined):

"Changes of use from shops (Use Class A1) to restaurants and cafes (Use Class A3) and associated operational works will be permitted within Regent Court, Royal Leamington Spa as defined on the Policies Map.

When granting planning permission for restaurant and café (A3) uses, permitted development rights for changes of use to financial and professional services (use class A2) will be removed".

Summary

NRR is broadly supportive of the Council's designation of Regent Court as a restaurant and café quarter in the emerging Local Plan. This designation of Regent Court will encourage investment into this part of the town centre, creating an 'evening economy' and improving the town centres vitality and viability.

We have however suggested a number of amendments to the text of Policy TC9 above. Without these changes we do not consider that the policy would be effective. We consider that these amendments will make the policy and its supporting text more effective in ensuring that the land use principles will be balanced, and consistent with national planning policy, and improve the likelihood that the policy will be found sound.

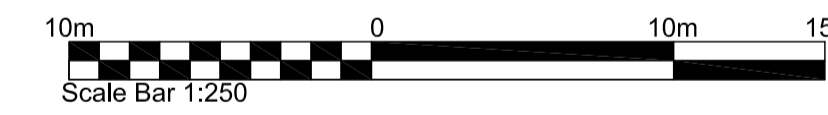
On behalf of our client, NRR, we request to be kept informed about the progress of the Warwick Local Plan and wish to reserve our client's position to make further representations to subsequent LDF documents. We trust that these comments are helpful.

Please contact me if you require more information regarding these matters.

Yours sincerely

A handwritten signature in black ink that reads "GL Hearn". The letters are cursive and somewhat stylized, with the "G" and "L" being particularly prominent.

GL Hearn



B	13-01-2014	Regent Street- Kiosk and A3 Seating Removed
A	17-12-2013	Regent Street- raised table removed
REVISION	DATE	NOTES

PLANNING

Client
NEW RIVER RETAIL

Project
**REGENT COURT
 ROYAL LEAMINGTON SPA**

Drawing Title
PROPOSED GROUND FLOOR PLAN

Drawn	Checked	Paper Size	Scale	Date
ASG	PT	A1	1:250	23.01.14
Project No.	Drawing No.	Revision		
12929	0301	B		