

**WARWICK DISTRICT LOCAL PLAN**  
**SUBMISSIONS MADE BY WAREING & COMPANY**  
**IN RESPECT OF 38 HAMILTON TERRACE, HOLLY WALK, LEAMINGTON SPA**

**QUESTION 7**

Policy TC12 is not written in the ‘cost / benefit’ approach of the planning system that is set out in the Framework, but is a classic illustration of the ‘old style’ negative approach to plan-making. Policy TC12 makes no provision for countervailing circumstances that may tell in favour of the re-use of existing buildings within the Town Centre Employment Area. The criticisms of the wording of this policy may be summarised as follows:

- 1) Policy TC12 does not allow for any use outside Class B which might provide employment, for example uses within Class C2 or Class D, A3 or a wide range of sui generis uses that might provide a useful source of employment.
- 2) Policy TC12 does not embrace the provisions of paragraph 22 of the Framework. Within the Town Centre Employment Area there are buildings that may not be suitable – or attractive to businesses for Class B uses. In reality it is highly unlikely that the policy will facilitate uses within Class B1(c); B2 or B8. As such the limitation on Class B uses is in practical terms a limitation to Class B1(a) offices.
- 3) Within the Town Centre Employment Area, there are existing listed buildings which originally comprised handsome dwellings. These buildings are typically characterised by small cellular rooms – reflecting their original purpose, which are becoming less attractive to office occupiers – who seek a more open plan office environment and the ability to undertake intrusive work for the installation of high technology services, such as cabling. It is considered Policy TC12 is unduly restrictive in not countenancing the benefit that re-use of listed buildings to residential use may bring – in securing the optimum use of the listed building and enhancing the character and appearance of the Conservation Areas.

It is considered that the restrictive re-wording of Policy TC12 is inconsistent with the statutory duty set by Section 66(1) and 72(1) of the Listed Buildings Act.

The District Council should be readily aware of the difficulties faced in securing new uses for listed buildings in the Town Centre Employment Area, with the recent management of the Council owned former Irish Club on Holly Walk. Upon cessation of this use, the listed building ‘fell into considerable dilapidation’ and remained vacant for a long period of time. A new use was eventually secured in the form of ‘Restaurant 23’. The use has secured the restoration of the listed building and brought vitality to this part of the Conservation Area in evening hours. Such a use would not be permitted by Policy TC12.

## **QUESTION 8**

Policy TC12 should be recorded so as not to confine employment uses to Class B – and recognise that in the modern world employment may be sourced from a wide range of uses that would be consistent with a town centre location. A criteria based approach should be incorporated into Policy TC12 to be consistent with national planning policy (para 22: Section 12) and should exclude listed buildings. Proposals for the re-use of listed buildings would then be properly considered in the context of the statutory duty under Section 66(1) and the national planning policies set out at Section 12 of the Framework. Such a policy provision would then be consistent with paragraph 126 of the Framework, which states that a positive strategy should be included in a Local Plan ‘for the conservation and enjoyment of the historic environment.’ The ‘blanket ban’ on the change of use of listed buildings within the Town Centre Employment Area to a use that would meet the ‘desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation is not;

- Positively prepared
- Justified
- Effective
- Consistent with national planning policy