

Planning Committee:22 May 2013

Item Number: 13

Application No:W13 / 0430

Town/Parish Council: Leamington Spa
Case Officer: Jo Hogarth

Registration Date:27/03/13

Expiry Date:22/05/13

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Shipleys, 128 Parade, Leamington Spa, CV32 4AG

Application for the removal of conditions 2 and 3 of planning application W97/0858 (to remove the retail area on the ground floor)FOR Shipleys Estates Ltd

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

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions.

DETAILS OF THE DEVELOPMENT

The purpose of this report is to consider the above application which proposes to remove conditions 2 and 3 of planning permission W/97/0858. Condition 2 relates to the plan numbers whereas Condition 3 of the 1997 permission specified a dedicated area on the ground floor which was to be used for Class A1 retail use only. The current application seeks to remove this area dedicated purely to retail use so that it can be used in connection with the amusement arcade use.

THE SITE AND ITS LOCATION

The site relates to an established amusement arcade located on the west side of Parade, the Town's principal shopping street, situated within the designated Conservation Area. It relates to a non listed building and forms part of a terrace of four storey buildings, opposite the Town Hall.

PLANNING HISTORY

Planning permission (ref: W/97/0858) was granted for a change of use of the ground floor from retail to retail and amusement centre (sui generis), conversion of upper floors to 2 residential units, new shopfront and access to upper floors.

An application (ref: W/13/0405) has been submitted to convert the vacant storage on the first floor to a separate residential unit.

RELEVANT POLICIES

- TCP4 - Primary Retail Frontages (Warwick District Local Plan 1996 - 2011)
- TCP2 - Directing Retail Development (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)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection as the conditions are still applicable to the current usage.

ASSESSMENT

It is considered that the key issues relating to this application to be as follows:

- Principle of development
- Impact on streetscene and Conservation Area
- Impact on neighbours

Principle of development

In 1997 when planning permission was granted for the change of use to a mix of retail and amusement arcade, the reason for granting a permission with a dedicated area specifically for retail use only was to ensure that the arcade use did not undermine the retail/town centre policy of that time which protected it from non Class A1 uses. The arcade has been in operation, in accordance with this condition since approval. It is considered that the area specifically dedicated to retail use, given its size which equates to approximately 9 square metres or 4.5% of the ground floor area, is not so significant such that its loss would undermine the current Local Plan Policy TCP4 which seeks to protect the core areas within the town from becoming uses outside of Class A1 (shops). It is considered that the condition was applied in 1997 as this particular use was new within the town centre and it would allow the planning department a degree of control to ensure that the unit had a proportion of retail use. It is considered that after such a significant time (16 years) operating largely outside of a Class A1 use but Sui Generis use, that the removal of this condition would not result in such harm to the vitality and viability of the town centre such that the imposing of these conditions should be retained. The proposal is thereby considered acceptable.

Impact on the streetscene and Conservation Area

In terms of the visual impact on the character and appearance of the streetscene and wider Conservation Area, it is considered that the proposal would not result

in a detrimental or adverse impact such that the removal of conditions 2 and 3 of planning permission W/97/0858 for the original change of use would justify a refusal of permission. The application is therefore considered to adhere to the objectives of Policies DAP8 and DAP9 in the Local Plan.

Impact on neighbours

The use of the upper floors provide residential accommodation and therefore it is considered that the removal of a specifically identified retail area on the ground floor would not result in unacceptable harm to the occupiers of these flats and therefore the proposal complies with the criteria set out in Policy DP2 in the Local Plan.

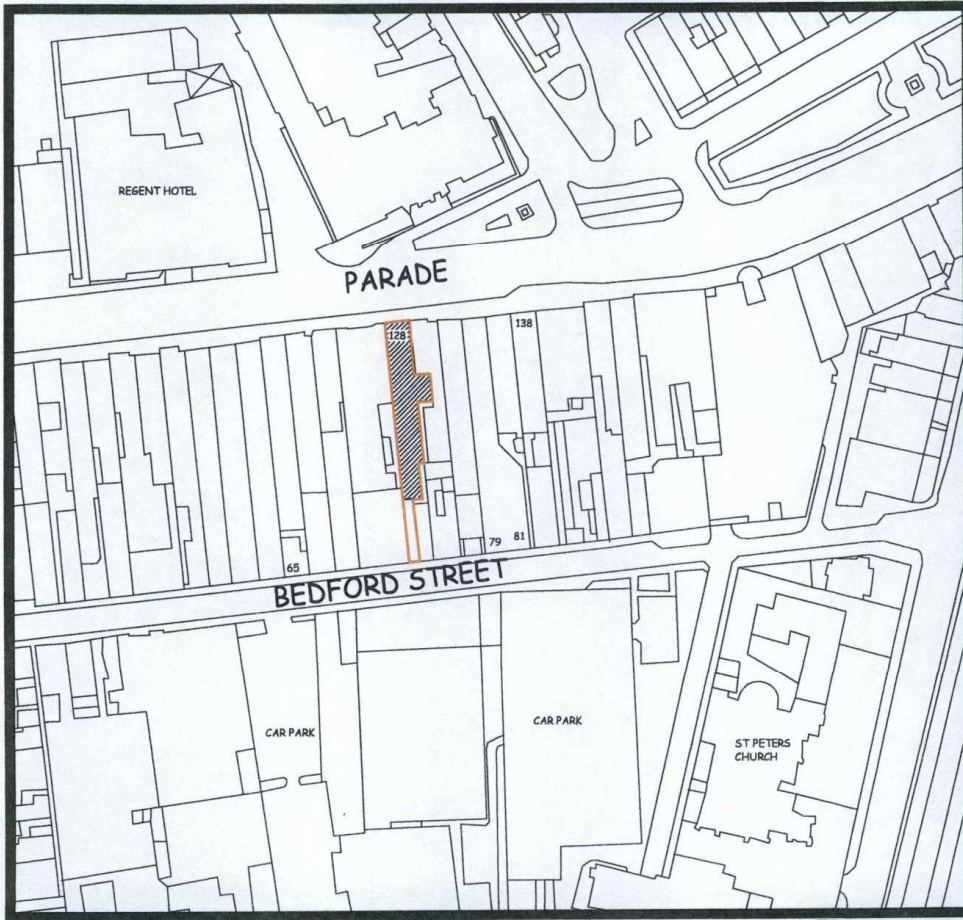
SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the development does not adversely impact on the character and appearance of the area. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 422/76 and 422/106, and specification contained therein, submitted on 27 March 2013. **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 premises shall only be open to the public between the hours of 0900 and 2200 Monday to Saturday only and at no times on any Sunday or Bank Holiday. **REASON:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 4 No system of sound amplification shall be installed on or within the ground floor of these premises which is audible from outside of the premises. **REASON:** To protect the amenity of the area and to prevent nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

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WDC PLANNING
Ref
Officer
27 MAR 2013
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PRE GEN DIS

Abstract Design

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CLIENT
SHIPLEY ESTATES LIMITED

JOB TITLE
**AMUSEMENT CENTRE
128 THE PARADE, LEAMINGTON SPA**

SCALE @ A4
1:1250

DRAWING TITLE
LOCATION PLAN

DATE
JUL 2012

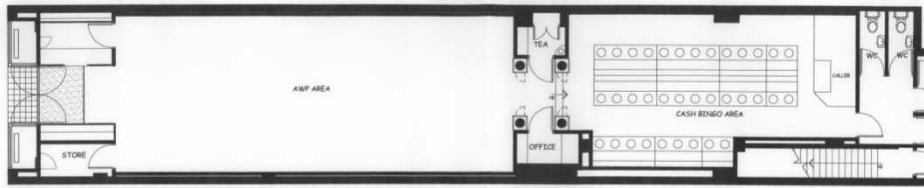
DRAWN BY
MAB

DRAWING NO
422/76

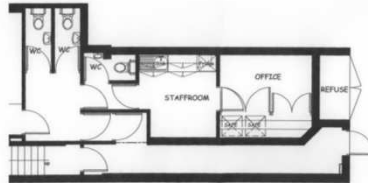
REV

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EXISTING GROUND FLOOR PLAN
Scale 1:100



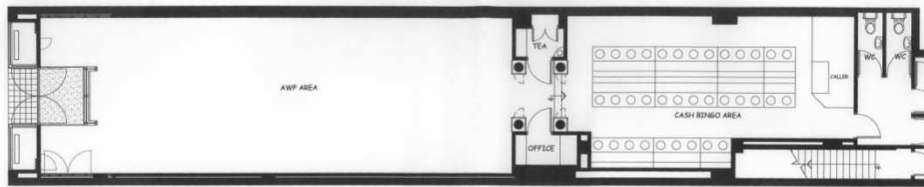
EXISTING GROUND FLOOR PLAN. CONTINUED
Scale 1:100



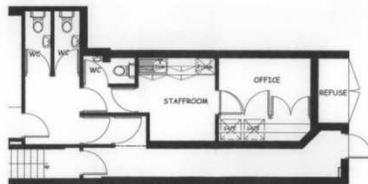
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		JOB TITLE	AMUSEMENT CENTRE 128 PARADE, LEAMINGTON SPA	DATE	FEB 2013	DRAWN BY	MAB	DRAWING NO.

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PROPOSED GROUND FLOOR PLAN,
Scale 1:100



PROPOSED GROUND FLOOR PLAN. CONTINUED
Scale 1:100



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