

Planning Committee: 24 May 2017

Item Number: 5

Application No: W 17 / 0171

Town/Parish Council: Bishops Tachbrook
Case Officer: Helena Obremski

Registration Date: 24/03/17

Expiry Date: 19/05/17

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18 Wychwood Close, Bishops Tachbrook, Leamington Spa, CV33 9QU
Change of use from A1 (retail) to D2 (hypnotherapy, yoga and personal training)
FOR Mr Alan Seunarayan

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for a change of use of an A1 unit to a D2 use for hypnotherapy, yoga and individual/group personal training on an appointment only basis. The applicant proposes that the site would be used between 06:00 and 21:00 Monday to Friday, and would be closed at weekends.

THE SITE AND ITS LOCATION

The application relates to an existing A1 retail unit which is currently vacant. The application site is positioned to the west of Wychwood Close and is located within a primarily residential area, in the centre of Bishops Tachbrook. There are a limited number of off street parking spaces to the front of the site.

PLANNING HISTORY

W/03/1017 - application refused for change of use from retail to class A3 hot food take away and associated works.

W/04/0258 - application refused for change of use from A1 to A3 hot food take away and associated works.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- 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)

- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Bishops Tachbrook Parish Council: Objection, query whether D2 use is appropriate, rather than sui generis and concern regarding parking.

Health & Community Protection – Environmental Sustainability Section: No objection, subject to conditions.

WCC Highways: No objection.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- The Principle of the Development
- Impact on the character and appearance of the area
- Impact on neighbouring residential amenity
- Parking and Highway Safety
- Sustainability

Principle of the Development

There are no material planning reasons why a change of use from an A1 retail use to a D2 use would be unacceptable in principle in this location. Subject to an acceptable impact on nearby uses and parking which are discussed in more detail below, the change of use is acceptable in principle.

Impact on the character and appearance of the area

There are no proposed alterations to the exterior of the property, therefore, the proposed change of use will have no impact on the street scene.

Impact on Neighbouring Residential Amenity

The application site is located within a predominately residential area, with residential flats above the unit and other residential properties within the street scene. Health & Community Protection – Environmental Sustainability Section have no objection to the proposed change of use, subject to a condition limiting the hours of use of the unit to 07:30 to 20:30 (Monday to Saturday) and 09:00 to 16:00 (Sunday and Bank Holidays), which is considered to be acceptable. Furthermore, the Environmental Health Officer notes that D2 uses could be used for a number of different activities which could cause harm to nearby residential amenity, and therefore suggests a condition limiting the use of the unit only for the purposes of yoga, hypnotherapy and personal training. These conditions are considered to be acceptable and necessary for the purposes of protecting neighbouring residential amenity.

Bishops Tachbrook Parish Council have objected to the proposal and queried whether the proposed use class D2 is most appropriate. The Council considers class D2 to be appropriate and by limiting the use to only yoga, hypnotherapy and personal training, this is considered to overcome their concerns.

Parking and Highway Safety

No off street parking provision is included in the proposal. The existing A1 use would require a total of 4 car parking spaces and the proposed use would require a total of 6 spaces in accordance with the Council's adopted Vehicle Parking Standards. This would represent a net increase of 2 car parking spaces required by the proposed change of use. There is a lay by to the exterior of the unit which has space for 4 cars. This is presumably used by the existing units and corner shop positioned at the end of Wychwood Close. Wychwood Close serves residential properties, each with their own driveway, so there are opportunities for unrestricted off street parking in the wider area which would not impact on the parking provision for these properties. There is a rear parking area behind the site which is used for deliveries and serves the residential properties above the application site. However, this provides no additional parking opportunities.

The Parish Council have objected to the proposed change of use because of an existing parking problem within Wychwood Close and nearby Mallory Road. Councillors suggest that conditioning the use of the rear parking area for use of the unit, however, there are no opportunities for off street parking at the rear of the site which would allow access to the garages and for ample turning arrangements. Therefore, this is not considered to be a viable option for additional parking.

WCC Highways have assessed the application and have no objection to the proposed change of use. There have been no objections received from residents in relation to the proposed development, therefore no wider concerns for parking has been received. Furthermore, during the site visit, the Case Officer noted that there was un-restricted off street parking available within Wychwood Close. Therefore, when considering the planning balance, the increase of 2 parking spaces required by the proposed change of use is not considered to cause harm to highway safety, nor would not have a significant impact on public amenity which would warrant reason for refusal of the application.

Sustainability

The proposed change of use is not likely to significantly increase the energy demands of unit and therefore no sustainability measures are required.

Conclusion

It is therefore considered that the proposed change of use is acceptable in principle and on balance would not have a detrimental impact on highway safety or public amenity. The application should therefore be approved.

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 "Ground floor showing proposed layout for number 18 Wychwood Close" and specification contained therein, submitted on 27th February 2017. **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 No customers shall be permitted to be on the premises other than between 07:30 to 20:30 (Monday to Saturday) and 09:00 to 16:00 (Sunday and Bank Holidays). **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
 - 4 The premises shall be used as a yoga, hypnotherapy and personal training studio and for no other purpose, including any other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
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