

Planning Committee: 11 June 2013

Item Number: 10

Application No: W 13 / 0589

Town/Parish Council: Burton Green

Case Officer: Graham Price

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Registration Date: 03/05/13

Expiry Date: 28/06/13

Shop, 163 Cromwell Lane, Burton Green, Kenilworth, CV4 8AN

Change of use of a shop (A1) to dwelling house (C3) FOR Mr Paul Oliver

This application is being brought to Planning Committee at the request of Councillor Blacklock.

RECOMMENDATION

Planning Committee is recommended to refuse to grant planning permission for the reasons set out below.

DETAILS OF THE DEVELOPMENT

The proposal seeks to change the use of 49 sq m of the ground floor at the front of the property from use as a shop (use class A1) to use for residential purposes so as to incorporate it into the remainder of the dwelling.

THE SITE AND ITS LOCATION

The application relates to a two storey detached property on the eastern side of Cromwell Lane. This property is part of a linear form of development that runs along Cromwell Lane north of Kenilworth towards Coventry. The site lies wholly within the Green Belt and is in mixed use as a retail shop with residential accommodation at the ground floor rear and first floor.

PLANNING HISTORY

In 2010, planning permission was granted for 'alterations to shop frontage and creation of entrance/lobby area; change of use of residential entrance to form part of retail area' (Ref. W/10/0847)

In 2012, planning permission was refused for the change of use of the same area of the premises from an A1 retail use to a C3 domestic residential use (reference W/12/0442) because of the loss of a retail unit without sufficient evidence to demonstrate unsuccessful marketing over a 12 month period or the absence of financial viability contrary to Local Plan policy RAP11.

RELEVANT POLICIES

- National Planning Policy Framework
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (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)
- RAP11 - Rural Shops and Services (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council - Support

Cllr Blacklock - Has called the application in to Planning Committee

ASSESSMENT

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

- Principal of residential use;
- Impact on the character and appearance of the street scene;
- Impact on the neighbours;
- Open space; and
- Renewable energy

Principal of residential use

Warwick District Local Plan Policy RAP11 states that proposals that result in the loss of rural shops and services will not be permitted unless it can be demonstrated that:

- The unit is no longer financially viable;
- The unit has been actively marketed for a period of 12 months without success; *and*
- All reasonable other options to find a new user for the unit have been pursued.

The National Planning Policy Framework supports this policy by stating that local plans should promote the retention and development of local services and community facilities such as local shops.

A report and account records to show business profitability for the years 2008-2010 have been submitted. However, no evidence has been supplied to show that the unit has been actively marketed for 12 month without success, and there is no evidence to show that all other reasonable options have been pursued to find a new user for the unit. This property has been used as a local shop for many years, and it is considered that the loss of this retail floor space would be detrimental to the sustainable provision of services and amenities for local people. It is considered that the application site is an appropriate location for a local shop because of its location close to a nearby public house.

The fact that the most recent commercial enterprise to use the premises was not viable in this location is not considered to be sufficient justification to permanently lose this retail facility. Based on the information accompanying the application, it is considered that insufficient evidence has been provided to justify the proposal which would therefore not be in accordance Local Plan Policy RAP11.

Impact on the character and appearance of the street scene

This application does not propose any external alterations to the property. As a result there would be no additional impact on the character and appearance of the street scene.

Impact on the neighbours

The proposed conversion would not result in any impact on the neighbouring properties in terms of loss of light or outlook as the proposed conversion does not involve any extensions.

Open Space

The proposal will not result in a net gain in the number of residents. It is therefore considered that there is not any requirement for the provision of additional open space.

Renewable Energy

Due to the nature of the proposed change, it is not considered appropriate to require 10% of the proposed energy needs to be provided through renewable means. It is therefore considered to be in accordance with Warwick District Local Plan Policy DP13 and the adopted Sustainable Buildings SPD.

SUMMARY/CONCLUSION

In conclusion, the proposal results in the loss of a rural retail use contrary to the requirements of Local Plan Policy RAP11 which specifically sets out the criteria to be satisfied in that respect. Whilst evidence has been submitted in relation to one of the criteria, no evidence has been submitted in respect of the other two, such that the proposal is not considered to be in accordance with that policy. No special circumstances have been identified to justify a departure from the policy

and the proposal is considered to adversely impact upon the provision of local services and amenities in the surrounding area.

REFUSAL REASONS

The proposed change of use would result in the loss of an existing retail facility within the rural area to the detriment of the provision of services and facilities to meet the day-to-day shopping needs of local people. The evidence submitted in support of the proposal is insufficient to demonstrate that the unit has been actively marketed for a period of 12 months without success; that the unit is no longer financially viable, or that all reasonable other options to find a new user for the premises have been pursued. The proposal is therefore contrary to the requirements of the National Planning Policy Framework and Local Plan policy RAP11.

