

**Planning Committee:** 14 June 2011

**Item Number:**

**Application No:** W 11 / 0422

**Town/Parish Council:** Kenilworth  
**Case Officer:** Victoria Lane

**Registration Date:** 28/03/11

**Expiry Date:** 23/05/11

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**Kenilworth Weekly News, 31 Warwick Road, Kenilworth, CV8 1HN**

Extension to existing ground floor with new external stairs up to first floor accommodation, with change of use classification to open A1, A2 & A3 use. FOR  
Mr M Page

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

**SUMMARY OF REPRESENTATIONS**

**Town Council:** Members objected to the A3 classification change of use of the proposal on the following grounds:

- 1: The growing number of restaurants in the town is of concern, especially when some are closing
- 2: Members consider, with these numbers, there is a danger of losing the essential retail aspect of the town centre.

**Environmental Health :** No objections.

**Public Response :** No representations received.

**RELEVANT POLICIES**

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)
- TCP12 - Upper Floors within Town Centres (Warwick District Local Plan 1996 - 2011)

**PLANNING HISTORY**

There is no relevant planning history in connection with the application site.

**KEY ISSUES**

**The Site and its Location**

The application site forms part of a terrace of retail premises on Warwick Road within Kenilworth Town Centre. The adjoining uses are in non A1 retail use, namely the adjoining neighbouring properties are operating as a solicitors and Indian takeaway. Warwick Road is the main arterial road through Kenilworth and various bus stops are situated along the road, including a bus stop outside the application site. The site has access to a private car park to the rear by the Waitrose store. The site is not within a Conservation Area.

## **Details of the Development**

The proposal is for an open classification for change of use to A1, A2 and A3 and an extension to ground floor with installation of an external staircase.

The proposed extension will act as an infill to the ground floor. As existing there is an outside yard area between the rear of the retail unit and where the existing wc facilities are which is covered by the existing flat roof to first floor. The extension looks to infill this area to enlarge the useable space for the retail unit. The wc facilities will remain in place to serve the proposed commercial unit. A single door will be inserted to the eastern elevation to maintain access for any repair and maintenance work to the shared wall between the application site and No. 33 Warwick Road. A single door will also be inserted to the western elevation to provide access to the new external staircase which shall provide access to the first floor. To the existing first floor, is a flat roof above the yard area. This is proposed to be replaced and mild steel balustrades to be provided for safety reasons and to improve the visual appearance from the rear of the site to the private car park.

The existing internal staircase will be removed, allowing for the creation of two separate commercial units one on the ground floor, one on the first floor. Access to the first floor unit will be provided by the new external staircase which will be accessed from the existing gate to Warwick Road, thereby providing an entirely separate access. However, should a provider wish to utilise the ground and first floor as a single unit, an internal staircase can be reinstalled as necessary.

There will be no alterations to the front elevation of the unit and the existing shop front and signage reveal will remain to be utilised as necessary.

## **Assessment**

The main issue for consideration is the impact on the retail threshold of the Town Centre and the amenity of adjoining properties.

The application seeks to obtain an open classification of A1, A2 and A3 uses. The applicant is applying for all these uses as he is uncertain of the requirements of the end user. The previous use of the site was as a weekly news office which has a permitted use class A2. Therefore, under the Use Classes Order 2010, there is a permitted change from A2 to A1 without the requirement for planning permission. As such, the application must be assessed on the basis of a change of use to A3 (restaurants and cafes).

The Planning Policy Team have calculated the non retail uses within the frontage (No. 29 to No. 43 Warwick Road, a total of 49 metres). Of this frontage, 44 metres (88%) is in non A1 use thereby exceeding the 50% threshold set out within Policy TCP5 of the Warwick District Local Plan 1996 - 2011. On this basis, any further changes of use along this frontage would be contrary to policy. It should be noted however, that the application site is already in non A1 use and as such cannot be considered to be contrary to policy.

The Town Council have objected to the proposal for a change of use to A3 on the basis that given the number of A3 uses in the area, there is a danger of losing the essential retail aspect of the Town Centre along with the growing number of restaurants being a concern, especially when some are closing due to the current economic climate. As set out above, I do not consider the proposal to be contrary to Policy TCP5 given that it is already in non A1 use.

I note that the application site falls within the secondary retail frontage of the Town Centre. As such, I consider that the loss of the essential retail aspect will be minimal, particularly given that the site has been vacant for some time. It is important to maintain the vitality and viability of Town Centres by ensuring that vacant units are in operational use and not left standing vacant for extensive periods of time. The fallback position for the site is that it may continue to be utilised for an A2 or A1 use.

With regards to the impact on amenity of neighbouring uses, I am of the opinion that there will be no detrimental impact on amenity in terms of the proposed extension. With regards to the impact in relation to the proposed uses, I am of the opinion that there will not be such a detrimental impact to justify a refusal given that the site occupies a location within the Town Centre and the proposed uses are considered to be acceptable in such locations.

Environmental Health were consulted on the application and have no objections to the proposals. Given that no details have been submitted regarding extraction and ventilation equipment, I consider the implementation of a condition requiring details of all equipment to be approved by the Local Authority prior to commencement of the development to be appropriate in this instance. On this basis, I consider that the Local Authority will maintain control prior to occupation of the site (for an A3 use) ensuring that any impact on neighbouring amenity with regards to noise and cooking smells will be carefully assessed by the Planning Officer and Environmental Health. I therefore consider the proposals to be in accordance with the policies detailed within the Warwick District Local Plan 1996 - 2011.

### **RECOMMENDATION**

GRANT, subject to the conditions listed below.

### **CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) KHS/2 002, and specification contained therein, submitted on 28 March 2011 unless first agreed otherwise in writing by the District Planning Authority. **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 development shall be carried out on the site which is the subject of this permission, until details of a fume extraction system have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- 4 Details of the air conditioning, ventilation and flue extraction systems including particulars of noise levels shall be submitted to and approved by the Local Planning Authority before any works commence on site.

The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

### **INFORMATIVES**

For the purposes of Article 31 of The Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of loss of amenity or loss of essential retail function which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.

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