

Planning Committee: 17 July 2018

Item Number: 8

Application No: W 18 / 0842

Town/Parish Council: Kenilworth

Case Officer: John Wilbraham

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Registration Date: 01/05/18

Expiry Date: 26/06/18

2 Oaks Precinct, Caesar Road, Kenilworth, CV8 1DP

Change of use from retail (Use Class A1) to podiatry advice centre (Use Class D1). FOR Mrs Harrison

This application is being presented to Committee as the Ward Member supports the application and it is recommended for refusal and there have also been over 5 letters of support received from members of the public.

This application was deferred from the previous Planning Committee meeting on 19 June 2018 to seek further evidence of marketing and important unmet local need.

RECOMMENDATION

Members are recommended to refuse planning permission for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

This application seeks planning permission to change the use of the building from an A1 retail use to a D1 use. No external changes to the building are proposed. The proposal is identical to the previous application (ref: W/18/0115) which was refused under delegated powers in April 2018, albeit with an increased level of ancillary sales element indicated.

THE SITE AND ITS LOCATION

The application site is located within a small court of retail units that form an L-shape set around an area of public open space. The site forms part of the Oak Precinct Local Shopping Centre as designated in the Local Plan. The shopping area is surrounded by predominately residential dwellings.

PLANNING HISTORY

W/18/0115	Change of use from A1 (retail) to D1 (podiatry clinic)	Refused
W/15/1860	Insert high level windows in side elevation at ground floor	Granted

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- TC17 - Local Shopping Facilities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection

Councillor Davies: Support

WDC Environmental Health: No objection

Public Response: 30 letters of support have been received on the following grounds: Will improve access to facility, parking available, close to town, shortage of podiatry services in Kenilworth, reuses currently empty unit and increased footfall for other businesses in the area.

ASSESSMENT

Principle of development

Policy TC17 (Local Shopping Facilities) of the Local Plan seeks to protect the primary shopping function of those areas formally designated as Local Shopping Facilities. Changes of use from A1 to other A Class uses are permitted, subject to certain criteria. However, the policy states that the change of use from A1 to non-A Class uses will **only** be supported where it can be demonstrated that the proposed use meets an important unmet local need.

The proposed use in this case is a podiatry clinic which falls within Use Class D1 of the Use Classes Order. In an attempt to overcome the previous reason for refusal, the applicant has sought to indicate an increased level of ancillary sales and also to demonstrate how the use would meet an unmet local need. The justification provided is that the majority of the clients, some 60%, are from the Kenilworth area and that the numbers of clients has been steadily increasing over the past couple of years demonstrating a demand for this service. In addition it is stated that there is only one other podiatry surgery within Kenilworth, which does not have designated parking, as well as a couple of mobile domiciliary services.

Information was submitted with the original application that relates to the need for the business to grow due to the increased numbers of clients and that in the present location this is not possible. It also sets out that the accessibility of the application unit is more appropriate for the clients given the level access into the unit and the availability of parking adjacent to it.

Since the previous committee, additional information has been provided that relates specifically to the marketing of the unit and how the proposal meets an important unmet local need. The marketing information comes from the landlords and the marketing consultants they have appointed. It states that the unit was offered to two other mobility retailers when the current occupier decided not to renew the lease. They both turned it down and marketing agents were instructed and began advertising it for any other retail use from December 2017. They state that there has been no interest in the unit from retail businesses due to the location of the unit and the changing face of the retail sector. The information on marketing submitted is noted. However, it is not considered relevant to the assessment of the proposed change of use as Policy TC17 states that this is only taken into account in assessing a change of use from A1 to other A class uses, not for changes of use to non-A1 uses as is the case here.

The applicant has stated that there is no other retail unit in Kenilworth which stocks the type of products that they would be able to offer and with the new unit it would allow them to provide an even greater retail element, as the front of the unit with its shop window could be purely retail with the treatment rooms located in the back.

In the opinion of Officers, whilst the submitted information indicates that a need has been demonstrated in terms of the increasing number of clients using the businesses, it is considered that it has not been adequately demonstrated that the business would meet *an important unmet local need* as 60% of the clients are from all over Kenilworth and 40% from outside of Kenilworth. A number of representations have been received from the public in terms of the need for a podiatry clinic with the majority of the respondents being existing patients of the business. There is no information on how many clients the business has had to turn away which would more accurately show an unmet need existed, whilst reference is made to the other chiropody clinic in Kenilworth there is again no information that they are turning away patients.

As such, it is considered that the proposal would be contrary to Policy TC17.

Impact on character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The proposal would make no changes to the building and as such the proposal is not considered to have an impact on the surrounding area having regard to Policy BE1.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposed use as a podiatry clinic is not considered to give rise to any issues in terms of noise or odours that would impact the residents adjacent to the unit. This is supported by Environmental Health who have no objections to the change of use. As such I consider the proposal would accord with Policy BE3.

Access and Parking

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The application unit is located adjacent to a parking area that is associated with the shopping facilities provided. The site is also served by public transport. The actual access to the unit is level meaning it is fully accessible for users with mobility issues. The Highways Authority have not yet responded on this application but on the previous submission they raised no objection. The proposals are therefore considered to accord with Policies TR1 and TR3.

REFUSAL REASONS

- 1 Policy TC17 of the Warwick District Local Plan 2011-2029 seeks to protect the designated Local Shopping Centres by resisting a move away from A1 retail uses. It states that the change of use from A1 to a non- A Class Use will only be supported where it can be demonstrated that the proposed use meets an important unmet local need.

The submitted information is not considered to adequately demonstrate that the change of use from A1 to D1 is required to meet an important unmet local need that justifies the loss of a retail unit within this Local Shopping Centre. The development is therefore contrary to Policy TC17 of the Warwick District Local Plan 2011-2029.
