

Application No: [W 20 / 0263](#)

Town/Parish Council: Leamington Spa
Case Officer: Rebecca Compton
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Registration Date: 14/02/20
Expiry Date: 10/04/20

23 Regent Grove, Leamington Spa, CV32 4NN

Application for a change of use from shop (use class A1) and restaurant (use class A3) to an office (use class B1a) with external alterations to include a new front entrance door. FOR Lasalle Investment Management

This application is being presented to Committee as the proposal is a departure from the Development Plan and is recommended for approval.

RECOMMENDATION

Planning Committee are recommended to authorise the Head of Development Services in consultation with the Chair of Planning Committee to grant planning permission subject to the conditions listed following:-

- (i) the expiry of the statutory press notice on 20 June, and subject to
- (ii) no new material planning issues having been raised by the end of the publicity period.

Should new material issues have been raised, the application will be brought back for further consideration by Planning Committee.

DETAILS OF THE DEVELOPMENT

The proposal seeks a change of use of two ground floor units from a shop (use class A1) and restaurant (use class A3) to an office (use class B1a). External alterations include a new door to replace an existing window to the front elevation.

THE SITE AND ITS LOCATION

The application site consists of two ground floor units, one a shop and the other a restaurant that both front onto Regent Grove, within Leamington Spa Town Centre. The site is situated within the retail area of the town centre and is also situated in a Conservation Area. The site is located on the periphery of the secondary retail area. There are limited retail shops along the frontage with the majority of premises operating as estate agents (Use class A2) or restaurants (Use class A3) such that the retail character/presence is relatively limited. The site does not benefit from off street parking however bay parking is available along Regent Grove.

PLANNING HISTORY

None relevant.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TCP1 - Protecting and Enhancing the Town Centres
- TC3 - Providing for Shopping Growth in Leamington Town Centre
- TC7 - Secondary Retail Areas
- EC1 - Directing New Employment Development

Guidance Documents

- Parking Standards (Supplementary Planning Document)

Neighbourhood Plan

- Royal Leamington Spa Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

Public response: 5 letters of support on the basis that the proposal would bring a vacant site back into use, would help local economy and local employment opportunities.

ASSESSMENT

Principle of development

Policy TC3 states that changes of use from uses within Use Class A1, A2, A3, A4, A5 to other uses outside of Use Class A will not be permitted within town centre retail areas except within Secondary Retail Areas where changes of use to hotels (Use Class C1) and assembly and leisure (Use Class D2) will be permitted subject to the restrictions within Policy TC7.

Policy TC7 states that the changes of use from A1 to other uses within Use Class A and hotels (C1) and assembly and leisure (D2) will be permitted provided that:

- No more than 50% of the street frontage would result in a non-A1 use; and
- The proposal would not contribute to creating a continuous non-A1 frontage of more than 16 metres.

The proposal would result in a change of use from use classes A1 and A3 to a use outside of Use Class A and so does not comply with policy TC3. In terms of restrictions under policy TC7, at the time of the site visit, over 50% of the street frontage was in non-A1 use and the proposal would also contribute to creating a continuous non-A1 frontage in excess of 16 metres. The proposal does not meet the restrictions under Policy TC7.

The supporting text of Policy TC7 states that these requirements may be set aside where it can be demonstrated that the site has been vacant and actively and appropriately marketed for over 12 months. It goes on to state the Council would expect such uses to include an active frontage.

The A1 unit has been vacant since June 2019. Officers are satisfied that the site has been effectively and appropriately marketed since then however, not for a period of 12 months as required under Policy TC7. The proposal seeks a change of use to office use which is not considered to have an active frontage and would not support the retail character of Regent Grove which the policy seeks. The existing A3 unit has been vacant since March 2019.

The proposal would result in the loss of an A1 use in a secondary retail area within Leamington Spa Town Centre. Policy TC7 of the Warwick District Local Plan provides flexibility for changes from retail units that have been vacant for long periods of time to other uses that benefit from active frontages such as C1 and D2 and thus support the predominantly retail character of the area. The proposed use would not benefit from an active frontage and so would not support the retail character of the area to the extent that it exists.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Whilst the proposed change of use would not comply with Local Plan Policy TC7, the change of use is intended to provide studio space for one of the UK's leading independent gaming developers. Leamington Town is well known for being host to a number of gaming developers and is often referred to as 'Silicon Spa', which is echoed in the emerging Royal Leamington Spa Neighbourhood Plan. The overarching policy PC0 recognises the digital industries as a key contributor to the economic growth of the District.

The site is located in a highly sustainable location within the town centre which is well connected in terms of public transport links and close to the town's emerging Creative Quarter regeneration project of the Old Town which seeks to create an attractive environment and new spaces for the creative industries. The site is located on the periphery of the secondary retail area and is located next to the Town Centre Employment Area which contains a number of gaming development companies within walking distance of the application site. The

applicant has put forward a strong case for the particular requirements the application site would deliver in terms of its size and location and in particular that its close proximity to other gaming developers would support the established gaming industry within the town. This site would support the gaming industry within Leamington and would support the Council's vision for Leamington as a hub for the creative industries including through the emerging Creative Quarter.

Being situated on the edge of the retail area and located opposite a key employment area, Regent Grove does not benefit from high levels of retail footfall that are experienced in other secondary retail areas within the town centre. The site is also positioned to the rear of the successful Café Quarter. Officers are aware that A1 and A3 uses along Regent Grove have struggled in recent years to attract tenants owing to the lack of retail footfall in this area. In particular no.31 and no.33-39 Regent Grove have both been vacant for long periods of time owing to the lack of interest for retail uses in this area. Buildings in the street scene that are vacant for long periods of time diminish the attractiveness of this area and the town.

Policy EC1 of the Warwick District Local Plan directs new office uses to the town centre. Other potential policy compliant locations within the town centre have been fully explored but have been deemed unsuitable in terms of size and/or location, of which evidence has been provided. Officers are satisfied that other potential locations within the town have been fully explored but are not suitable in this particular case. The proposed office space would support 60 - 70 employees which is a very significant benefit of the proposal in terms of providing a range of employment opportunities within the town centre and would support the local economy.

Officers consider that this a unique opportunity to accommodate a large gaming development company in a highly sustainable location within the town centre that would be beneficial to the established gaming industry within Leamington, support the emerging cultural quarter proposals; provide employment opportunities and would support the local economy. The principle of an office use within the town centre is acceptable, whilst the proposal would introduce a non-shopping use into a retail area, the site is located on the periphery of the retail area and is in close proximity to the employment area of the town centre. On balance, the location of the site and the benefits associated with this proposal are considered to outweigh the potential impacts on the retail function of Regent Grove and the wider town centre.

Design and impact on the character of the area and street scene, including the character and appearance of the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 195 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposal does involve changes to the external appearance of the building by introducing a secondary door in place of an existing window to the front elevation, however the proposed external alterations are not considered to be harmful to the character of the Conservation Area and officers also note that the building is of a modern design and the changes are in keeping with the modern appearance of the building. The proposal will also bring back into use two vacant properties which would enhance the street scene of Regent Grove. The Conservation Officer has raised no objections to the proposal.

The proposal is considered to comply with policy HE1 and BE1.

Parking

The existing A1 use is required to provide 1 parking space per 14 sqm which equates to 26 spaces, whilst the A3 use is required to provide 1 parking space per 20 sqm which equates to 15 spaces. In total the two units are currently required to provide 41 parking spaces. The proposed office use would be required to provide 1 parking space per 20 sqm which equates to 33 spaces in total. The site as existing does not benefit from any off street parking, however, as the proposed use would reduce the requirement for parking and is located in the highly sustainable town centre, officers are satisfied the proposal would not present a negative impact on public highway safety.

The proposal would comply with policy TR3.

Conclusion

Whilst in principle the proposed change of use would represent a departure from the Local Plan, the site currently remains vacant and is positioned on the edge of the retail area that does not benefit from high retail footfall. The proposal presents significant benefits by providing employment in the town centre, supporting the established gaming industry within Leamington Spa and bringing a vacant site back into use. In addition, office uses are appropriate within the town centre and

in the particular circumstances here, the benefits of the proposal as outlined above are considered to outweigh the loss of the retail use in this particular case.

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(s) 1002, and specification contained therein, submitted on 14th February 2020. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
