

Planning Committee: 08 December 2010

Item Number: 22

Application No: W 10 / 1313

Registration Date: 11/10/10

Town/Parish Council: Warwick

Expiry Date: 06/12/10

Case Officer: Alex Smith

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53 Coten End, Warwick, CV34 4NU

Change of use from A1 (Travel Agent) to 'Professional Tattoo Parlour' (sui generis) FOR Brazen Ink Tattoo Parlour

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

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object - The Town Council consider that this application is inappropriate the location near to schools and youth club and in the opinion of the town Council the use will not significantly increase footfall and the proposal; will not meet a local need.

Public Reponse: 12 objections received to date raise the following objections:

- Business is not suitable for a local shopping centre.
- Proximity to school / youth centre and potential for influence over children.
- Detrimental to the historic element of the town.
- Clientele of the business would not be desirable
- Lack of parking
- Not fitting for a residential area.
- Business unlikely to succeed in this area
- Public consultation insufficient.

2 responses received in support of the application raising the following points.

- Local need for a tattoo parlour
- New business within the town
- Potential for extra trade to other business in Coten End.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- UAP4 - Protecting Local Shopping Centres (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

W/89/1139 - Conversion and extension of premises to form retail premises on ground floor with self contained flat over and erection of a spiral staircase.

KEY ISSUES

The Site and its Location

The application relates to a terraced retail unit on the northern side of Coten End. This property is in the Coten End Local Shopping Centre and lies directly opposite the Sainsbury's development on the Southern side of the street.

The property was originally built as a dwellinghouse but was converted into retail premises under planning application W/89/1139. The property has since been converted into a full A1 retail use and the flat upstairs no longer remains. The property retains a number of features of the dwellinghouse with a large window in the principal elevation instead of a standard shopfront.

The northern side of Coten End is composed of primarily A1 retail units, with A3, A5 and B1 uses as well as Millwright Arms and The Oak public houses which fall under A4 use class. The property is also in close vicinity to Coten End Primary School and a Youth Centre.

Although the property is not within a conservation area, it is adjacent to the Warwick Conservation Area as the boundary line ends at 65 Coten End.

Details of the Development

The application is for the change of use from an A1 retail unit (Travel Agent) to a tattoo parlour, which is not in a class (sui generis).

Assessment

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

- Change of use from A1 to a Sui Generis use in a Local Shopping Centre
- The Impact on the Character and Appearance of the Area.
- Availability of Parking on Coten End

Change of use from A1 to a Sui Generis use in a Local Shopping Centre

Policy UAP4 of the Warwick District Local Plan states that change of use from Use Class A to all others uses will not be permitted unless the proposal is for a community service or facility which can be demonstrated to meet a particular local need and which can be satisfactorily controlled by planning condition. This policy was adopted to protect the retail character of local shopping centres.

Although a tattoo parlour is not in a retail class it has a number of characteristics similar to a A1 retail unit. The frontage of a tattoo parlour is similar to the frontage of a retail unit, and tattoo parlours are usually located within shopping areas, such as this location. Consideration of policy UAP4 is therefore helpful in considering this application.

According to policy UAP4, any change of use from A1 shop to any other category within the A class, will not be permitted unless:

- a) the unit has been vacant for a period of at least 1 year or evidence can be provided that the unit has been actively marketed for an A1 use for a period of at least 9 months; or
- b) the proposed use can demonstrate that it will significantly increase pedestrian footfall in the centre and will introduce a new use into the centre which meets a local need; and
- c) allowing the proposed change of use will maintain the predominance of A1 uses in the centre.

The applicant has provided supporting evidence as part of the application that the unit has been vacant since 15th May 2009. It has been extensively marketed and the owner has agreed to drop the rent from £7,500 pa to £6,000 pa in order to attract the current applicant. This information provided is sufficient to meet criteria a) of the above conditions.

In addition, the local shopping centre is currently 41.8% non A1 usage, which would rise to 45.2% with the change of use in this application. This would therefore meet criteria c) outlined above.

I have considered the alternative outcome of refusing this application, which would be that a retail unit which has struggled to attract tenants would remain empty for an unknown duration. Therefore I am of the opinion that attracting a new business into the shopping centre would be more beneficial than leaving the unit vacant.

The Impact on the Character and Appearance of the Area

Policy DP1 of the Warwick District Local Plan states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design.

The property still has a number of architectural features of its original design as a dwellinghouse, which have contributed to the difficulty in letting. A tattoo parlour is not a business which requires shop frontage to display products. Therefore use would be sympathetic to the design of the property and would allow for a business to operate without the need for alterations to the property.

A number of people have objected on the grounds that it would be detrimental to the safety of the area, but there is no evidence that a tattoo parlour contributes to anti social behaviour. Indeed account has to be taken of the two pubs in close proximity to the property.

The property is located next to a conservation area, so under policy DP8 views out of the conservation area need to be considered. These would be unaffected by the change of use.

The majority of the objections raised the issue that, the business would be in close proximity to a school and youth centre. However, national regulations

require any person under 18 to be with a parent (or guardian) when being tattooed.

Accordingly, I am of the opinion that none of the issues raised by residents would warrant a refusal of permission.

Availability of Parking

A number of residents have raised concerns in relation to parking within Coten End. The applicant states that people visiting the tattoo parlour are advised not to drive, as it is not safe to drive after any tattooing procedure. The effect of this is that majority of people are dropped off and picked up due to the length of each procedure.

With the artist unable to work on more than one visitor at a time, the likely effect is that the tattoo parlour would require less parking than a standard A1 business, as they have less customers who stay for longer periods. There is also on-street parking available outside the property and public transport links available in the nearby vicinity.

I am therefore of the opinion that the change of use would not detrimentally affect the availability of parking to an extent that would warrant a refusal of this application.

RECOMMENDATION

GRANT.

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.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, 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 the character and appearance of the area which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.
