

Planning Committee: 30 January 2018

Item Number: **17**

Application No: [W 17 / 2288](#)

Registration Date: 15/12/17

Town/Parish Council: Warwick

Expiry Date: 09/02/18

Case Officer:

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26-28 High Street, Warwick, CV34 4FA

Change of use from bank (Use Class A2) to coffee shop/cafe (Use Class A3) FOR
Jack and Alice

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposed development is for the change of use of the premises from the existing A2 use (bank) to an A3 use (coffee shop/cafe).

THE SITE AND ITS LOCATION

The application site relates to a building in use as a bank and currently occupied by Natwest, located on the north side of High Street at its junction with Swan Street. The property itself is built in the simple and elegant neo-classicism as seen on civic, institutional, and financial buildings since the late 17th/18th century, and in itself dates from the Edwardian/inter war period. It is a building of high interest given its use of classical civic architecture, situated within a very heritage-rich and sensitive location. The front elevation is to High Street which has an elaborate entrance door, and the east elevation (the side facing Swan Street) is relatively simple at ground floor with just an ATM to the right hand side and 3 large windows at first floor. The site is situated in the Warwick Town Centre and the Warwick Conservation Area.

PLANNING HISTORY

Reference number	Description of development	Decision
W/17/0622	Formation of new external doorway and creation of 1no. associated step	Granted 06/06/17
W/14/1825	Display of individually halo illuminated high level letters; replacement externally illuminated heritage hanging sign; internally illuminated ATM signage; non illuminated car park sign and nameplate	Granted 10/02/15

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 2011-2029)
- TCP2 - Directing Retail Development (Warwick District Local Plan 2011-2029)
- TCP6 - Primary Retail Frontages (Warwick District Local Plan 2011-2029)
- TCP11 - Warwick Town Centre Mixed Use Area (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Warwick Town Council - No objection

WDC Conservation Officer - No objection, but any alterations or signage should have regard to the shopfront design guide

WDC Environmental Health - No objection, subject to conditions regarding noise levels and noisy activities and a note advising future extraction systems will require planning permission.

Public Response -

22 letters of support have been received on the following planning grounds:

- Good use of empty building especially as no ground floor windows for retail
- Supports local economy
- Improves local and tourist options

7 letters of objection on the following planning grounds:

- Too many A3 uses in town centre
- Need to retain the retail uses

Not in the cafe quarter

ASSESSMENT

Principle of development

The application site falls within Warwick Town Centre's retail area and forms part of the Swan Street Primary Retail Frontage which follows the unit frontage onto High Street. The application premises forms a prominent corner plot with two large frontages. Policy TC6 states that changes of use from shops (Use Class A1)

to financial and professional services (Use Class A2) or restaurants and cafes (Use Class A3) or drinking establishments (Use Class A4) or hot food takeaways (Use Class A5) will be permitted within the Primary Retail Frontages defined on the Proposals Map unless:-

a) more than 25% of the total length of the street frontage is in non-A1 use: or
b) the proposal consists of, or would contribute to creating, a continuous non A1 frontage of more than 16 metres.

In this instance the unit is currently in A2 use and therefore the proposed development will not prejudice the aims and objectives of Policy TC6.

The majority of the objections received have focused on the introduction of another coffee shop in the area and it being a chain. While it is clear that there is a value to the individuality of Warwick Town Centre there are no planning policies to restrict non-independent companies and the introduction of this A3 use accords with the relevant policy. It is a well-established principle that the planning system is not intended to restrict competition between businesses or protect local traders and there is no control over changes in ownership.

The NPPF paragraph 23 advises that planning policies for town centres should be positive and that local planning authorities should (amongst other things): Recognise town centres as the heart of their communities and pursue policies to support their viability and vitality; define the extent of primary shopping frontages and set policies which make clear which uses will be permitted in them; and promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of centres.

Focusing on the aims of the primary shopping frontage Policy TC6, it is not considered that the proposed use will result in the introduction of an unacceptable level of non-shopping uses or prejudice the predominantly retail character and function of the retail street, given that the property is already in non-retail use. The scheme is therefore considered to be acceptable in principle.

Impact on the setting of the adjacent listed building, the Conservation Area and the wider streetscene

No changes are proposed to the exterior of the building therefore the setting of the adjoining listed building, the Conservation Area and wider streetscene are not considered to be materially affected by the proposed change of use.

Impact on the living conditions of nearby dwellings

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 site is located within Warwick Town Centre where there is a mix of residential properties and businesses. No opening hours have been stated on the application form although the applicant has submitted information confirming the hours for which the license has been granted and the intention to operate within those hours. Environmental Health were consulted on the application and raised no objection, subject to a couple of conditions regarding noise levels from

machinery within the building and a restriction on waste collection and delivery times. Subject to these, it is considered that the proposed change of use will not have an adverse impact on the living conditions of residents in the area.

Based on the end user there would be no cooking of food on the site, merely the warming up of certain items. Due to this there would be no need for extraction systems to be installed. Environmental Health have suggested that a note be attached advising that if at a future date the occupiers decided to introduce an extraction system then planning permission would be required. This is considered a reasonable note to include in this instance.

Weighing up the above it is considered the proposal would not cause an adverse impact to the living conditions of the nearby residents in accordance with Policy BE3.

Access and Parking

Policy TR1 of the Warwick District Local Plan requires all developments to 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 site is located within Warwick Town Centre which is well served by public transport links. There is no designated parking associated with the unit, and there was none associated with the A2 use previously, however there are numerous car parks and on street parking options within the local vicinity. No comments have yet been received from County Highways, but given the town centre location and the parking options available the proposal is not considered to give rise to issues in terms of highway safety or amenity.

Conclusion

It is considered that the proposed change of use from Use Class A2 to A3 will not contravene the aims and objectives of Policy TC6 and is considered acceptable. The development is not considered to affect the amenity of the street scene, adjacent listed building, Conservation Area, highway safety or residential amenity. It is therefore concluded that the development should be granted.

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) site plans to scale 1:200 and specification contained therein, submitted on 05/12/17 and 15/12/17. **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.

- 3 No deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **REASON:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies BE3 of the Warwick District Local Plan 2011-2029.

 - 4 Noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 of the Warwick District Local Plan 2011-2029.
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