

**Planning Committee:** 01 February 2006

**Item Number:** 05

**Application No:** W 05 / 1770

**Registration Date:** 31/10/05

**Town/Parish Council:** Warwick

**Expiry Date:** 26/12/05

**Case Officer:** Sarah Laythorpe

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**50b Coten End, Warwick, CV34 4NP**

Change of use from residential use to class D1 use, and creation of associated car parking spaces. FOR Mr P Harris

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

**SUMMARY OF REPRESENTATIONS**

**Town Council:** The Town Council does not consider that the introduction of this commercial use would harmonise with the residential nature of this area of Coten End and that such commercial use should be located in a commercial area as designated in the local plan. The area specified for car parking also appears inadequate for a vehicle to enter and leave the site in a forward gear as parked vehicles will deny users the ability to manoeuvre and consequently present a potential traffic hazard for pedestrians and motorists and the provision of the cycleway will exacerbate this hazard for cyclists.

**Neighbours:** 18 objections received from neighbours on the following points:

increased use of car park would be a hazard to the residents of Westbury Court; hazard of manoeuvring vehicles within the existing car park; insufficient car parking spaces; as existing the area is predominantly residential; loss of space for bin collection and emergency vehicles; loss of privacy through increased traffic and increase in people; the change of use to D1 includes creches and day nurseries therefore this change invites the possibility to change to these uses; this application could set a precedent for similar schemes in the area; this use could be further intensified; increase in noise; increase parking demand; security issues.

**Ecology:** There appears to be a number of trees or hedgerow that could be potentially impacted on through this proposal - should be preserved with an adequate buffer zone. A bat survey may be required if mature trees are likely to be affected by the proposal.

**WCC Highways** - have concerns that the proposed change of use would impact on the current use of the access, particularly if patients are dropped off within the site, and that should all available parking for the clinic be occupied parking for Westbury Court residents may be used instead causing frustration to the residents. However, the 4 parking spaces allocated would provide valuable parking for the proposed use. If the change of use could be conditioned for the sole use of the site by the applicant with no additional practitioners, then it is unlikely the Highway Authority could sustain an objection to this proposal.

**RELEVANT POLICIES**

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

- (DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
- (DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
- DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)
- DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)
- SC7 - Directing Community Facilities (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

## **PLANNING HISTORY**

No relevant planning history.

## **KEY ISSUES**

### **The Site and its Location**

The application site is a private development set back off Coten End and comprises Westbury Lodge, a single-storey dwellinghouse, and Westbury Court which is a three-storey apartment block of 21 units providing living accommodation for over 55's.

This site is located off the main road between Leamington Spa and Warwick which is a designated bus route. Within the site there would be four car parking spaces provided for patients and staff and there is also the possibility of on-street parking in the surrounding area.

Coten End is an area of mixed use including a number of residential dwellings, retail units, Coten End Primary School and a veterinary surgery. There is no record of any medical surgeries in this area.

### **Details of the Development**

The scheme proposes a change of use from residential to Class D1 for an Osteopathic clinic and consultation rooms. The scheme involves internal alterations which do not require planning permission.

The supporting information to this application states that there would be one practitioner with the possibility of a practice manager being employed once the practice is established. It also states that the proposed hours of use would be Monday - Friday 8.30am to 7pm and Saturday 9am - 3pm. Appointments are proposed to last 45 mins on average and it is envisaged that there could be between 6 and 8 patients a day on average. It is possible to provide patients car parking within the curtilage of the site.

### **Assessment**

The location of small scale medical related uses e.g. doctors, dentists, etc. is not unusual within residential areas and I am of the opinion that a single practitioner facility such as is proposed would not seriously prejudice the predominantly residential character of the area. The existence of other non-residential uses in the vicinity of the site e.g. veterinary surgery, youth centre and guest houses reinforces my view in this case.

In terms of neighbours amenities, I am of the view that there would not be an unacceptable loss of privacy or increased disturbance.

In terms of Policy for community facilities, if there are no suitable sites available in the town centre a sequential approach should be adopted first considering sites adjacent to the town centre then within or adjacent to local shopping centres. This location is on the outskirts of Warwick Town Centre and is situated close to the Coten End shops. I consider therefore it is in accordance with policy objectives and in my opinion, does form a possible site for such a use.

In terms of parking issues due to traffic increase, I do not consider that this would be so unacceptable to warrant a refusal. The site is located on a main road between two large towns and is on a designated bus route and is also located close to the railway station. It is a relatively centrally located site and is therefore accessible to a number of road users as well as non-road users. Highways have concerns regarding this change of use but also recognise that provided the business remains low key there would be sufficient parking provision to serve the expected number of visitors to the site and therefore do not raise objection.

### **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 premises shall be used for a single practitioner osteopath clinic only and for no other purpose including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
**REASON** : Other uses within this Use Class may not be appropriate in these premises by reason of potential disturbance to neighbours and traffic impact on the adjoining principal road.
- 3 A minimum of 3 car parking spaces within the curtilage of the site shall be laid out and kept available and free from obstruction at all times for the operation of the use hereby permitted.  
**REASON**: To secure the provision of adequate parking within the site in accordance with Policy ENV3 (DW) of the Warwick District Local Plan 1995.

**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 small scale use proposed will not unacceptably prejudice the character of the area, the amenities of neighbours or traffic safety and is therefore considered to comply with the following policies.

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