

Planning Committee: 21 February 2006

Item Number: 11

Application No: W 06 / 0083

Registration Date: 12/01/06

Town/Parish Council: Leamington Spa

Expiry Date: 09/03/06

Case Officer: John Beaumont

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28 Park Street, Leamington Spa, CV32 4QN

Change of Use from Class A1 (Shop use) to Class A3/A4 (Bar and Restaurant) FOR
Morley Fund Management

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

SUMMARY OF REPRESENTATIONS

Town Council: Object. Proposed change of use is detrimental to the mix of retail and non-retail use in the Town and would introduce further A3/A4 use where there is already an over provision. The introduction of premises which may operate late at night is considered incompatible with neighbouring residential areas.

Head of Environmental Health : No objection in principle subject to a condition to control potential odour.

RELEVANT POLICIES

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) S5 - Changes of Use Within Retail Areas (Warwick District Local Plan 1995)
- TCP5 - Secondary Retail Areas (Warwick District 1996 - 2011 Revised Deposit Version)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

PLANNING HISTORY

This site was known as the 'Priory Wine Bar' at the time the Royal Priors shopping centre development was opened. Subsequently it was operated as a bar/restaurant. In 2003 its use was changed to a Class A1 retail shop known as 'Venus and Mars'. This change was 'permitted' development by reason of Class 'A', Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995. The premises are presently vacant.

KEY ISSUES

The Site and its Location

These premises occupy a corner location at the junction of Satchwell Walk and Park Street. They were originally designed as a wine bar with a ground floor area and accommodation at a mezzanine level; only part of the frontage to Park Street has

traditional 'shop' windows as due to the changing ground levels and to break up the mass of the building the balance of the frontage was designed to have the appearance of being 2 separate properties which do not have a retail character. Access to the site is off Satchwell Walk.

Details of the Development

The proposal is to seek permission for the change of use of the premises to uses falling within Classes A3/A4 (i.e. restaurant, snack bar, cafe, pub, bar use).

Assessment

These premises were designed and occupied as a bar/restaurant from the time the Royal Priors opened until 2003 when their use was changed to a retail shop (Class A1). Their reversion to Class A3/A4 (bar/restaurant use) now requires planning permission and falls to be considered against the policies in the Warwick District Local Plan 1995 and the emerging Warwick District Local Plan 1996-2011 (Revised Deposit Version).

The site occupies a position at the junction of Satchwell Walk and Park Street which is designated in the Local Plan as a secondary shopping street where such changes are permissible providing the area retains its predominantly retail character. As the balance of the frontage of Royal Priors to Park Street will remain in A1 use, I consider that this proposal is acceptable in policy terms; I note the frontage to Park Street of some 28m will exceed the length of 16 metres set out in the Warwick District Local Plan (1996-2011) as the maximum permitted frontage, but, given the unique design of these premises (which only have a traditional shop frontage for some 14m), I consider an objection on that ground could not be sustained. Whilst conscious of the views of the Town Council, no objection has been raised by the Head of Environmental Health, and I consider that subject to a condition to control the installation and operation of any air conditioning/fume extraction equipment, planning permission should be granted.

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 development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing, and specification contained therein, submitted on 12th January 2006 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 Details of all air conditioning, ventilation and fume extraction systems, including details of noise levels of their operation, shall be submitted to and be approved in writing by the District Planning Authority before their installation on site. The fume extraction system from the kitchen shall be designed to capture and treat fumes to

ensure that as far as reasonably practicable no nuisance is caused from cooking odours. The development shall not be carried out otherwise than in full accordance with such approved details. Thereafter, all systems shall be maintained at all times in accordance with the manufacturers specifications to ensure their continued operation in accordance with the details as approved and documentary evidence including service contract, receipts, invoices or similar must be kept on the premises and made available to authorised officers of the District Council on request to demonstrate that the equipment is being so maintained.

REASON : To ensure that the amenity of residents and others using this area are properly protected in accordance with the requirements of policy (DW) ENV3 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 development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of an adverse effect on the retail character of this secondary retail area or by reason of noise, general disturbance or odour which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.
