

Planning Committee: 25 February 2014

Item Number: 9

Application No: W 14 / 0011

Town/Parish Council: Warwick

Registration Date: 06/01/14

Case Officer: Penny Butler

Expiry Date: 03/03/14

01926 456544 penny.butler@warwickdc.gov.uk

12 West Street, Warwick, CV34 6AN

Change of use from Use Class A1 (retail) to Use Class A4 (drinking establishments) FOR Mr T Douglas

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission subject to the conditions listed.

DETAILS OF THE DEVELOPMENT

The proposal is for the change of use of the currently vacant ground floor retail unit (Use Class A1) to a drinking establishment (Use Class A4). The applicant describes their proposed use as a coffee and ale house, and their proposed layout plan shows three rooms with one bar, with a tea and coffee counter provided in the rear room.

A Premises License has been granted for the sale of alcohol between 10:00 and 23:00 Sunday to Thursday, and 10:00 to 24:00 Friday and Saturday. Opening hours under the licence are restricted to 10:00 to 23:00.

Non-recyclable refuse storage is proposed to be in the rear garden with collection by a private contractor, with recyclable waste to be taken to a recycling centre by the operator.

THE SITE AND ITS LOCATION

The application property is the ground floor unit in a terrace of properties on the western side of West Street. The site lies within the retail area of Warwick Town Centre as defined in the Local Plan, and within the Conservation Area. No.12 is the right hand part of a building split into two units at ground floor, with residential uses above. On the southern side is a barbers and on the northern side is a retail use. At the rear is a shared private access to garages, with a terrace of dwellings beyond fronting Friars Street. Lying opposite on West Street, are terraced dwellings including Listed Buildings.

PLANNING HISTORY

Planning permission was granted in 2000 (W/00/0098) for the conversion of living accommodation to three flats and a rear first floor staircase extension.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
- TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No comments available at time of writing report.

Public response: 10 letters of objection received raising the following concerns:

- Increased noise and disturbance associated with the internal use of the building and from customers standing outside the frontage smoking, and from associated comings and goings. Other commercial premises nearby close during the evening or attract limited number of customers for short periods
- Harm to character of Conservation Area
- Inappropriate use in a mainly residential area, with wholly residential uses opposite and above.
- A live music license may be applied for at a later date
- Contrary to Local Plan Policy TCP4 (Primary retail frontages)
- Sufficient drinking establishments in the surrounding area exist, and there are other more suitable vacant premises for the proposed use.
- Increased traffic and parking requirement. All on street spaces are occupied in the evening by surrounding residents with no off street parking.
- Loss of privacy to dwellings opposite
- No provision for smokers, which may lead to use of the rear garden or smokers standing on the street. The rear of the property has an open garden shared with no.14, and there is only a low wall separating these from no.16. It is feared that the rear garden would be used as a smoking area, which would lead to a loss of privacy and security for neighbours.
- Customers may park on the shared access at the rear which would block access for neighbours.

One letter of support raising the following points:

- With many closures of nearby licensed premises in recent years, the opening of a specialist real ale outlet is welcomed as an enhancement to the already thriving real ale offering in Warwick.

- Unique quality niche licensed premises, responsibly operated and monitored, should be seen as a welcome addition to Warwick's economy

CAF: This use was considered not to be appropriate to neighbours on environmental grounds. Environmental Health should be consulted on grounds of noise to neighbours in this residential area. Felt to be detrimental to the Conservation Area.

Environmental Health: No objection, following negotiation to remove amplified music from the premise licence.

Waste Management: No comments available at time of writing report.

Warwickshire Police: Raise no objection and recommend crime prevention measures.

ASSESSMENT

Principle of use

The site is within a defined secondary retail area where non-retail uses are controlled in order to protect the vitality and viability of the town centre. Policy TCP5 applies to such areas and does not permit more than 50% of street frontages to be in non-retail use, or greater than 16m of continuous frontage to be non-retail. Since there are retail uses adjoining each side of the site, the second criterion would be complied with. The existing frontage which runs from no.44 to no.8, including the proposed use, would result in 36% of the units in the frontage being in non-retail use. Since this is below the 50% limit the proposed use is acceptable in principle, since it would comply with Policy TCP5. Policy TCP2 would also be complied with since an A Class use is being retained.

Impact on character of Conservation Area

There are no external changes proposed to the building, therefore, the use within the building would not alter the visual appearance of the Conservation Area. The concerns raised by local residents relating to a change in the character of the Conservation Area are noted, however, given this is a small unit with a limited width of frontage, lying within an allocated retail area within the town centre, where there are other public houses nearby, it is not considered that the use would have a significant impact upon existing character. The use would lead to customers standing on the pavement outside the front of the building smoking, but given the limited size of the unit, such numbers are not likely to regularly be of a level that would harm the existing mixed character of the area. If tables and/or chairs were desired on the pavement then a separate licence from the Highway Authority would be required. Should such a licence be granted, it is not considered that this would harm the character of the area, as a table and chairs are already sited outside the fish and chip shop at no.24. Future signage could be controlled by a separate application for advertisement consent if required. The proposed change of use is therefore considered to comply with Policy DAP8, since

it would preserve the special architectural and historic interest and appearance of the Conservation Area.

Impact on residential amenity

Generally such uses have the potential to create noise and disturbance to surrounding residents, therefore the matter has been carefully considered by the Environmental Health Officer. It is material to consider the existing uses in the vicinity of the application site, where there is a take away next door but one, a further take away 25m to the south, and a public house/restaurant 120m to the south. Dwellings lie on the opposite side of the road, and there are residential flats directly above the premises comprising three flats occupying the first floor of 12-14 West Street, with residential also above the neighbouring retail unit (no.10). West Street is a main traffic route into the town where there are numerous public houses.

Upon discussion with the applicant, Environmental Health raised concerns regarding the potential for the proposed use to cause disturbance to surrounding residential premises arising as a result of noise from regulated entertainment at the premises. To quell these concerns, the applicant agreed to submit a minor variation to remove recorded music from their premise license, and reduce performances to unamplified live music with a limit of two performers. This variation was accepted by Warwick District Council and became effective as of 5th February 2014. In light of this, Environmental Health have no adverse comment on the application. Given that the application site lies within a designated retail area where the proportion of non-retail uses are limited, but in the case of this proposal complied with, that there is not a proliferation of A5 uses in the immediate area, and there is no evidence of pre-existing noise and disturbance associated with anti-social behaviour, it is considered there are insufficient grounds to refuse the application on amenity grounds. However, suitable conditions are required to exercise control over the use, in the interests of preserving amenity, to include opening hours limited to the licence (10.00-23.00), no use of the rear garden by customers, and all refuse storage to be within the rear garden. With these controls, the proposal would not cause unacceptable noise pollution or harm to resident's amenities, and would comply with Policies DP2 and DP9. Sufficient provision for waste storage are provided without detriment to the street scene, in accordance with Policy DP1.

Impact on parking

The existing use has no off street parking provision, however, the proposed A4 use has the same parking requirement as the existing A1 use, according to the Council's adopted Vehicle Parking Standards SPD (one space per 50sq.m). The proposed use would not therefore lead to a greater parking demand, although the use would be likely to move the requirement towards evening hours when residential parking demand is also higher. The floor space of the unit is some 57sq.m, therefore requiring 1.14 parking spaces. Given the extremely low requirement it is unlikely that the required parking demand would lead to a material impact on the existing parking situation, the site is sustainably located in the town centre and since the existing use is not restricted to operating during

daytime hours, there are insufficient grounds to refuse permission due to insufficient parking. The proposal is not therefore considered to conflict with Policy DP8.

Summary/Conclusion

The proposed use would not cause unacceptable levels of noise pollution or other disturbance, would maintain the retail predominance of the frontage, and would preserve the character and appearance of the Conservation Area. The proposal would therefore comply with the policies listed.

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) (Promap submitted on 13 January 2014. Floor plan submitted on 6 January 2014), and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

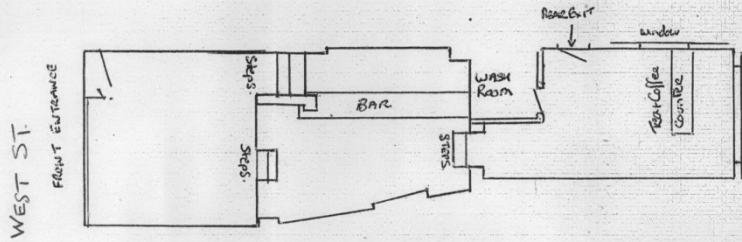
- 3 The use hereby permitted shall only be open to the public and customers during the hours of 10.00 and 23.00 Monday to Sunday. **REASON:** To ensure that the buildings are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 4 All refuse associated with the use hereby permitted shall be stored within the rear garden area edged blue on the approved Promap drawing submitted on 13 January 2014. **REASON:** To prevent refuse storage on the frontage where it would adversely impact on the street scene and Conservation Area, in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

- 5 There shall be no use by public or customers of the rear garden area edged blue on the approved Promap drawing submitted on 13 January 2014. **REASON:** To protect the amenities of nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.



(NEW) FLOOR PLAN OF 12 WEST ST. WARWICK SCALE 1:100 W20140011



WARWICK
DISTRICT COUNCIL
PLANNING
DEPARTMENT
- 6 JAN 2014

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