

**Planning Committee:** 02 August 2006

**Item Number:**

**Application No:** W 06 / 0889

**Registration Date:** 07/06/06

**Town/Parish Council:** Warwick

**Expiry Date:** 02/08/06

**Case Officer:** Steven Wallsgrove

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**40 West Street, Warwick, CV34 6AN**

Change of use from use Class A3 (Restaurants & Cafes) to Use Class A5 (Hot Food Takeaways) FOR Xuan Duong

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

**SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** No objection.

**WDC Environmental Health:** No comment.

**Neighbours:** Six letters of objection have been received on grounds of it being retrospective (used since January/February), two take-aways already exist in West Street, traffic, parking, impact on character of area, noise and pollution.

**RELEVANT POLICIES**

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) S3 - Additional Retail Development in Town Centres (Warwick District Local Plan 1995)
- (DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
- (WTC) S3 - Upper floors within the retail areas

**PLANNING HISTORY**

There have been six previous applications on this site but the only relevant one was the grant of planning permission in 2002 for a change of use from a shop to a cafe, with alterations and extensions. The only conditions were for details of the flue extract (which were approved) and for limited opening hours (8.00am to 11.00pm).

**KEY ISSUES**

**The site and its location**

The site lies in an area of mixed uses, but primarily retail, on the north-west side of the street. It lies within the Conservation Area.

## **Details of the development**

The proposal is the use of the ground floor as a hot food take-away, the use having commenced some months ago without consent. (Until April 2005, planning permission was not required to use a cafe as a hot food take-away).

## **Assessment**

The principal issues in this case are whether the proposed use would unreasonably affect the character of the area or the amenities of residents, including impacts on parking.

In terms of the character of the area, there is very little difference between the previous use and the present one as the shop front has not been changed and the property lies in an area which is essentially retail with a wide variety of design of shop front and building.

In the case of impact on residents, none of the neighbours themselves have objected and a previous problem known to Environmental Health has been resolved (this was in relation to the use of a poorly ventilated room for storage of ingredients). The objections received are generally on grounds of trade (i.e. there are two take-aways already), and are from addresses as far away as Woodloes Park. In terms of parking, the use as a restaurant would generate fairly long term on-street parking while a take-away generates short term on-street parking, which is more likely to be available and would have less impact on residents parking needs.

## **RECOMMENDATION**

GRANT, subject to the conditions listed below.

## **CONDITIONS**

- 1 The use of the premises for the purposes hereby permitted shall be restricted to between the hours of 08.00am and 11.00pm. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.

## **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 odours, noise or disturbance which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.

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