

**Planning Committee:** 19 July 2016

**Item Number: 16**

**Application No:** [W 16 / 0912](#)

**Town/Parish Council:** Warwick

**Case Officer:**

Liam D'Onofrio

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**Registration Date:** 18/05/16

**Expiry Date:** 13/07/16

**22-24 High Street, Warwick, CV34 4AP**

Change of use from Use Class A1 (retail) to a coffee shop falling within a mixed use of retail and the sale of food and drink for consumption on or off the premises (A1/A3) (Sui Generis). Installation of replacement shopfront. FOR Coffee#1

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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 conditions.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the change of use of a retail until (Use Class A1) into a coffee shop, falling within a mixed use of retail and the sale of food and drink for consumption on or off the premises (A1/A3) or sui generis Use Class. The proposal includes a replacement shop front to be painted dark green. The proposal will employ 6 full-time and 4 part-time staff and opening hours will be 7am-7pm (8.30am-6pm on Sunday/Bank Holidays).

The supporting Design and Access Statement (DAS) considers that the proposed external shop front is of a high quality design and in keeping with the existing building and surrounding conservation area through the use of restrained colours and traditional materials including timber for the stall risers and fascia boards. The proposal would not have an adverse impact on neighbouring amenity in terms of noise or odour.

The DAS states that the proposal is in accordance with the NPPF, as it is considered to be sustainable development. It will utilise an existing building, in a highly accessible town centre location, create new jobs and long-term investment in the town centre and will be a proposal of high quality design whilst contributing to the vitality and viability of the town centre.

The numerous benefits will stem from the proposed change of use of the store by Coffee#1 such as:

- Increase in footfall in the shopping area;
- Add to the vitality and viability of the town centre;
- Create a high quality and well-designed shop front;

- Encourage consumers to remain longer in the shopping area;
- Provide a venue for social interaction; and
- Create jobs and long-term investment in Warwick.

In terms of Policy TCP4 the DAS states that the proposed change of use would contribute to providing customer choice and a range of uses within the town centre. Furthermore, a coffee shop is considered to be a mixed Class A1/A3 use retaining a significant amount of Class A1 use through the sale of takeaway food and drinks as well as related merchandise. The proposal would also not result in a concentration of non-A1 uses and is policy compliant in terms of the percentage of retail uses within a shopping frontage and the length of physical shop front.

### **THE SITE AND ITS LOCATION**

The application site relates to a ground floor retail unit occupying a corner plot with frontages on the northwest side of High Street and northeast side of Swan Street. The site is within Warwick Town Centre and its conservation area. The site is within the Town Centre retail area and forms primary retail frontage. There are residential flats located above the unit within upper floors of the building.

### **PLANNING HISTORY**

The most recent/relevant:

W/16/0902 Display of 3 No. fascia signs (2 no. illuminated) and 2 No. projecting signs: Granted 29/06/16 (new fascia signage in relation to the proposed coffee shop).

W/12/0358 Change of use of first and second floors from office use to 9 residential flats, alteration to windows to first and second floors, construction of wall and gate across vehicular access. Construction of garage and 3-bay carport: Granted 22/05/12.

### **RELEVANT POLICIES**

- National Planning Policy Framework

#### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
- TCP4 - Primary Retail Frontages (Warwick District Local Plan 1996 - 2011)

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TCP4 - Primary Retail Frontages (Warwick District Local Plan 1996 - 2011)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

- Design Advice on Shopfronts & Advertisements in Warwick (Supplementary Planning Guidance).

## **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** No observations received.

**CCTV:** No objection

**Food Safety Team:** No objection

**WCC Highways:** No objection

**Environmental Health:** No objection, subject to conditions.

**Public Response:** 51 objections have been received, raising the following concerns:

- Already a lot of coffee shops, tea rooms and eating places in the town centre.
- Over concentration of coffee shops in town centre.
- Insufficient parking.
- Air pollution.
- Loss of antique centre, not what tourists want.
- Shop in keeping with historic Warwick.
- Not enough shops, tourists ask where shops are.
- Independent businesses give Warwick its unique charm.
- Our independent coffee shops have enough trouble without more competition/smaller cafes may close.
- No more coffee shops, let alone a big chain in an already overcrowded market place.
- Contrary to Local Plan Policy TCP2 that talks of safeguarding retail space and avoiding change of use to maintain a vibrant and diverse town centre.

- We need to encourage and provide space and opportunities for local independent traders.

## **ASSESSMENT**

The main issues relevant to the consideration of this application are as follows:

- The principle of the development;
- The impact on the character and appearance of the area/ heritage assets;
- The impact on the living conditions of nearby dwellings;
- Car parking/highway safety;
- Health and wellbeing.

### The Principle of the 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 TCP4 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.

Policy TCP4 advises that for operational purposes the frontage will be defined as a continuous elevation of retail uses as defined on the Proposals Maps. The limit of a frontage will be usually defined by a break in the buildings caused by a road or other public space. In this case the continuous frontage runs from No.22-24 High Street to No.8 Swan Street where there is a break in the building line formed by a vehicular access. This break in the Primary Retail Frontage is reflected on the Proposals Map also.

The proposal appears contrary to Policy TCP4 (a) because within the four units that form this continuous frontage, McConnell Optometry is a D1 use resulting in 25% of the units already being in a non-A1 use. The other A1 units relate to the application site, the sandwich shop Subway and Age UK. Nevertheless, officers place significant weight on the fact that the proposed scheme is a mixed use that retains a significant retail A1 Use Class element, (a takeaway coffee shop falls within an A1 retail Use Class and an eat-in coffee shop falls within an A3 cafe/restaurant Use Class). The applicant suggests that based on experience at other stores the proportion of Class A1 trade contributes to approximately 40% of the total trade from the proposed coffee shop. The applicant has also provided various appeal decisions within their supporting information that aims to demonstrate that coffee shops have been recognised as leading to significant improvements in local retail centres in terms of vitality, viability and stimulating commercial activity and footfall, which consistently weigh in favour of such proposals over other relevant planning considerations.

In terms of Policy TCP4 (b) the application site has a frontage of 19 metres on Swan Street and forms a retail unit with significant presence that has a greater frontage than the other three units put together. Nevertheless this Swan Street elevation is not a traditional shop front and is read as a side elevation predominately formed by brickwork with shop display windows but no pedestrian access (the shop entrance is on the corner of the building at the Swan Street/High Street junction). It could be argued that the proposed shop front improvements and introduction of bi-fold doors to this Swan Street elevation will create a more active frontage than the existing.

It is considered important to focus on the aims and objectives of Policy TCP4 and the policy's accompanying text advises that the policy seeks to ensure that in order to ensure the continued success of the District's town centres as shopping destinations, it is important to ensure that core areas are protected from the introduction of an unacceptable level of non-shopping uses (defined as not being within Use Class A1). If left unchecked, the introduction of non-shopping uses could over time prejudice the predominantly retail character and function of the most important retail streets.

It is the Officer's view that the change of use to a mixed use A1-A3 coffee shop would not contravene the aims and objectives of Policy TCP4. The applicant has confirmed that they would be willing to accept a condition that would control the use of the application site to a coffee shop serving coffee, other hot and cold drinks, sandwiches and similar light refreshments for consumption on or off the premises only. Given the focus of Policy TCP4 it is considered that this would be a reasonable condition.

Officers note that the majority of objections raise concern at the introduction of another chain affecting the 'charm' of Warwick Town Centre and putting pressure on smaller independents. 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. It has long been held 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 where permitted within the use classes.

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 TCP4 it is not considered that the mixed use coffee shop 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. The scheme is therefore considered to be acceptable in principle.

## The impact on the Character and Appearance of the Area/ Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use

The proposed replacement shop front is considered to provide an acceptable design solution that will be well proportioned and provide appropriate decorative treatment and colour coating (Farrow and Ball Studio Green). Following advice from the Conservation Officer the stall riser panels have been reduced in size in order to better reflect the rhythm of the proposed shop windows above. The application forms do not specify shop front materials and it is considered that larger section windows and shop frame/stall risers should be constructed in timber. A condition is suggested to secure this detail.

The proposed shop front is considered to be an enhancement on the existing and will not harm the street scene or the character and appearance of the Conservation Area, in which the site sits within. The scheme is therefore considered to accord with Local Plan Policies DP1, TCP13 and DAP8.

## The impact on the living conditions of nearby dwellings

The site is located within Warwick Town Centre and given this context the proposed opening hours (7am-7pm) and associated comings and goings are not considered to be so significant as to warrant refusal of the scheme.

The Environmental Health Officer (EHO) has requested further details on the sound insulating properties of the structure separating the ground floor commercial use from the first floor residential properties. The EHO notes that whilst the proposed opening hours are no later than 7pm noise nuisance can occur at any time of the day and when comparing the current A1 shop use to the proposed mixed A1/A3 use this is likely to be a more intensive use of the site (there is a capacity of 115 internal covers).

The applicant has completed the requested sound insulation test and the EHO has confirmed that they are satisfied that the party floor between the first floor residential property and the ground floor commercial unit appears to be a reasonable enough level to provide protection against undue sound transmission through the structure. Nevertheless the EHO has suggested that opening hours are restricted to 0700-2100 and deliveries, waste collections or other noisy external activities shall not take place before 0730 hours or after 2000 hours on

Monday to Saturday or before 0900 hours or after 1800 hours on Sundays to ensure that the premises are not operated in such a way to cause nuisance to the occupants in the adjoining residential properties.

The EHO has also suggested a condition regarding plant noise and agrees with the applicant's proposed condition regarding restricting what is sold at the coffee shop.

#### Car Parking and Highway Safety

The Highway Authority have no objection to the scheme and the use raises no highway safety/parking issues within this town centre location.

#### Health and Wellbeing

The proposed development is not considered to raise any health or wellbeing issues.

### **SUMMARY/CONCLUSION**

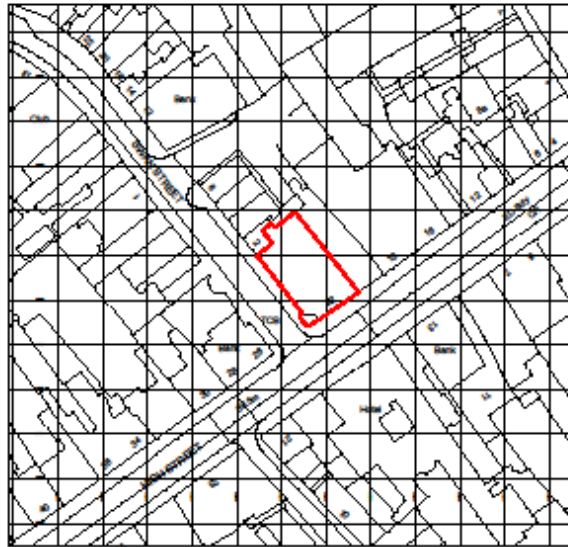
It is considered that, on balance, the proposed change of use from a A1 use class to a mixed A1/A3 use class (sui generis) will not contravene the aims and objectives of Policy TCP4 and is considered acceptable. The development is not considered to affect the amenity of the street scene, Conservation Area or highway safety. The scheme is not considered to affect residential amenity, however this is subject to further supporting information and confirmation from the Council's EHO. 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) P2, P4A and specification contained therein, submitted on 18/05/16 and 22/06/16. **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 Before the development hereby approved commences details must be submitted to and approved in writing by the Local Planning Authority showing construction materials to be used for the shop front, doors, windows and stall-risers. Thereafter the development shall be carried out in accordance with the approved details. **REASON:** To ensure a satisfactory form of development in accordance with Policies DP1, TCP13 and DAP8 of the Warwick District Local Plan 1996-2011.

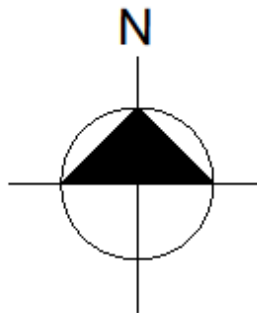
- 4 The premises shall be used only as a coffee shop serving coffee, other hot and cold drinks, sandwiches and similar cold or reheated food and light refreshments for consumption on or off the premises and for no other purpose. **REASON:** To protect the primary retail function of the streetscene in accordance with Policy TCP4 of the Warwick District Local Plan 1996-2011.
- 5 Noise arising from any plant or equipment at these premises, 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 DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 6 No customers shall be permitted to be on the premises other than between 0700 and 2100 hours on any day and 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 DP2 & DP9 of the Warwick District Local Plan 1996-2011.





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Site Address  
 22-24 High Street  
 Warwick  
 CV34 4AP



SITE LOCATION PLAN  
 1:1250 Scale @ A4

**NOTE:**

The Contractor is to check and verify all building and site dimensions, levels and sewer invert levels at connection points before work starts.

This drawing must be read with and checked against any structural or other specialist drawings provided.

The Contractor is to comply in all respects with the current Building Regulations whether or not specifically stated on these drawings.

This drawing is not intended to show details of foundation or ground conditions. Each area of ground relied upon to support the structure depicted must be investigated by the Contractor and suitable methods of foundation be provided.

This drawing is to be read in conjunction with all other standard S A Brain & Co specifications and documentation.

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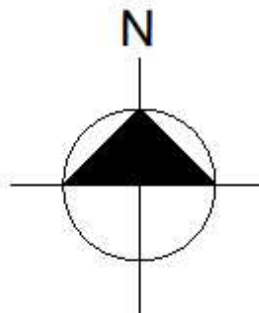
At  
 22-24 High Street  
 Warwick  
 CV34 4AP

is  
 SITE LOCATION PLAN

| Project Manager / Client | Designer           | Date        | Date     |
|--------------------------|--------------------|-------------|----------|
|                          | C. Grayson         | AUG 11 2016 | 16-14-16 |
| Arch/Engineer            | Scale/No/Sheet No. | Sheet No.   | Total    |
| THOMPSON                 | A-G/1014-16        | PS          | -        |



**Site Address**  
 22-24 High Street  
 Warwick  
 CV34 4AP



**BLOCK PLAN**  
 1:500 Scale @ A4

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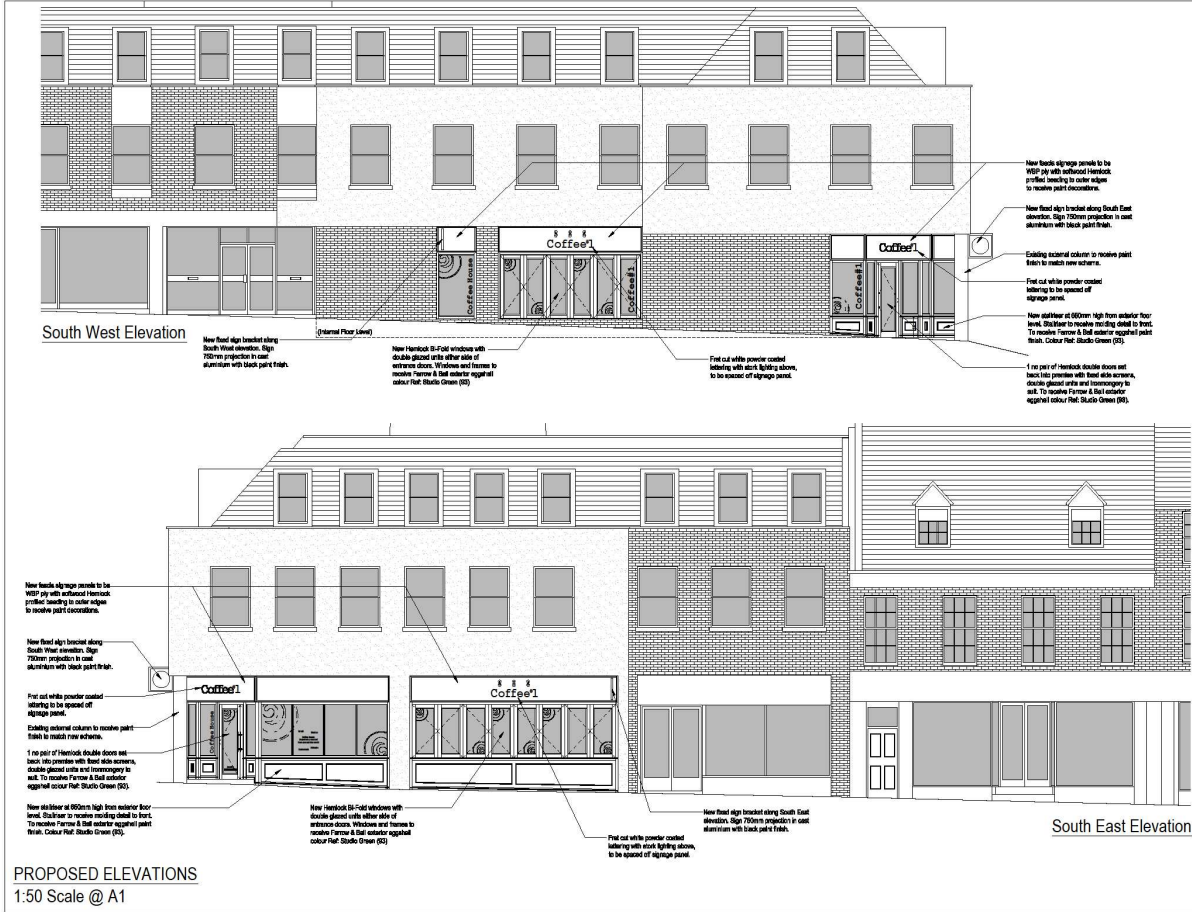


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 Website: www.coffee1.co.uk

No. 22-24 High Street,  
 Warwick  
 CV34 4AP

No. **BLOCK PLAN**

| Design Manager / Checker | Designer             | Scale     | Date     |
|--------------------------|----------------------|-----------|----------|
|                          | C. Grayson           | A4@1:500  | 15-04-16 |
| Arch/Engineer            | Drawn by/Project No. | Sheet No. | Total    |
| THOMPSON                 | A-G/1014-16          | P6        | -        |



PROPOSED ELEVATIONS  
1:50 Scale @ A1

**NOTE:**  
The Contractor is to check and verify all building and site dimensions, levels and lower invert levels at connection points before work starts.  
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**Coffee1**  
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The Old Rectory  
11 Church Road, South  
Warwick, CV34 4AP  
UK

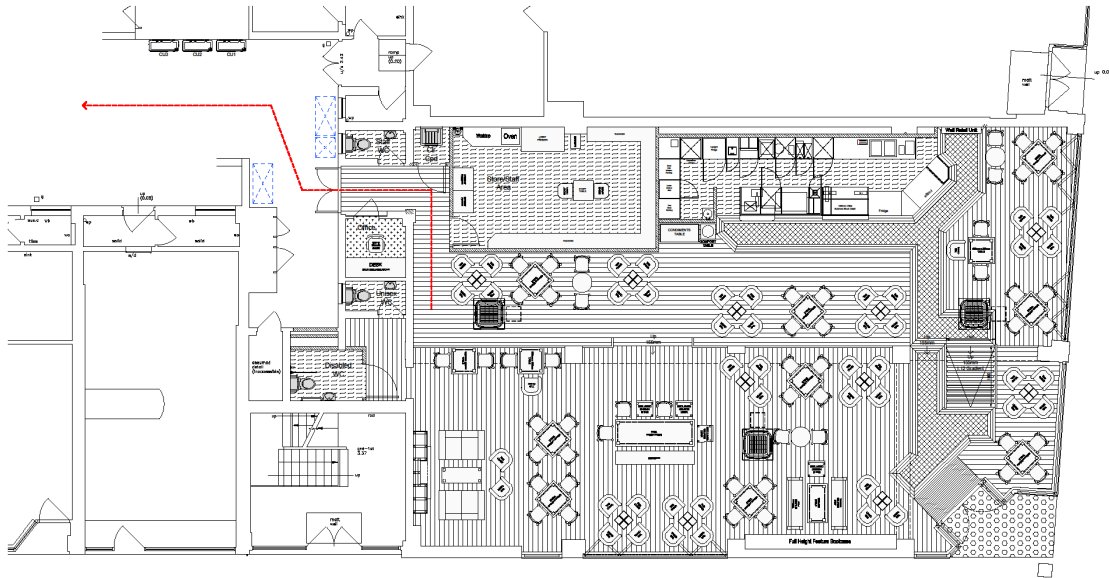


**S.A. Broth & Co Ltd**  
The Old Rectory  
11 Church Road, South  
Warwick, CV34 4AP  
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22-24 High Street  
Warwick  
CV34 4AP

PROPOSED ELEVATIONS

| Prepared by | Drawn by     | Scale               | Date     |
|-------------|--------------|---------------------|----------|
| THOMPSON    | C. O'Connell | A1@1:50<br>A3@1:100 | 18/04/16 |
| Checked by  | Reviewed by  | Project No.         | Rev.     |
|             |              | AG/1014-16          | PA       |



NOTE:

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PROPOSED GROUND FLOOR PLAN  
1:50 Scale @ A1

**Proposed Flooring Legend**

- Red dotted line: Proposed Floor Line
- Red arrow: Indicate Direction of Floor Line
- Red dashed line: Indicate Location of Floor Line
- Red solid line: Indicate Location of Floor Line
- Red solid line with dots: Indicate Location of Floor Line
- Red solid line with squares: Indicate Location of Floor Line
- Red solid line with triangles: Indicate Location of Floor Line
- Red solid line with circles: Indicate Location of Floor Line
- Red solid line with diamonds: Indicate Location of Floor Line
- Red solid line with hexagons: Indicate Location of Floor Line
- Red solid line with octagons: Indicate Location of Floor Line
- Red solid line with stars: Indicate Location of Floor Line
- Red solid line with crosses: Indicate Location of Floor Line
- Red solid line with pluses: Indicate Location of Floor Line
- Red solid line with asterisks: Indicate Location of Floor Line
- Red solid line with dots and squares: Indicate Location of Floor Line
- Red solid line with dots and circles: Indicate Location of Floor Line
- Red solid line with dots and triangles: Indicate Location of Floor Line
- Red solid line with dots and diamonds: Indicate Location of Floor Line
- Red solid line with dots and hexagons: Indicate Location of Floor Line
- Red solid line with dots and octagons: Indicate Location of Floor Line
- Red solid line with dots and stars: Indicate Location of Floor Line
- Red solid line with dots and crosses: Indicate Location of Floor Line
- Red solid line with dots and pluses: Indicate Location of Floor Line
- Red solid line with dots and asterisks: Indicate Location of Floor Line

**THOMPSON**

**Cartier**

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| Revised/Issued | By   | Date            |
|----------------|------|-----------------|
| GROUND FLOOR   | 1/15 | 20th April 2016 |