

Planning Committee: 23 May 2006

Item Number: 20

Application No: W 06 / 0570

Registration Date: 06/04/06

Town/Parish Council: Warwick

Expiry Date: 01/06/06

Case Officer: Penny Butler

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22 and Unit 5 (The Hughes), Swan Street, Warwick, CV34 4BJ

Proposed change of use from A1 to A3 use, and external change to shop front
FOR Caffe Chai

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

SUMMARY OF REPRESENTATIONS

Town Council: Object. "The Town Council oppose this change from A1 to A3 and consider that the proposal is an over development of the site which will impact adversely on the amenities of the immediate residential properties and the area as a whole."

Neighbours: One letter received from the hairdressers above commenting on the existing inadequate water supply to the property. They request that a condition be applied to any future use requiring a separate water supply.

WDC Environmental Health: No objection subject to conditions for personal use and no cooking or reheating of any kind.

Warwick Society: Object to the contemporary style metal shop front which is too brash. They would prefer to see the existing door and set back doorway retained, and the remainder of the shop front designed in sympathy with them and the building. The existing roller blind and casing should also be retained.

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) S5 - Changes of Use Within Retail Areas (Warwick District Local Plan 1995)
- TCP4 - Primary Retail Frontages (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).
- DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

PLANNING HISTORY

There have been no applications made in the last ten years on this site, and none significant to this application previously.

KEY ISSUES

The Site and its Location

The site consists of 22 Swan Street and Unit 5 The Hughes to the rear which adjoins the New Street car park. The site forms an L-shape, and was formerly in use as The Pork Shop, an A1 use which also sold hot food to take away. The Swan Street frontage is part of the Primary Retail Frontage for Warwick.

Details of the Development

It is proposed to change the use of the site from A1 (retail) to A3 (restaurants and cafes). There would be seating areas inside at the front on Swan Street, and to the rear where unit 5 joins the access passage through The Hughes. A new timber black painted shop front is proposed to replace the existing.

Assessment

The change of use away from A1 would not jeopardise the aims of the Primary Retail Frontage policies as the entire remainder of the frontage is in A1 use. As such, the frontage would still retain its retail character. The shop front has been amended since originally submitted to provide a timber frontage with stall riser detail. This is now considered to provide an acceptable standard of design and detailing appropriate to the Conservation Area. As this is not a Listed Building, it is not considered reasonable to require the retention of the existing blind.

As the entire site has previously been in full use it is not considered that the proposed use would represent overdevelopment. When hot food was previously sold from the site under the previous use as a butchers, complaints were received by Environmental Health. On the advice of the Environmental Health Officer, it is considered necessary to impose a condition to control potential odours. The applicant has stated that the premises will have no cooking facilities, and that only hot and cold beverages, and pre-prepared breads, cakes and snacks will be served. A condition is required to ensure this is complied with in the future. It is not considered justified to impose a personal condition tying the approval to the applicant, as the condition prohibiting cooking is sufficient to address odour issues. Water supplies are a private matter not relevant to the judgement of a planning application.

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(s) (no.1575 002 01), and specification contained therein, submitted on 8 May 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 No cooking or reheating of foods (not including beverages) of any kind shall be carried out on the premises. **REASON**: As there is no odour extraction system in place to deal with other cooking operations.

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 use or disturbance which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.
