

Planning Committee: 25 April 2016

Item Number: 14

Application No: [W 16 / 0448](#)

Town/Parish Council: Leamington Spa

Registration Date: 09/03/16

Case Officer:

Jo Hogarth

Expiry Date: 04/05/16

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Units 1 to 3, St Marys Road, Leamington Spa, CV31 1PZ

Retrospective change of use of premises from industrial/storage to the storage and distribution of tiles; display of tiles and trade and retail sales counter. FOR Miles of Tiles (Midlands) Ltd

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 retrospective for the change of use from industrial / storage use to use for the storage and distribution of tiles, display area and trade / customer sales. The premises are open between the hours and days of:

Monday – Friday: 08:00AM – 17:30PM

Thursday: 08:00AM – 20:00PM

Saturday: 09:00AM – 17:00PM

Sunday: Closed

Bank Holidays: 10:00AM – 16:00PM

The use began approximately 6 months ago when the company moved out of their premises in Alveston Place following the approval of a housing scheme on that site. The ratio of the storage and sales of tiles / bathroom fittings to trade counter/public area is approximately 20%.

THE SITE AND ITS LOCATION

The proposal relates to a substantial building situated on the corner of St Mary's Road and the service road which runs along the side of the building and forms the west boundary of the site. There is a service yard to the rear which backs onto properties in Farm View, the nearest of which is approximately 22 metres away. The building measures 28 metres by 32.5 metres and has an eaves height of 4.5 metres with the ridgeline measuring 7 metres. The building has been constructed of a mix of cladding and brickwork with upvc glazed windows.

PLANNING HISTORY

The site used to be occupied by 'Power Drive' who were responsible for the manufacturing of car engines, gear boxes, brakes, clutches, sprockets and associated car fan/cam belts. They vacated the premises approximately two years ago.

The planning history for the site dates back to the early 1970's when planning permission was granted for warehouses and factory units on this part of Sydenham. There have been applications submitted for extensions; however none of them are recent. (1980's).

In 2015 (ref: W/15/0797) an application was withdrawn for a change of use, similar to that which is being proposed now, however it included a far larger range of displays and sales area and also had a coffee shop.

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)
- SC2 - Protecting Employment Land and Buildings (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)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

Cllr Colin Quinney: Supports the application and requests that the application is considered by planning committee if minded to recommend refusal.

WCC Highways: (previous comments): No objection subject to restrictions of the use to that proposed.

WDC Environmental Health: No objection subject to conditions on delivery restrictions and hours of opening.

Public response:

8 letters of objection on the grounds of pollution, traffic volume and noise which will be created; because this is not a retail but warehousing area; the change of use will disrupt weekends and privacy; and deliveries and fork lift trucks operate at 7.30am.

5 letters of support as they have been trading for 5 months and have not noticed a change in traffic or noise flow.

ASSESSMENT

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

- Principle of the change of use
- The impact on nearby residents
- Car parking and highways
- Renewables
- Health and Wellbeing

Principle of the change of use

Policy SC2 in the Local Plan seeks to protect employment land and buildings.

Whilst the current use of the building does not fall specifically within Class B1, B2 or B8, this is considered to be a quasi-employment use which is commonly found in employment areas. The applicant has provided details of other sites that they considered and has demonstrated why they were not suitable.

A service counter area and area wherein the public can visit has been identified and hatched on the layout plan. It is considered appropriate in this instance to condition this area and restrict the hatched portion to members of the public only and for the remainder of the building to be utilised as warehouse and storage with a section of the upper floor mezzanine as a staff office and storage.

Given the limited area for public trading, the use of the building is considered to be acceptable and does not undermine the intentions of Policy SC2 in that the majority of the building is within Class B8.

The impact on nearby dwellings

With respect to the relationship between the site and nearby properties, particularly those in Farm View, this area is a long established industrial estate. Environmental Health have commented and raise no objection subject to conditions. Those conditions relate specifically to deliveries, both incoming and outgoing and the times at which these can take place. Furthermore, a condition to restrict opening times to those which are currently operating on site is

suggested. Suitably worded conditions are considered to be appropriate which would protect occupiers of nearby dwellings from unacceptable noise and disturbance, in accordance with Policy DP9 in the Local Plan.

Car Parking and highways

No objection has been raised from Highways on the previous application, subject to a personal permission; however it is considered that a personal permission is not appropriate in this particular instance and therefore a condition restricting the use to that proposed is considered to be more suitable. Applying a condition restricting the use would alleviate Highway concerns that a different use could result in the generation of a greater level of vehicle movements. This approach has been agreed with Highways.

With regards to the parking requirement for this trade counter / retail area and storage warehouse, in calculating the ratio for each element, to meet the requirements set out in the Council's adopted Vehicle Parking Standards SPD, the proposal would need to provide 18 off street parking spaces. There is more than adequate facilities to provide this within the site curtilage in addition to a substantial area to the rear to allow for vehicles to turn, ensuring that exiting the site is in a forward gear. The location of the building is such that it is not a thoroughfare and therefore there would be no conflict between road users, thus satisfying the requirements set out in Policies DP6 and DP8 in the Local Plan.

Renewable Energy

In light of the ratio between the trade counter and storage / warehousing it is considered inappropriate to attach a condition requiring the use of renewable technologies as it is considered that this use is not so dissimilar to the previous use in so far as the energy requirement. As such the scheme is considered to adhere to the advice contained in the Council's adopted SPD on Sustainable Buildings and to the objectives of Policy DP13 in the Local Plan.

Ecological Impact

There are no ecological impacts associated with this application.

Health and Wellbeing

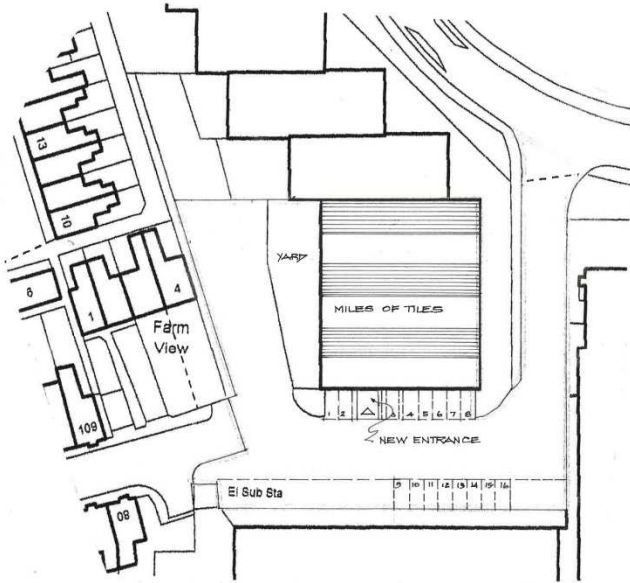
There are no significant impacts associated with health and wellbeing regarding this application.

SUMMARY/CONCLUSION

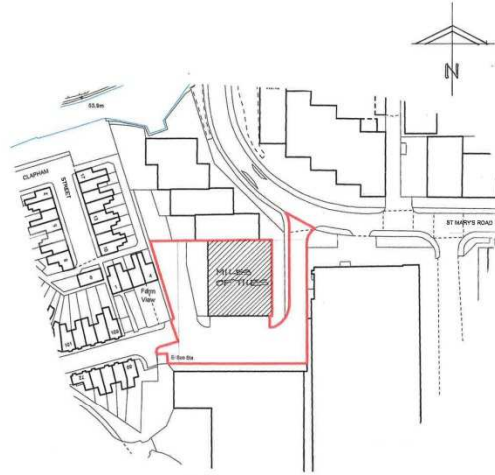
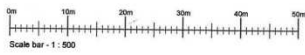
The application is considered to be acceptable and subject to suitable conditions is unlikely to result in detrimental harm to nearby residents or other users of this estate such that would justify a refusal. The application is thereby considered to meet the criteria set out in the Local Plan Policies listed.

CONDITIONS

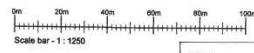
- 1 The development hereby permitted shall relate strictly to the details shown on the site location plan and approved drawing number 5279.03 Rev D and specification contained therein, submitted on 13 April 2016. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
 - 2 The area shown hatched on drawing number 5279.03 Rev D only shall be made accessible to customers and for the avoidance of doubt the remainder of the building shall only be used for storage and distribution purposes in a manner which does not include the display of goods for sale and is not accessible to customers. **REASON:** To allow a retail unit on this industrial estate would conflict with the objectives of Policy SC2 of the Warwick District Local Plan 1996-2011 which seeks to protect employment land and buildings.
 - 3 No delivery vehicles (incoming or outgoing) shall enter or leave the site between 17:00pm and 07:30am Monday to Friday, before 08:00am or after 12 noon on Saturdays and there shall be no deliveries to the site (incoming or outgoing) on Sundays or Bank Holidays. **REASON:** In the interests of nearby residents and to comply with the requirements of Policies DP2 and DP9 in the Warwick District Local Plan 1996-2011.
 - 4 The premises shall only be open to customers between Monday to Wednesday: 08:00 - 17:30, Thursday 08:00 - 20:00, Friday 08:00 - 17:30, Saturday 09:00-17:00, Bank Holidays 10:00-16:00. They shall not be open to customers on Sundays. **REASON:** In the interests of nearby residents and to comply with the requirements of Policies DP2 and DP9 in the Warwick District Local Plan 1996-2011.
 - 5 The car parking and turning areas associated with the building shall be maintained and kept from obstruction at all times. **REASON:** To ensure that there is adequate parking and manoeuvring space available in accordance with Policy DP8 in the Warwick District Local Plan 1996-2011.
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BLOCK PLAN 1: 500



SITE LOCATION PLAN 1: 1250



Client	Miles of Tiles (Millshead) Ltd
Architect	Nicholas D Price 43 North Star Street Banbury Oxon OX16 0TJ Tel 01295 262952
Project	PROPOSED CHANGE OF USE AND ASSOCIATED ALTERATIONS TO 1-3 ST MARY'S ROAD LEAMINGTON SPA
Drawing	LOCATION PLAN AND BLOCK PLAN
Scale	1:1250, 1:500
Date	May 2013
Drawing No	S279.01 B

