Planning Committee: 17 December 2013 **Item Number:** **10**

Application No: W 13 / 1271

Registration Date: 23/10/13
Town/Parish Council: Warwick **Expiry Date:** 18/12/13
Case Officer: Liam D'Onofrio
01926 456527 liam.donofrio@warwickdc.gov.uk

68a Smith Street, Warwick, CV34 4HU
Change of use from A1 retail to B1 business use. FOR 81G Limited

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This application is being presented to Committee as Councillor Bromley supports the application, which is recommended for refusal.

RECOMMENDATION

Committee are recommended to refuse planning permission.

DETAILS OF THE DEVELOPMENT

Planning permission (retrospective) is sought for the change the use of the shop (A1 Use Class) to an office (B1 Use Class). The unit No.68 Smith Street was originally a single unit and was sub-divided into two units around 2008/2009. Listed Building Consent was approved in 2009 for the alterations to facilitate the sub-division, however it was noted at this time that planning permission was not required for the sub-division to create two units, as there was no change of use from the A1 Use Class.

The applicants supporting information states: *The change of use from A1 retail to B1 business seeks to allow the business to continue in its current location providing IT support and services to local businesses and individual IT users. Primary use is as a business operation supplying IT support and services to small and medium sized companies. Roles carried out within the operation are administration and IT first and second line support engineering. Staff are based professionally within an office environment, with occasional requirement to leave the office to visit clients. Clients and IT users with computer issues do visit the premises from time to time, to seek advice and help.*

The facade is inconspicuous and authentically blends with the rest of Smith Street. There are several other business to business and business to consumer providers who have traded on Smith Street for many years thus demonstrating longevity that both retail and business can trade seamlessly and professionally without harming the fabric of Smith Street. The mix of business and retail has boosted what would have been otherwise a worse situation than the omni-present empty units where independent retail has struggled and units have been empty for years.

THE SITE AND ITS LOCATION

The application site relates to a retail unit located within the southern side of Smith Street, within an established run of historic development. The building is listed and set within Warwick Conservation Area. The site is also within Warwick Town Centre and Smith Street's Primary Retail Frontage.

PLANNING HISTORY

W/09/0164/LB - Replacement front door and in-filling of internal arch: Granted 31st March 2009.

RELEVANT POLICIES

- 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)
- 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)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Warwick Town Council - No observations received.

Councillor Linda Bromley - Support, i

ASSESSMENT

The main considerations in assessing this application are as follows:
- Principle;
- Impact upon the listed building/conservation area;
- Neighbouring amenity;
- Other matters.

Principle

Policy TCP2 states that within retail areas, such as this, the change of use from 'A' Classes will not be permitted. This is in order to protect the shopping function of the Town Centre. Policy TCP2 advises that it is important to safeguard existing and potential retail floor space to ensure the availability of opportunities

for future/continued investment. To achieve this, the Council wishes to avoid the loss of premises currently within Use Classes A1, A2, A3, A4 and A5 to other non A Class uses.

The property is also located within a designated primary retail frontage within Warwick Town Centre. Policy TCP4 seeks to ensure that not more than 25% of the total street frontage is within a non-A1 use and that the proposal does not contribute to creating a continuous non-A1 frontage of more than 16m.

The change of use has resulted in the direct loss of an A1 retail unit located with Warwick Town Centre's Primary Retail Frontage on Smith Street. This further erosion of A1 Class uses is considered to detrimentally effect the retail character and function of this core area contrary to Policy TCP2. More than 25% of the street frontage is already within non-A1 retail uses and the proposal is also contrary to Policy TCP4.

The applicant has provided detailed information on the B1 business and how it operates, but has provided no information to justify the change of use or supporting evidence on if/how the property has been marketed as an A1 use. The scheme therefore contravenes the aims and objectives of both Policies TCP2 and TCP4 and is recommended for refusal accordingly.

Impact upon the listed Building/Conservation Area

The proposed change of use does not involve any physical alterations to the listed building, these were previously undertaken under listed building consent W/09/0164/LB to facilitate the sub-division of the unit.

The change of use remains compatible with the listed building and the scheme is not considered to have harmed the special architectural or historic interest, integrity or setting of the listed building. The scheme has had a largely neutral impact upon the character and appearance of the conservation area.

Neighbouring amenity

The change of use is not considered to have resulted in any significant impact upon the amenities of the occupiers of surrounding properties.

Other matters

There is limited opportunity for the retro-fitting of renewable technologies due to limited space, with potential for resulting harm to the character and setting of the listed building and conservation area. The change of use does not involve any increase in floor space and Officers are mindful that the energy consumption between a A1 and B1 use is unlikely to be significantly different. The scheme is not therefore considered to warrant any renewable technologies.

The use provides zero parking, however the Council's Car Parking Standard requires less parking provision for a B1 office use than that for a A1 retail use.

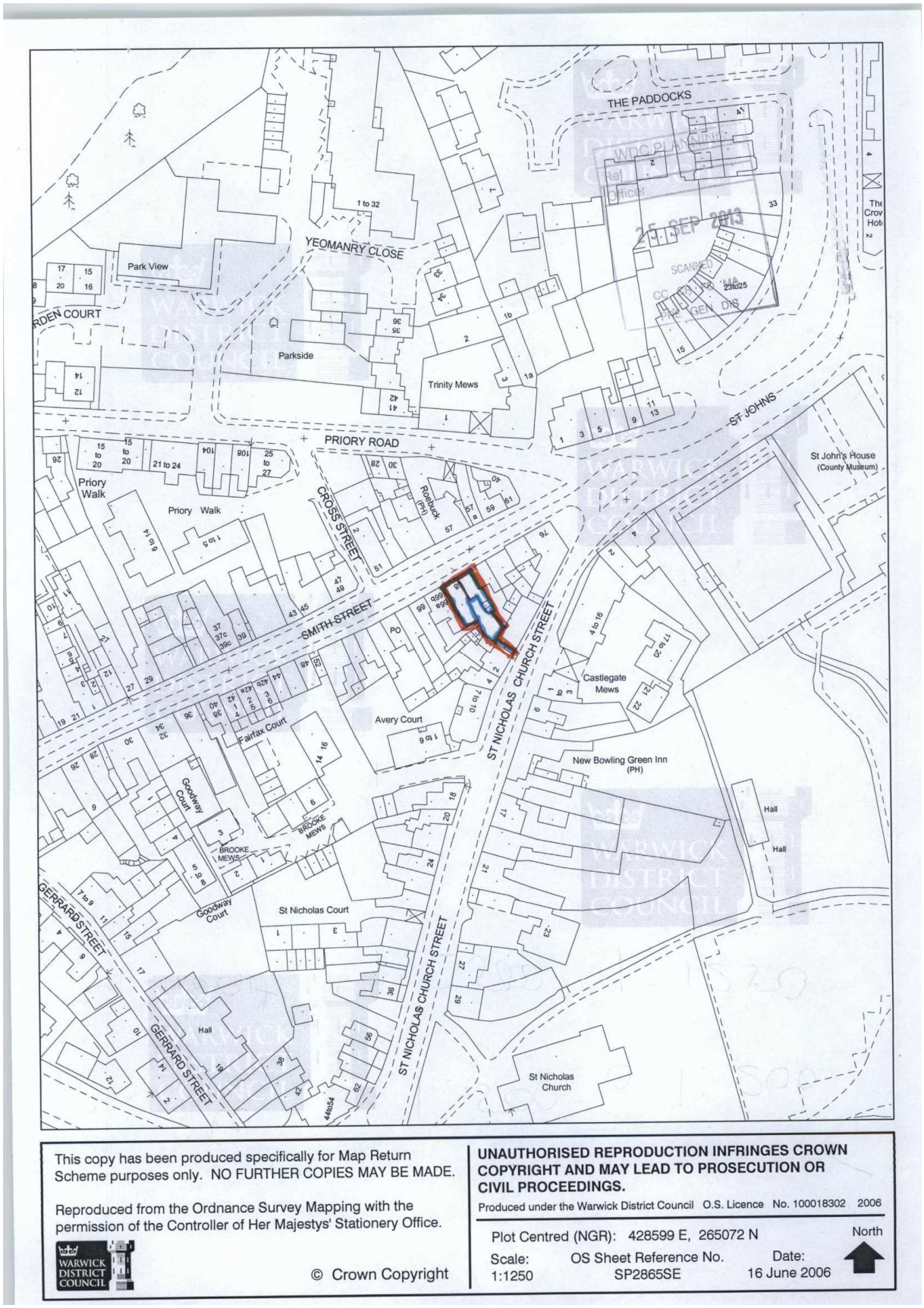
The change of use is not therefore considered to raise any parking or highway safety issues.

SUMMARY/CONCLUSION

The change of use has resulted in the direct loss of an A1 retail unit located with Warwick Town Centre's Primary Retail Frontage on Smith Street. This further erosion of A Class uses is considered to detrimentally effect the retail character and function of this core area and is contrary to the policies listed.

REFUSAL REASONS

1 The change of use has resulted in the direct loss of an 'A' Class unit, specifically an A1 retail unit located with Warwick Town Centre's Primary Retail Frontage on Smith Street. More than 25% of the street frontage is already within non-A1 retail uses and the further erosion of A1 Class uses within the primary retail frontage is considered to detrimentally effect the retail character and function of this core area contrary to Policies TCP2 and TCP4 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF 2012.



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Plot Centred (NGR): 428599 E, 265072 N

North

Scale: 1:1250

OS Sheet Reference No. SP2865SE

Date: 16 June 2006