

Planning Committee: 28 February 2023

Item Number: 8

Application No: [W 22 / 1365](#)

Town/Parish Council: Kenilworth
Case Officer: Millie Flynn

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Registration Date: 22/08/22

Expiry Date: 17/10/22

Kenilworth Service Station, Warwick Road, Kenilworth, CV8 1HY.

Creation of charging zone including installation of 6no. electric vehicle charging points, sub-station enclosure, LV panel and associated forecourt works FOR Motor Fuel Group

This application is being presented to Planning Committee due to the number of objections and an objection from the Town Council having been received.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the installation of 6no. electric vehicle charging points, the creation of a charging zone, sub-station enclosure, LV panel and associated forecourt works.

THE SITE AND ITS LOCATION

The application site comprises a petrol station located on a corner plot on the east side of Warwick Road, to the south of the town centre. It backs onto and is adjacent to residential properties in Clarkes Avenue and Warwick Road.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- NE5 - Protection of Natural Resources
- Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- Kenilworth Neighbourhood Plan (2017-2029)
- KP3 - Warwick Road Special Policy Area
- KP13 - General Design Principles

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object on grounds of harm to neighbouring uses and being out of keeping with the streetscene which is adjacent to the St John's Conservation Area.

WCC Ecology: No objection, recommends a pre-commencement condition.

WCC Highways: Raise concerns over the number of 'general' car parking spaces proposed.

Environmental Health: No objection, subject to conditions.

Councillor Richard Spencer: Objects on grounds that the canopy would overshadow the neighbouring properties and would be harmful to this area of the town and would result in the loss of car parking facilities.

Public Response: 12 objections received on the following grounds:

- Impact on local amenity
- Impact on conservation area
- Noise & disturbance
- Additional light pollution
- Anti-social behaviour
- Increase in rubbish
- Visual impact on amenity
- Removal of tree
- Further deplete what little wildlife is left e.g. bats and birds

ASSESSMENT

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

- Principle of development
- Proposal for renewable energy technologies
- Impact on the character and appearance of the area and the setting of the adjacent conservation area.
- Impact on the living conditions of neighbouring dwellings.
- Parking and highway safety

Principle of Development

Neighbourhood Plan Policy KP3 which relates to Warwick Road states that proposals will be supported for uses for which a town centre location is not essential and that will not detract from and may enhance the attractiveness of this entry into the town centre. The policy suggests that A2, A3, B1 and C1 uses may be supported in this area.

Given that the overall use of the site would not change, and the proposal (as amended) would not detract from the attractiveness of the entry to the town centre (discussed in more detail below), the proposal is considered to be in accordance with Neighbourhood Plan Policy KP3.

Proposals for renewable energy technologies

Local Plan Policy CC2 supports the principle of proposals for new low carbon and renewable energy technologies subject to all of the following criteria being demonstrated: *(Only those which are relevant to this proposal with these particular constraints have been set out below)*

- a) The proposal has been designed, in terms of its location and scale, to minimise any adverse impacts on adjacent land uses and local residential amenity.
- b) The proposal has been designed to minimise the impact on the natural environment in terms of landscape, and ecology and visual impacts.
- c) The design will ensure that heritage assets including local areas of historical and architectural distinctiveness are conserved in a manner appropriate for their significance.

It is considered that the proposal complies with Policy CC2, and the relevant impacts set out above are considered in detail in the relevant sections of this report below.

Impact on the character and appearance of the area and the setting of the adjacent conservation area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high-quality layout and design in all developments that relates well to the character of the area.

Kenilworth Neighbourhood Plan Policy KP13 requires development proposals to achieve a standard of design that is appropriate to the local area and demonstrate regard for the site characteristics and surrounding built form.

A number of objections have been received with concerns regarding the impact on the adjacent conservation area.

The scheme has been amended to omit the canopy originally proposed over the EV charging points which is considered to have addressed concerns regarding the impact on the character and appearance of the area and the setting of the adjacent conservation area. The canopy has been replaced with a 2.0m screen which would

be permitted development under Schedule 2, Part 2, Class A of the GPDO and would not require planning permission.

The remaining proposals, i.e., the installation of the charging points, the creation of a charging zone, the sub-station enclosure, LV panel and other associated works, are not considered to be out of keeping in the context of this established petrol station.

Therefore, it is concluded that the proposals would have an acceptable impact on the character and appearance of the area and on the setting of the adjacent conservation area and is considered to accord with the guidance set out in Policy BE1 of the Warwick District Council Local Plan. The proposal would also be in accordance with the requirements of Neighbourhood Plan Policy KP13.

The impact on the amenity of neighbouring uses

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a requirement for development not to result in undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between properties.

A number of objections have been received with concerns regarding the additional noise and disturbance which may be created by the proposal, along with matters such as light pollution and anti-social behaviour.

Many objectors are concerned about the possibility of the site being used beyond the current permitted hours (restricted to 0700 hours to 2300 hours by a condition on a previous permission). However, the application does not propose any variation of the existing permitted hours. For the avoidance of doubt, it is recommended that the existing hours of use condition is repeated on the current application, this will include the use of the EV charging points.

Objection comments have also been received with concerns of overshadowing and loss of light due as a result of the canopy. However, since the proposal has been amended to omit the canopy, this concern is considered to have been addressed.

The updated Noise Impact Assessment is now considered thorough, whereby the assessment period has been split between daytime (07:00 to 19:00) and evening (19:00 to 23:00). This allows the potential noise impact to be addressed during the most sensitive evening hours, when background sound levels begin to decrease. The submitted report concludes that the noise from the proposed equipment would be below the existing background sound level which would indicate a low noise impact.

The Council's Environmental Health Officer has been consulted and raises no objection to the proposal, subject to conditions attached to any granted approval.

As so far, the proposal is considered in accordance with Local Plan Policy BE3.

Highways Safety and Parking

Policy TR1 of the Warwick District Local Plan seeks to ensure that there is a safe and convenient access to serve new development and Policy TR3 and the Parking Standards SPD seeks to ensure that sufficient parking is provided. The proposal should also comply with Warwick District Council's Parking Standards SPD.

WCC Highways have been consulted and whilst no concerns were raised over highway safety, they did raise concern over the number of 'general' car parking spaces. The amended plan shows 6 EV charging bays and 3 'general' parking bays.

For the purposes of this assessment, the Council's Parking SPD states that for a shop of this size, 8 parking spaces are required. However, it should be noted that this is the requirement for a standard shop, whilst the application site relates to a retail kiosk at a fuel station. It is considered that a pragmatic approach would be to provide some flexibility on this requirement since many of the trips to the kiosk will be combined with the purchase of fuel whereby the car will be parked at the pump rather than in the car parking spaces.

Officers note that whilst the existing parking provisions are proposed to be replaced with EV charging points, 3 'general' parking bays are provided elsewhere within the application site. Officers are mindful that this does not replace the 4 parking spaces that currently exist, however, it is noted that the parking requirement for the shop should be relaxed with more customers to the kiosk likely to be purchasing fuel and parking next to the pump. In this scenario it is considered that the provision of 3 spaces is sufficient.

On balance, given the associated nature of the of the parking requirement generated by the development, Officers consider the parking arrangements are considered to be acceptable. It is not considered that the development would result in parking issues which would restrict the usage of existing petrol station. The proposal is therefore considered to be in accordance with Local Plan Policies TR1 and TR3.

Ecology

Policy NE2 of the Local Plan seeks to protect designated areas and species of national and local importance for biodiversity and geodiversity.

Objection comments have been received, raising concerns over further depletion of wildlife surrounding the application site.

The county Ecologist has been consulted and raises no objection to the proposal, recommending a nesting bird condition. On balance, however, Officers consider a that bird note is sufficiently proportionate to the site and scale of works proposed. If any nesting birds are found, then work should stop immediately, and further advice should be sought.

The Ecologist has also recommended that advisory notes relating to lighting are attached as the proposed illuminated canopy may impact feeding and commuting bats. This element of the proposal has since been omitted.

SUMMARY/CONCLUSION

The proposal is considered to have an acceptable impact on the character and appearance of the area and on the setting of the adjacent conservation area. The proposal is also considered to create no additional harm to the amenity of neighbouring uses. There would be no detriment to highway safety, having regard to the safety of both vehicles and pedestrians.

The proposals are in accordance with the aforementioned policies, and it is therefore recommended for approval.

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) WPS-MFG-STD-EV-02 submitted on 22nd August 2022 and WPS-MFG-540-P-03 REV C and WPS-MFG-540-P-04 REV A submitted on 10th January 2023 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 The use of the whole premises for the purposes of shop, fuel station and EV charging points shall be restricted to between the hours of 7.00am and 11.00pm. **Reason:** To protect the amenities of surrounding properties, in accordance with Policy BE3 of the Warwick District Local Plan 2011 - 2029.
 - 4 The development hereby permitted shall be carried out strictly in accordance with the details as set out in the 'Noise Impact Assessment Technical Report 39015-R3' produced by Sound Solution Consultants Limited and dated 10th January 2023. **Reason:** To protect the amenities of surrounding properties, in accordance with Policy BE3 of the Warwick District Local Plan 2011 - 2029.
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