

Planning Committee: 28 April 2015

Item Number: 6

Application No: [W 15 / 0256](#)

Town/Parish Council: Kenilworth

Case Officer: Jo Hogarth

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Registration Date: 19/02/15

Expiry Date: 16/04/15

Unit 3 and Unit 5A Princes Drive, Kenilworth, CV8 2FD

Demolition of existing warehouse (Class B8) and replacement with storage yard, storage building, access vehicle parking and conversion of existing building to provide builders merchants (Sui Generis) FOR Grafton Merchanting GB 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 conditions.

DETAILS OF THE DEVELOPMENT

The proposal seeks to demolish the existing warehouse (unit 3) and replace it with a storage yard and new storage building. The scheme also proposes the conversion of an existing building (unit 5a) to a builders merchant, and access and parking provision.

THE SITE AND ITS LOCATION

The site comprises an established industrial site accessed off Princes Drive which leads from Coventry Road. The buildings are located on the corner as the road bends and Princes Drive is not a through road. Residential properties fronting Coventry Road and facing the site are situated approximately 40 metres away from the side elevation of unit 3. The two buildings the subject of this application are currently vacant and have been for 1 and 2 years respectively.

PLANNING HISTORY

A previous application, reference W/14/1638 for the demolition of an existing warehouse (Class B8) and its replacement with a storage yard, storage building, access, vehicle parking and the conversion of an existing building to provide a builders merchants (Class B8) was refused in respect of this employment site because the mix of uses including retail sales to members of the public was not considered to provide an optimum employment use.

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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (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)
- DS8 - Employment Land (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Comment that a condition restricting the hours of opening should be attached to avoid affecting the amenity of residents in the evenings and at the weekends.

WCC Highways: No objection.

WCC Ecology: Recommend bird and bat notes.

WDC Environmental Health: Comment that the site is located close to residential and commercial receptors and therefore to minimise nuisance from noise and dust recommend conditions in relation to hours of delivery and notes on potential asbestos.

Public response(s): 9 letters have been received objecting on grounds of noise, dust, significant increase in heavy delivery vehicles, cars and builders vans. During the winter the road is not gritted and is dangerous; operational hours are too long and the entrance is too close to houses. The use will cause nuisance and restrict access to residential garages. There does not appear to be adequate parking and a traffic survey should be carried out as the lower bend is

dangerous and invariable complications. Buildbase's business will be totally different in character/nature from other businesses in close proximity. Most businesses are in the line of vehicle repair, printing and packaging and do not encourage a large amount of traffic.

ASSESSMENT

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

- The principle of the development
- Parking
- Renewables
- Impact on residents
- Impact on surrounding uses and area
- Design of the building
- Health and Wellbeing

The principle of the development

The operators of the proposed development are currently located in Warwick Road in Kenilworth after having to vacate their existing site on Priory Road to enable the development of Kenilworth railway station. The applicant considers that their current site is too small and not sufficient for their operations and indeed an application to expand their premises on this site was refused and dismissed at appeal in 2013 because of the impact on the residential amenities of nearby properties.

It should be noted that in the Inspector's report for that appeal, reference was made to the benefits of a railway station in Kenilworth particularly in social, economic and environmental terms for the town. In this respect he found that the relocation of the operators, Buildbase, to an alternative location with purpose built facilities would contribute to the retention of local employment by continuing to provide some 15 jobs.

Whilst the proposed mixed use of the site remains the same as that previously refused, the above Inspector's comments comprise new material considerations which when assessed along with the ongoing vacancy of the buildings is considered to comprise changed circumstances which are sufficient to outweigh the previous reason for refusal. For the purposes of Policy SC2 in the Local Plan, employment uses include Class B1 (offices and light industry), Class B2 (general industry) and Class B8 (warehousing). As a *Sui Generis* use which is now proposed, this would not fall within these employment categories because it involves an element of retail use. Whilst a significant proportion of the proposed operations and sales is through internet orders, a builder's merchant can also be visited by members of the public wishing to purchase goods. Nevertheless, it is considered that retaining Buildbase in Kenilworth will contribute to supporting existing local employment and the reuse of buildings which have been vacant for some time such that the principal of the change of use is considered to be acceptable.

Parking

With regards to parking provision, it is considered that the proposal is acceptable and would not result in any adverse impact to highway safety such that it would meet the objectives of the Policy DP8 in the Local Plan. As a *Sui Generis* use, each case is considered on its own merits with regards to the Council's Parking Standards SPD and in this particular instance the level of provision is considered to be acceptable.

Renewables

One building would be used for storage and it is not considered reasonable to impose the use of renewables or to submit a scheme to reduce CO² emissions. However, the other building would be used for offices and sales and measures approximately 414 square metres. Due to its size it is considered that the use of renewables/or reduction in CO² emissions is reasonable and whilst a scheme has not been submitted with the application it is considered that this could be conditioned as part of any approval and would thereby meet the requirements contained in the Council's adopted Supplementary Planning Document on Sustainable Buildings and with the objectives of Policy DP13 in the Local Plan.

Impact on residents

As there are residential properties nearby it is considered that it would be appropriate to condition the days and times of delivery vehicles, in line with the advice received from Environmental Health. In this respect it is considered that this condition would alleviate any significant harm to residents and would thereby comply with the requirements set out in Policy DP2 in the Local Plan. Furthermore, a note would need to be attached regarding the disassembly and disposal of possible corrugated asbestos sheeting together with advice to contact the Health and Safety Executive.

Impact on surrounding uses and area

It is not considered that the uses proposed would have a detrimental impact on the occupiers of adjacent units or conflict with those existing uses nearby.

Design of the building

The replacement of the new warehouse would be smaller in terms of bulk and mass than the existing one as much of the area will be for storage and its design is very much one of a standard industrial building with profile metal steel cladding and roller shutter doors. It is considered that the appearance of the new warehouse would be in keeping with the surrounding buildings and would thereby be acceptable.

Health and Wellbeing

It is not considered that this proposal would have an adverse impact on health and wellbeing.

SUMMARY/CONCLUSION

It is considered that the proposed development involving the retention of local employment and the reuse of vacant buildings within the Kenilworth area is acceptable and that sufficient evidence has been provided to weigh in favour of granting planning permission.

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 numbers 004A; 007G, 009A and 010A, and specification contained therein, submitted on 19 February 2015.
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 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.
REASON: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 4 There shall be no deliveries (incoming or leaving) between the hours of 17.00pm and 7.30am Monday to Friday; before 8.00am on Saturdays or after 12 noon on Saturdays. There shall be no deliveries (incoming or leaving) on Sundays. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
- 5 The opening hours of the premises shall be limited to: Monday to Friday: 0700 – 1700, Saturday 0700-1600. No opening on Sundays or Bank Holidays. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

- 6 The storage area identified on drawing number 007G shall not exceed 5 metres in height. **REASON:** To protect the visual amenities of the area in accordance with Policy DP1 in the Warwick District Local Plan 1996-2011.
 - 7 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
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