

Application No: W 11 / 0812

Town/Parish Council: Kenilworth
Case Officer: Penny Butler

Registration Date: 04/07/12
Expiry Date: 03/10/12

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Kenilworth Business Centre 129-131 Warwick Road, Kenilworth, CV8 1HY

Demolition of existing builders merchants premises and sub-let office accommodation (129-131 Warwick Road) and demolition of warehouse to rear. Erection of a replacement builders merchants trade sales building and showroom fronting Warwick Road. Erection of warehouse. Laying out of external storage yard. Widened access to Warwick Road. Installation of 2.4m high palisade boundary fencing and yard lighting columns. Erection of storage racking in yard.
FOR Buildbase Ltd

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to conditions.

DETAILS OF THE DEVELOPMENT

The proposal is to demolish the three storey building fronting Warwick Road, the warehouses and the single storey brick store, and construct a new purpose built trade sales building, which would be two storeys and have a brick frontage to Warwick Road, with the remainder of the building low brick wall with corrugated metal cladding on the upper part. The new building would be smaller in width than the existing building which would allow a wider vehicular access to the rear of the site to provide an in and out arrangement. A replacement warehouse is proposed on the site of the existing warehouse units. This building would be metal clad with a low pitched roof and due to changing ground levels would have a maximum height of 8m. This building includes three loading bays and an internal mezzanine floor.

The remainder of the site would be for outdoor display and storage. There are proposed various types of racking for outdoor storage including cantilever racking and pallet racking, both of which would have a height of 4.2m. External lighting is proposed along the boundary with properties in Clarendon Road and would be at a height of 5.7m. The boundary treatment would be 2.4m high pallisade fencing and would replace the existing boundary fences.

The applicant currently has premises on Priory Road in Kenilworth which has been identified as the site for the new Kenilworth Railway Station, and as such is subject to a Compulsory Purchase Order. Therefore to enable this development to take place, Buildbase needs to be relocated and as the application site is owned by the County Council, their relocation would deliver wider benefits linked

to the provision of the train station. The existing business could be relocated within the local area, which would also enable existing jobs to be retained.

THE SITE AND ITS LOCATION

The application site lies on the eastern side of Warwick Road and comprises a three storey office block building with a side access leading to the rear yard which is currently vacant and was formally used as a builders yard. This yard is surrounded by residential properties to the north which are within the Clarendon Road Conservation Area. There are currently existing buildings on the site comprising a block of warehouse buildings located on the south boundary of the site and a small single storey flat roofed store located on the north side of the site. There are currently existing accesses from Warwick Road and Clarendon Road.

PLANNING HISTORY

There have been several permissions granted for commercial uses of the site previously, but of relevance to the current proposal was an application for the change of use of the premises to a showroom/store area for a builders merchants/building materials centre and use of the rear yard for the storage of materials granted in 1988. Outline permission (W11/1618) was given earlier this year for the erection of 9 apartments, 3 houses and 3 garages at land adjacent to no.135 Warwick Road which includes the builders yard to the rear.

RELEVANT POLICIES

- 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)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and 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)
- Vehicle Parking Standards (Supplementary Planning Document)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object on the following grounds: Site access/egress onto Clarendon Road is entirely unsuited for this type of traffic. The central location of the site within the town on the Warwick Road is unsuitable for HGVs, posing serious road/pedestrian safety and traffic congestion issues on the Warwick Road. If approved, conditions are requiring proper screening against noise and lighting pollution, including landscaping/bunds and restrictions on delivery hours, changes to the access road splays to allow safe manoeuvring by

HGVs and a review of the access, egress, and on-site manoeuvring methodologies.

Further comments: Despite the amendment, Members reinforced their profound concerns regarding the usage of Clarendon Road for HGVs and continued to OBJECT to the application. Councillor Cockburn as a Member of Warwickshire County Council, made a declaration of interest and took no part in the process.

Environment Agency: Ground investigation shows some level of contamination which requires further investigation, however, no objections subject to conditions relating to preliminary risk assessment, site investigation, remedial works, verification data to demonstrate that the remedial works have been carried out.

WCC Highways: No objection in principle. Vehicle tracking needs to show how HGV's can negotiate the Clarendon Road access with full on street parking. Vehicle Tracking has shown that HGV's cannot egress the development whilst full on street parking is present, therefore, no objection subject to conditions relating to widening both accesses and a Traffic Regulation Order on Clarendon Road to restrict on street parking.

WCC Ecology: No objection

Environmental Health: No objection subject to conditions relating to noise, and restriction on times of deliveries

Public Response: 49 letters received raising objection on the following grounds:

- Inadequate access to site for vehicles. Clarendon Road is unsuitable for HGV access due to width and existing on street parking problems. Access onto Clarendon Road not wide enough. There should be no right turn out of Clarendon Road.
- Harm to highway and pedestrian safety. All vehicles should enter/exit to Warwick Road.
- High racking and lighting unnecessary. Racking too close to neighbours, would be visually intrusive and harm neighbouring amenity. Height restriction required to lighting.
- Inappropriate use in residential area, would be more suited to industrial area.
- Noise from unloading and loading of vehicles.
- Increased traffic.
- Proposal is larger than previous use as a builders yard.
- Height of perimeter fence should be increased.
- Hours of operation and opening too long in a residential area.
- Disruption from demolition and construction works.

A petition of 52 signatures has been received objecting to HGV's in the area, noise, light pollution, hazard to children in Clarendon Road, traffic, health and safety issue, ambulances and Fire Engines may be impeded by extra traffic, and will add to congestion problems in Clarendon Road.

One letter of comment received stating the boundary wall adjoining Clarkes Avenue should remain a wall and at the same height.

Assessment

Layout and Design

The proposed building has been designed with a brick facade fronting Warwick Road and would be two storey with a pitched roof and is more in keeping with the general street scene than the existing building. As the building is reduced in width compared to the existing it would create a wider access into the site from Warwick Road to provide two way ingress and egress for customers and ingress for HGV's. It is considered that whilst the buildings within the site are of a utilitarian nature, the proposed front elevation fronting Warwick Road has been designed to be in keeping with the general street scene and therefore the proposal is considered to be in keeping with Policy DP1 of the District Wide Local Plan and the National Planning Policy Framework (paragraph 61).

Amenity

The site is surrounded by residential properties and concern has been raised by the impact of the height of the outside storage racking, the lighting and noise from the use. The site's lawful use is as an uncontrolled builders yard, with outdoor storage to the rear of the site, as there were no restrictions imposed on the original planning permission (W/88/0053). This use would be a realistic "fall-back" position in the event of refusal of planning permission, and this is a significant material consideration in the determination of this application.

The yard is at the bottom of gardens in Clarendon Road and Grafton Close. The pallet racking is proposed near the boundary with Priory House and Clinton House and the cantilever racking would be on the boundary with the rear access to nos 6 and 8 Clarendon Road. It is considered that due to the distance of the cantilever racking from the nearest houses (13m) there would be minimal impact on the properties in Clarendon Road, and there would be no loss of light or overbearing impact. It is acknowledged that there is a potential for some noise nuisance in the rear amenity space, however, subject to a condition restricting noise as recommended by Environmental Health, this is not considered to have an unacceptable adverse impact. In terms of the impact on the properties in Grafton Close, the racking has been positioned to minimise the visual impact with its end fronting the boundary, and it is considered that it would not harm these properties in terms of loss of outlook and loss of light.

Concerns regarding the proposed lighting can be controlled by a condition restricting the hours of illumination, which would ensure the impact on the residential amenity is within acceptable hours.

On balance, whilst it is acknowledged that there would be some affect to neighbours amenities in terms of noise and disturbance, it is considered that given the previous use of the site as a builders yard which would have had an element of outdoor storage, that the current proposal would not be materially worse than that previously approved. Therefore it is considered that the proposal would be in accordance with Policy DP2 since it would not have an unacceptable adverse impact on the amenity of nearby residents.

Traffic and Parking

The application has been submitted with a transport statement and it is proposed to manage transport arrangements by providing an egress point at Clarendon Road for HGV's only. Since the application was submitted, the issue of land ownership and rights of way have been resolved, which has resulted in a reduction in the site area, with implications for vehicle movements adjacent to

no.26 Clarendon Road. A further vehicle tracking scheme has been requested to demonstrate that HGV's can still pass through the site. The original tracking scheme showed that HGV's cannot exit the site when Clarendon Road is fully parked, and as such the Highway Authority have requested that a Traffic Regulation Order be placed on Clarendon Road which would cover two spaces opposite the access and an extended white line across the access so as to enable the HGV's to exit safely into this road.

The transport statement has indicated that the average vehicular movements on a daily basis in terms of HGV's would be 10 deliveries which would equate to 20 vehicle movements to the site a day, 10 of which would be out onto Clarendon Road. As the proposal relates to an existing vehicular access, which have consent to be used in association with the lawful use of the site as a builders yard, it is considered the proposal would improve highway safety due to improved visibility splays and manoeuvring spaces. On this basis the proposal would be in accordance with Policy DP6 of the Local Plan which seeks to ensure new development provides safe access for all highway users. It is also considered that the proposal would not result in a significant increase in traffic and that it would therefore accord with Policy DP7.

The proposal includes on site parking for customers and staff and includes bicycle parking and a disabled bay in accordance with Policy DP8 of the District Wide Local Plan.

Renewable Energy

The application has been submitted with a sustainable building statement and the building has been designed to maximise solar gain, and includes a rainwater harvesting system. Photo voltaic solar panels would be installed on the roof of both the sales building and the warehouse to provide 10% of the energy requirements from renewable resources, therefore it is considered that the proposal would comply with Policies DP12 and DP13 of the Local Plan and the Sustainable Buildings SPD.

CONCLUSION/SUMMARY OF DECISION

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

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 application form, site location plan and approved drawing(s) (CFL 733-05B, 06C submitted on 4 July 2012. CFL 07A, 08 submitted on 28 June 2012) and specification contained therein. **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 Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.
- REASON** : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- 4 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority, and the scheme shall only be implemented as approved:
1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

REASON : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

- 5 The accesses to both Warwick Rd and Clarendon Rd should be widened/remodelled and improved in accordance with drawing number CFL733-06.. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 6 The proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be kept free of obstruction and be available for those purposes at all times thereafter. **REASON** : To ensure that adequate parking facilities are provided and retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 7 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved. **REASON** : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- 8 The rating level of the noise emitted from any plant or equipment at this site shall not exceed the existing background noise level at any time, when measured one metre from the facade, by more than 3dB(A) (measured as LAeq (5 minutes)) at any noise sensitive residential property when measured and corrected in accordance with BS 4142: 1997. If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- 9 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details. **REASON** : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

- 10 The premises opening hours shall be limited to between 07:00am and 18:00pm Monday to Saturday only. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
- 11 There shall be no deliveries to the site or noisy external activities likely to cause nuisance to nearby residences before the hours of 07.30am or after 18.00pm Monday to Friday or before 08:00am or after 13.00pm on Saturdays, and not at any time on Sundays or Bank Holidays. **REASON :** To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
- 12 No lighting or illumination of any part of any building or the site shall be installed or operated unless it is in accordance with the details of illumination submitted on 30 August 2012. **REASON :** To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.
- 13 The development hereby permitted shall not be commenced until the operators have entered into an agreement with the local highway authority pursuant to section 278 of the Highways Act 1980 providing for the promotion of a traffic regulation order to restrict the on street parking along Clarendon Road and the said traffic regulation order is in force. **REASON:** To enable HGV's to egress unimpeded onto Clarendon Road in accordance with Policy DP6 of the District Wide Local Plan, in the interests of highway safety.
- 14 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
