

Planning Committee: 27 May 2015

Item Number: **11**

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

Town/Parish Council: Kenilworth

Case Officer: Jo Hogarth

01926 456534 jo.hogarth@warwickdc.gov.uk

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. The application was deferred at the previous Planning Committee on 28 April 2015 to allow for a site visit by Members.

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. Since the last meeting, the applicant has submitted additional information to clarify the layout of the site including the positioning and layout of the external storage area and to demonstrate the manner in which delivery vehicles can enter, load/unload and exit the site.

The applicant has also revised the proposed colour of the new building to grey with red trim and has clarified the proposed opening hours of the premises as being 7.30am to 17.00 hours on weekdays and 08.30am to 16.00 hours on Saturdays with deliveries taking place between those hours on weekdays only.

There will be 10 staff employed at the site and a total of 14 car parking spaces are proposed for staff and visitors to the site.

In terms of vehicle movements to the site, there are anticipated to be 15 deliveries to the site per day of which up to 3 will be made by articulated vehicles and the remaining 12 being made by smaller vehicles.

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.

With regards to the adoption of the road, the adopted highway ends where Princes Drive begins and the estate roads within the industrial estate are owned by the Council. Properties numbered 1-59 Crackley Hill have access rights over the private land and the Council's land to access the rear of their properties.

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): 11 letters have been received objecting on grounds of noise, dust, significant increase in heavy delivery vehicles, HGV's cars and builders vans and irresponsible parking. 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; there is no breakdown of who is employed there, i.e part of full time staff and the road and pavement is in a poor state. Most businesses are in the line of vehicle repair, printing and packaging and do not encourage a large amount of traffic. Furthermore there has been little coverage that the company wished to move here rather than stay at Warwick Road as the focus has been on the Priory Road site for the Kenilworth Railway Station.

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 their 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.

Highways/manoeuvring and parking

The applicant has undertaken a parking survey along Princess Drive on Saturday 2 and Wednesday 6 May which identified that the highest number of vehicles parked along Princes Drive on those days was 11 and which is considered to demonstrate an absence of a high level of parking demand on those days.

Nevertheless, with regard to parking provision within the site, it is necessary for sufficient provision to be made for staff and customers so as not to impact upon on street parking. As a *Sui Generis* use, the level of car parking required is considered on a case by case basis and in that respect it is considered that the level of provision is appropriate and would not result in any adverse impact to highway safety.

A swept path analysis for delivery vehicles has been undertaken and the results indicate that the proposed layout can safely accommodate the movements of an articulated vehicle being the largest vehicle which would visit the site.

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. The applicant has confirmed that their opening times would be from 7.30am rather than 7.00am, Mondays to Fridays and 8.00am to 4.00pm on Saturdays. 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. In addition, it is considered appropriate to attach a condition in relation to landscaping which would assist in shielding the building.

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 as the scheme has been amended which shows the building to be grey with red trims to the eaves and corners of the building and doors. This is considered to 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 004B; 007H, 009A and 010B, and specification contained therein, submitted on 19 February 2015 and 12 May 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 Prior to the commencement of development hereby permitted, details of landscaping for the rear (south-east) boundary of the site showing means of enclosure, new planting and retained trees shall be submitted to and approved in writing by the Local Planning Authority. Any trees or shrubs removed without consent of the local planning authority or which die, become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation. **REASON:** To 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.
- 5 There shall be no deliveries (incoming or leaving) between the hours of 17.00pm and 7.30am Monday to Friday. There shall be no deliveries (incoming or leaving) on Saturdays, 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 opening hours of the premises shall be limited to: Monday to Friday: 0730 – 1700, Saturday 0730-1600. 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.
 - 7 The storage area identified on drawing number 007H 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.
-





