

Planning Committee: 21 September 2005

Item Number: 03

Application No: W 05 / 1003

Registration Date: 17/06/05

Town/Parish Council: Kenilworth

Expiry Date: 12/08/05

Case Officer: Will Charlton

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Sainsbury's, 56-66 Warwick Road, Kenilworth, CV8 1HH

Erection of extensions to existing store to provide additional sales area, sublet office after demolition of 56 to 58 Warwick Road, extension above existing service yard to rear (to form store area), alterations to form new entrance, toilets and relocated ATM machines FOR Sainsbury's Supermarket Ltd

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

SUMMARY OF REPRESENTATIONS

Town Council : *Members OBJECT to the proposal and would indicate that their comments remain as before:*

- *Members COMMENTED that they were concerned with the level of car parking provision for both the store and associated office area, which although compliant with the regulations, was considered inadequate and likely to further exacerbate on-street car parking congestion.*
- *Members OBJECTED to:*
 - 1) *The height (around 10 metres) and bulk of the rear extension, which was considered to be unacceptable in its current form to the surrounding residential properties.*
 - 2) *The pillar design of the Service Yard, which was likely to result in the channelling of unacceptable levels of noise pollution towards the Randall Road residential properties.*

WCC Highways : The County Highways response is attached to this report as Appendix 1.

WCC Ecology : Request a bat survey prior to determination and protection of any existing trees/shrubs that may be affected by the scheme.

WCC Archaeology : Request a condition requiring archaeological work in accordance with a written scheme of investigation.

Environmental Health : No comment on the proposal.

Kenilworth Society : Object to the proposal as it will generate a major increase in demand for parking, with the existing car park already at capacity. The enforcement of parking rules will only displace the problems with the increase in customers, the vast majority arriving by car causing further tailbacks at the entrance. The height and volume of the rear extension will

seriously impair the amenities of the surrounding residential properties and the demolition of 56 to 58 Warwick Road will destroy two good quality older buildings, having an adverse effect on the street scene.

Neighbours : Seven letters of objection have been received, two from residents in Queens Road and five from Randall Road. It is considered that the larger store will result in more deliveries which will cause more noise and disturbance over that currently endured. There is likely to be an increase in store hours and therefore increased disturbance from lighting, deliveries, people/trolleys and vehicles in the car park. Warwick Road is often blocked by vehicles turning into the car park, sometimes due to cars queuing to find a space and parking along Queens Road, this situation will also worsen. Car parking is already at capacity and the net loss of spaces with an increase in floor space will lead to further congestion. Delivery vehicles have difficulty accessing the site and fumes/noise from the open sided but roofed loading area will worsen.

There will be a loss of open aspect and light to the gardens and the rear of the houses, with an extreme sense of enclosure reducing amenity. The extension is inappropriate due to its length, height, mass and design and would be out of scale with the domestic proportions of the surrounding properties. A tradition building onto the Warwick Road would be lost and replaced with a bland building in the same style of the existing Sainsbury's building, creating a further oversupply of supermarket and office space in Kenilworth.

Queens Road Area Residents Association : Object to the increase in floor space (approx 52%) and the decrease in parking spaces. There is insufficient space within the car park and with a larger store there will inevitably be more parking congestion in Queens Road. The proposals to provide a travel plan and discourage long term parkers will not be sufficient and will lead to a shift in parking to Queens Road.

RELEVANT POLICIES

(DW) S3 - Additional Retail Development in Town Centres (Warwick District Local Plan 1995)

(DW) S1 - Protection and Development of Town Centres (Warwick District Local Plan 1995)

TCP1 - Protecting and Enhancing the Town Centres (Warwick District 1996 - 2011 First Deposit Version)

T5 - Influencing Transport Choice (Warwickshire County Council Structure Plan 1996-2011)

PLANNING HISTORY

The application is a resubmission of a previous scheme (W04/1935) which was withdrawn by the applicant in order to resolve parking and traffic issues.

KEY ISSUES

The Site and its Location

The application site consists of an existing Sainsbury's retail supermarket, car park and rear service yard and adjoining retail shop unit (56-58 Warwick Road). The application site contains the approved Sainsbury's retail unit and car park, surrounded by a mix of retail, commercial uses, with residential properties forming the north, west and southern boundaries.

Details of the Development

The application involves the erection of a two-storey extension fronting Warwick Road, following the removal of the existing shop units at 56-58 Warwick Road. The ground floor extension would provide 304 sq m of floorspace to the existing store, with office accommodation (215 sq m) to be sub-let on the first floor. A rear extension above the existing walled service yard would provide 640 sq m of storage area, therefore allowing more floor area within the existing building to be used for sales. It is stated that the alterations would increase the net sales area of the store from 1,603 sq m to 2,323 sq m. The entrance lobby, cash machines and customer toilets would be relocated to under the existing canopy facing the car park. Although six additional spaces are proposed, due to the reconfiguration of the car park, there would be a net loss of seven spaces.

Assessment

The supermarket is situated within the Town Centre and as such, policies S1, S3 of the Warwick District Local Plan and TCP1 of the emerging Local Plan encourages the further development of retail uses where it is of an appropriate scale and form. The floorspace of the alterations proposed would comply with these policies, maintaining the retail character of the area, whilst improving convenience shopping. Due to the scale of the extensions proposed, there is no requirement to undertake an assessment of need or to carry out a sequential approach. As part of the extension onto Warwick Road, first floor office accommodation would be provided, which is recognised as acceptable within the town centre. It is therefore considered that in principle the extension to the retail and office area is acceptable in policy terms.

Although the extension to the retail area fronting the Warwick Road would result in the removal of an older building, it is not considered that the building positively contributes to the streetscene to such an extent as to require its retention. The building is plain, with a modern shop front and replacement windows and substantially protrudes forward with very little pavement before the roadway. It is considered that the replacement proposed, reproducing the form and character of the existing Sainsbury's shop elevation, does have a scale, form and character appropriate to the surrounding buildings, streetscene and as such would not be detrimental to Warwick Road, (although in any event the demolition is not subject to planning control).

The extension onto Warwick Road would result in extensions to the store behind No 1 Randall Road. These alterations would have a ridge height of

approximately 6.6m, and would have a separation distance from No 1 of approximately 18m, therefore in excess of the Council's residential distance separation standards for a two-storey property where it faces habitable windows of another dwelling.

The proposed rear extension to the building, which would create a first floor above the existing service yard has been designed so as to imitate the form of the existing building. The extension would have a mansard roof, with a flat roof level of approximately 10m, whereas the existing building has a roof height of 6.6m. Although this would create a large structure, it is not considered that it would be sufficiently over dominant when viewed from the residences in Randall Road (No 13 - 21 odds) to warrant refusal, primarily due to the amount of planting to the rear gardens, and the separation distance from the properties which would exist. The proposal would be approximately 40m from the properties, or 35m from No 13, with the majority of the extension being positioned 7 to 9m off the dividing boundaries with the residences. It is therefore considered that although the residents of the properties would see the proposal, it would not cause a sufficient loss of light to the properties to refuse the application.

The applicants have undertaken a traffic survey and have discussed the proposal at length with Warwickshire County Council Highways. The County Council have no objection to the proposals, although they do raise a number of issues, which are detailed in their letter of the 24th August 2005, attached as Appendix 1. However, the applicants raise issue with these statements and therefore their response is attached as Appendix 2.

Whilst appreciating the objections of local residents and the concerns of the Town Council, it is not considered that the issues regarding parking, the potential for over spill parking or highway congestion are sufficient to warrant refusal. Although there would be a substantial increase in retail floor space, both the existing and proposed store falls within the definition of a 'supermarket' (ie having a trading floorspace of less than 2,500 sq m) under the terms of PPS6 (Planning Policy Statement - Planning for Town Centres), and therefore the character of the store will remain primarily selling convenience goods. The applicants have submitted that they expect an increase in customer numbers of approximately 11% by all modes of transport, having used research obtained from other Sainsbury's stores.

The store is situated within a town centre location, with relatively good transport links and complies with Government guidance with regard to the number of parking spaces proposed. PPG13 (Planning Policy Guidance Note - Transport) indicates that stores should provide a maximum of 1 space per 14 sq m, therefore equating to 166 spaces at the application site. As 151 vehicle parking spaces would be provided, it is not considered that the provision of 15 spaces under the maximum a reason for refusal. Although the car park operates close to capacity, it is proposed to introduce a Travel Plan for members of staff, to encourage the use of modes of transport other than the car, whilst enforcing the pay and display use of the site to solve the abuse of the car park which involves long term parking.

Although the car park operates almost at capacity, County Highways raise no objection and it is not considered that there is sufficient reasoning and justification to warrant refusal on traffic safety grounds.

As the store would be substantially larger, there are likely to be more deliveries with the potential for more disturbance. In order to control possible noise and disturbance to neighbouring properties, it is proposed to reiterate the noise conditions imposed on the original permission and to control the hours of deliveries to the site.

The response from Warwickshire County Council Ecology requests a Bat Survey to be undertaken before determination of the application. It is not considered that this is a reasonable request, as although bats do roost in buildings, there are no records of bats within the application site. As such, it is suggested that a bat survey of the buildings be undertaken prior to the commencement of works and if bats are found then mitigation measures be proposed.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 030155/PL05 Rev C, 030155/PL06 Rev C 030155/PL07 Rev E and 030155/PL08 Rev D, and specification contained therein, submitted on 17 June 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. **REASON** : To ensure any items of archaeological

interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy ENV22 of the Warwick District Local Plan.

- 5 Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON:** To ensure the protection of bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995.
- 6 A Travel Plan comprising the following details shall be submitted to and approved in writing by the District Planning Authority before the first occupation of the development hereby approved:
 - i) Targets for reducing the number of staff travelling to and from the site by means of private motor vehicle;
 - ii) Implementation measures;
 - iii) Management programme;
 - iv) Monitoring schedule; and
 - v) Target reviews.Thereafter the use of the site shall operate in strict accordance with the approved Travel Plan, unless otherwise agreed in writing by the District Planning Authority. **REASON :** To promote sustainable transport in accordance with Policy T5 of the Warwickshire County Structure Plan.
- 7 A Car Park Management Plan comprising details regarding the enforcement of parking restrictions within the car park shall be submitted to and approved in writing by the District Planning Authority before the first occupation of the development hereby approved. Thereafter the use of the site shall operate in strict accordance with the approved Car Park Management Plan, unless otherwise agreed in writing by the District Planning Authority. **REASON :** To promote sustainable transport in accordance with Policy T5 of the Warwickshire County Structure Plan.
- 8 The car park lights shall be turned on no sooner than 30 minutes before the store opens and shall be turned off no later than 30 minutes after the store closes. **REASON :** To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.
- 9 No deliveries shall be taken at or despatched from the site between the hours of 2200 and 0600 (extended to 0800 on Sundays, Bank or Public Holidays). **REASON :** To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.

- 10 The levels of noise from all plant and machinery on the site the subject of this application, when measured one metre from the nearest noise sensitive facade, shall not exceed the background level by more than 3 dBA.
REASON : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.
- 11 The level of noise from all sources relating to deliveries and goods and materials handling when measured one metre from the nearest noise sensitive facade, shall not exceed the background noise level by more than 3dBA between the hours of 2200 and 0600 on any day (extended to 0800 on Sundays). Between the hours of 0600 and 0800 on any day (extended to 1000 on Sundays), and between the hours of 2000 and 2200 on any day, the level of noise from all these activities shall not exceed 55dBA Leq (5mins). **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.
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