

**Application No:** W 11 / 1099

**Town/Parish Council:** Kenilworth

**Case Officer:**

Erica Buchanan

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**Registration Date:** 30/08/11

**Expiry Date:** 25/10/11

**Kenilworth Weekly News, 31 Warwick Road, Kenilworth, CV8 1HN**

Change of use of upper floor to Use Class C3 (residential) FOR Mr Michael Page

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This application is being presented to Committee because the Town Council have supported the application and it is being recommended for Refusal.

**SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Support the proposal

**Environmental Health:** Raised concerns as the site is in an Air Quality Management Area for high traffic emissions and therefore risk of air pollution, the proposal is in close proximity to the public house, and take away where there is high risk of noise nuisance and odour nuisance, noise mitigation between uses on ground floor and proposed residential use.

**RELEVANT POLICIES**

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

**PLANNING HISTORY**

The property was converted to offices in the mid 1960's and most recently permission has been granted in 2011 for the extension to the ground floor with new external stairs to first floor and the change of use to open A1, A2, A3 use. (W11/0422).

**KEY ISSUES**

**The Site and its Location**

The application site forms part of a terrace of retail premises on Warwick Road within Kenilworth Town Centre. The property has been in commercial use as offices since the mid sixties. To the south-east of the site is The Lion Public

House and the adjoining property is in A3 use as a take-away, and the neighbouring property is an estate agents on the ground floor and solicitors on first floor.

Warwick Road is the main arterial road through Kenilworth and there is a bus stop outside the application site. To the rear of the site is a private car park which is outside the ownership of the applicant.

## **Details of the Development**

The proposal is to convert the first floor of the property from offices to provide a residential studio apartment. Access to the flat would be via the new staircase granted under planning permission W/11/0422 and would be located in the side access alleyway with the entrance onto the Warwick Road.

## **ASSESSMENT**

### **Amenity**

The main issues with the proposal relate to noise, traffic pollution and odours which would have an adverse impact on the amenity of future residential occupiers if permission were granted. To address the issues a number of measures would need to be taken to reduce the impact of the external factors, although some are outside the control of the applicant.

In terms of the air quality, the applicant would need to implement non opening windows along Warwick Road and incorporate mechanical ventilation in the dwelling. The current proposal does not incorporate these features nor does it therefore address the problems of odour from the take-away and is therefore contrary to Policy DP2.

To assess the level of noise from the Public House and Garden and the neighbouring take-away, a noise survey would need to be carried out and submitted so the impact relating to the external noise could be mitigated. The application is deficient in these details and I consider there is insufficient evidence to demonstrate this issue could satisfactorily be addressed.

The applicant has addressed the issues of noise from the ground floor unit as noise insulation measures have been carried out within the shop fitting in accordance with doc E of Building Control Regulations.

Whilst Town Centre living and conversion of upper floors to living accommodation is encouraged to enhance the viability and vitality of Town Centre and to provide sustainable forms of living, in these circumstances the impacts from the other uses within close proximity to the site would be detrimental to the amenity of future residents and the proposal therefore conflicts with Policy DP2 of the Warwick District Local Plan 1996-2011.

### **Layout and Design**

The proposal is to convert the existing first floor into living accommodation and therefore the only external alterations would be the external staircase to the first floor and the insertion of a door in the rear elevation. I consider that as the external alterations have been granted previously and there is no change in this

respect then the proposed layout and design is acceptable and in accordance with DP1 of the District Wide Local Plan 1996-2011.

## **Parking**

The application has been submitted with no provisions for off street parking and would be contrary to the Vehicle Parking Standards SPD which requires 1 space for a studio apartment. To the rear of the site is a private parking area which is not in the ownership of the applicant and can not be used for parking. However, given that the property is in a town centre location with good public transport services and access to shops and services by foot, there is no objection to the conversion to residential use on the grounds of lack of parking. Although I note this view is contrary to the aims of Parking Standards SPD, there is not sufficient evidence to refuse the application on the grounds it is contrary to Policy DP8 of the Local Plan

## **RECOMMENDATION**

Refuse for the reason listed below.

## **REFUSAL REASON**

- 1 Policy DP2 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will not be permitted that does not provide acceptable standards of amenity for future occupiers of the development. The proposal is in close proximity to a Public House with a rear garden area and a take-away which would both give rise to noise disturbance from customers and external mechanical ventilation, and the risk of odour pollution from the take away use.

The property is also in an air quality management area and as such there is poor air quality and no measures have been proposed to mitigate these impacts.

The proposed residential unit does not provide acceptable amenity for the future occupiers and is therefore contrary to the aforementioned policy.

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