Planning Committee: 11 November 2014 **Item Number:** **14**

Application No: W 14 / 1453

Registration Date: 01/10/14
Town/Parish Council: Kenilworth **Expiry Date:** 26/11/14
Case Officer: Jo Hogarth
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134 Warwick Road, Kenilworth, CV8 1HS
Erection of a single storey side and rear extension and one and two storey rear and side extension. Change of use from Use Class C3 (single dwelling house) to Use class D1 (complementary health practice) at ground floor, and a two bedroom apartment at first floor. FOR Mrs K Phillips

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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 the recommended conditions.

DETAILS OF THE DEVELOPMENT

The proposal is for the erection of a two storey side/rear extension and single storey side/rear extensions. It is also proposed to change the use of the premises from a single dwelling house (Use Class C3) to a complementary health practice (Sui Generis) and two-bedroom flat on the first floor above. The proposed site plan shows three parking spaces in the front garden and two side facing windows at first floor to bathrooms.

THE SITE AND ITS LOCATION

The application property is a two storey semi-detached dwelling sited near the southern end of Warwick Road in a highly accessible location close to Kenilworth town centre. On the opposite side of the adjoining neighbour to the south is a public house and car park, whilst to the north is a row of detached and semi-detached dwellings of similar size. Immediately opposite are dwellings, and opposite to the south-east is a petrol filling station. The site has an existing vehicular access at the front which crosses a bus stop lay by.

PLANNING HISTORY

A similar application was refused in 2013 for the change of use from a single dwelling to a complementary health practice (Sui Generis) with a one-bedroom flat and a studio apartment on the first floor above. Two storey rear and single storey side and rear extensions were also proposed. The reasons for the refusal of permission were harm to highway safety arising from lack of parking and

turning space, and breach of a 45 degree guideline from the neighbours rear bedroom window impacting upon the amenities of that adjacent property (no.132).

A further revised application (ref: W/14/1036) was considered to have addressed the reasons for refusal set out above but was refused by planning committee for the following reason:

"The proposed development by reason of its extent, layout and design and the resulting combination of uses within the site including the provision of 2 units of residential accommodation at first floor level would result in the overly intensive development and use of the site including the provision of residential accommodation which is cramped and which provides a substandard level of residential amenity for the occupants of those units."

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)
- DP3 - Natural and Historic Environment and Landscape (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)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (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)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection on grounds that the width of the extension and infill will impact on the streetscene and lack of provision for vehicular access and parking.

WCC Ecology: Recommend bat notes.

WCC Archaeology: No objection.

Highways: No objection.

Public response(s): 9 letters of objection and a petition of 23 signatures have been received objecting on grounds that Warwick Road is very busy and this is a residential area; the location of the site adjacent to a bus stop which will be dangerous; the limited proposed parking which will result in cars parking in neighbouring roads; and the existence of vacant commercial premises in Kenilworth.

ASSESSMENT

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

- Principle of the Development
- The impact on the character and appearance of the area
- The impact on the living conditions of nearby dwellings
- Car parking and highway safety
- Renewable Energy
- Ecological Impact
- Health and Wellbeing

The Principle of the Development

The principle of changing the use of the property would accord with the Local Plan and the NPPF. The Local Plan does not contain policies which seek to protect existing residential uses from changes of use. The NPPF (para.19) places significant weight on the need to support economic growth through the planning system, which this proposal would contribute towards. The previous planning application sought to create two flats on the upper floors; as this was considered to be overly intense development, the application has been amended to propose one 2 bed flat at first floor level.

It is considered that the proposed reduction in the intensity of the use of the site by means of the reduction in the number of residential units provided; the resultant reduction in activity in and around the site; and the improved level of residential amenity for the remaining first floor unit is sufficient to overcome the previous reason for refusal.

As set out below, the development is considered to be acceptable and therefore, the proposal is considered to comply with the NPPF

The impact on the Character and Appearance of the Area

The proposed first floor extension is set off the neighbour's side wall (as they are built virtually onto the side boundary) by one metre in accordance with the Residential Design Guide SPG, which will ensure that a clear visual separation is retained between the buildings at first floor level. The roof of this extension is also set down in height, set well back from the front elevation, and has a hipped roof, therefore the extension will appear subservient to the original pair of semi-detached dwellings.

The proposed ground floor extension will partly replace the existing side canopy, and will continue the existing front canopy across the front bay window and porch. The extensions are considered to be acceptable in design terms as they will not unacceptably unbalance the appearance of the original pair of semi-detached dwellings. It is therefore considered that the proposed extensions comply with the Residential Design Guide SPG and achieve good design in accordance with Policy DP1 and the NPPF.

The impact on the living conditions of nearby dwellings

At the rear, this application complies with a 45 degree guideline taken from the first floor rear window of no. 132. The proposed first floor extension would therefore not have an unreasonable impact on light and outlook to this window. At ground floor level there would be no breach of a 45 degree line taken from the end of this neighbour's existing long conservatory which is built close to the boundary. The other neighbour which adjoins the application property does not have rear windows to habitable rooms so there is no 45 degree line breach from their property. It is considered appropriate to condition the side facing windows to be obscure glazed in order to prevent any potential or perceived overlooking. They serve bathrooms at first floor level. The neighbouring property at number 132 Warwick Road does not have any side facing windows. The proposed business use, by reason of its nature and extent is considered to be unlikely to lead to unacceptable levels of noise or disturbance.

Car Parking and Highway Safety

The proposed use requires four parking spaces per treatment room, to comply with the Council's Vehicle Parking Standards SPD. The proposed layout shows one treatment room, one preparation room, a large summer room, and a reception area with office, kitchen WC and store. The applicant has described how there may be more than one patient on site at one time, due to the types of treatment taking place. Therefore there may be two customers on site at one time plus the practitioner. The proposed first floor residential use would require 1.5 parking spaces. The total parking requirement based on one treatment room would therefore be 5.5 spaces.
Three parking spaces are provided on site which is below the SPD requirement, although the business use would require parking during daytime hours whilst the residential use would be more likely to require evening parking.

Many of the applicant's existing clients are expected to walk to the practice, use mobility scooters or public transport. Following the original refusal, the applicant secured three additional parking spaces within a nearby private car park to

accommodate any over spill parking. The applicant understands the risk to highway safety associated with potential dropping off in the lay by and is committed to discouraging this.

The site is located in a highly accessible and sustainable area, being adjacent to a bus stop and within walking distance of the town centre, which is likely to reduce the parking demand. Taking into account the site entrance behind the bus lay by, the Highway Authority are satisfied with vehicles reversing into the highway from the proposed parking spaces, as this is the case with other dwellings in this road, and are also content with the size of parking spaces provided. The matter of access and parking has been carefully considered by the Highway Authority, and they raise no objection on highway safety grounds.

Taking all of these matters into account, it is therefore considered that there would be no significant worsening of the existing parking situation or highway safety, and the proposals would comply with Policies DP6 and DP8, and the Parking Standards SPD.

Renewable Energy

The proposed change of use and extensions would trigger a requirement for the provision of renewable energy in accordance with Policies DP12, DP13 and the Sustainable Buildings SPD, which can be secured by condition

Ecological Impact

There would be no impact in terms of ecology; however it is considered appropriate to attach notes relating to bats as a protected species.

Health and Wellbeing

The application proposes the provision of a complimentary health practice which by its nature is intended to improve the health and wellbeing of patients.

Other matters

It is not considered appropriate to request financial contributions towards the enhancement of public open space as unlike the previous application no additional dwellings are being proposed. There would be no conflict with Policy SC13 in the Local Plan or the accompanying adopted Supplementary Planning Document on Open Space.

SUMMARY/CONCLUSION

The proposal is considered unlikely to lead to significant harm to highway safety, visual or neighbouring amenity, and the benefits of the scheme are not outweighed by any likely adverse impacts, therefore the proposal would comply with paragraph 14 of the NPPF.

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(s) 1692 PL02 Rev.G and 1692 PL03 Rev. F submitted on30 September 2014, 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 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **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.

4 The use of the ground floor of the property hereby permitted shall be as a complementary health practice only, and for no other purpose within Use Class D1. **REASON**: Since the proposed use is only considered acceptable in the particular circumstances of this case, and an alternative D1 use could have a greater impact on neighbouring amenity or parking.

5 Prior to the occupation of the development hereby permitted, the first floor windows in the side elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON** : To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

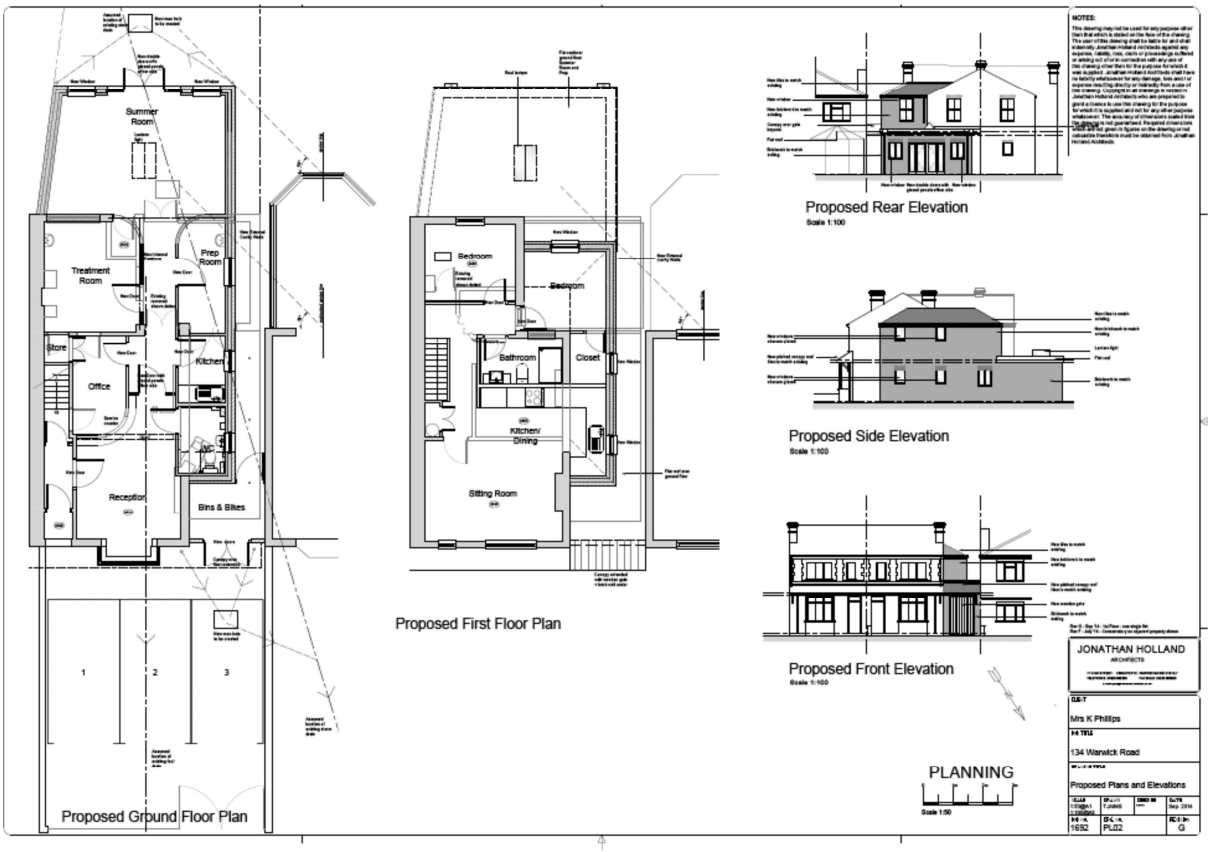
6 The uses hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON**: To ensure

adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

7 The access to the site for vehicles shall not be used unless the existing public highway footway crossing has been extended, laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON**: To ensure adequate access in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

8 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 DP1 of the Warwick District Local Plan 1996-2011.

ST JOHN'S STREET
ST JOHN'S LANE
ST JOHN'S PLACE
WARWICK ROAD
Water


Summer Room
Treatment Room
Prep Room
Store
Office
Kitchen
Reception
Bins & Bikes
1
2
3
Proposed Ground Floor Plan
Bedroom
Bedroom
Bathroom
Closet
Kitchen/ Dining
Sitting Room
Proposed First Floor Plan
Proposed Rear Elevation
Scale 1:100
Proposed Side Elevation
Scale 1:100
Proposed Front Elevation
Scale 1:100
PLANNING
Scale 1:50
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