Planning Committee: 02 February 2016 **Item Number:** 10

Application No: W 15 / 2006

Registration Date: 03/12/15
Town/Parish Council: Kenilworth **Expiry Date:** 28/01/16
Case Officer: Rob Young
01926 456535 rob.young@warwickdc.gov.uk

Land off, Waverley Road, Kenilworth CV8 1JL
Proposed refurbishment and extension of existing building to create student residential accommodation. FOR Midland Assured Estates Limited
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This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions and subject to the submission of a satisfactory Unilateral Undertaking to secure an amendment to the Traffic Regulation Order governing the Residents' Parking Scheme in the locality such that future occupants of the development are not entitled to Residents' Parking Permits. Should a satisfactory Unilateral Undertaking not have been submitted by 8 February 2016, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals would have an unacceptable impact on parking in the locality.

DETAILS OF THE DEVELOPMENT

The application proposes the refurbishment and extension of the existing building to create student residential accommodation. The accommodation will include 8 ensuite bedrooms together with a kitchen / living room. The open yard to the side of the existing building will be laid out as private amenity space. Pedestrian access to the development is proposed across the adjacent car park.

THE SITE AND ITS LOCATION

The application relates to a site to the rear of the frontage development on Waverley Road, Warwick Road and Clarendon Road. The site is situated to the rear of a car park associated with an adjacent restaurant in Warwick Road. The car park is accessed from Waverley Road and there is vehicular access to the application site through the car park.

The site is currently vacant and contains buildings running along the north-eastern boundary with an open yard alongside. The site is bounded by residential gardens to the north-east and south-east. To the south-west the site adjoins commercial, residential and institutional premises in Warwick Road, while the restaurant car park forms the north-western boundary of the site.

The site is adjacent to the retail area of Kenilworth Town Centre (as defined in the Local Plan). The eastern corner of the site adjoins the boundary of the Kenilworth (Clarendon Road) Conservation Area.

PLANNING HISTORY

In 1991 planning permission was granted for "Conversion of storage building into two dwelling units; erection of an additional dwelling unit, provision of parking area for 6 vehicles" (Ref. W91/1020). This included the current application together with the car park to the front. This permission was not implemented.

In 2015 planning permission was refused for "Demolition of existing storage buildings and erection of two semi detached houses" (Ref. W15/1185). The reasons for refusal were: (1) Failure to provide a satisfactory living environment due to the poor outlook onto the car park; (2) Harm to the character and appearance of the area due to the construction of 2 dwellings in a backland location, contrary to the established pattern of development in the area; and (3) Harm to highway safety due to provision of a vehicular access to the 2 dwellings across a car park and the potential conflict between vehicles accessing the proposed dwellings and vehicles using the car park.

Prior to the above applications there had been a number of other previous applications relating to the application site but none of these are relevant to the consideration of the current proposals.

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)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (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)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (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)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Town Council: Support. The Town Council felt this was a good use of the existing site and welcomed the imaginative use of the old building.

Public response: 5 objections and one comment neither supporting nor objecting have been received, raising the following concerns:

- the arrangement for pedestrian access across a car park is unsafe;
- conflict between pedestrians and vehicles manoeuvring in the car park;
- use of one parking bay for a bin store will add to parking problems in the locality;
- loss of privacy;
- noise and disturbance from parties and loud music;
- failure to meet access requirements for emergency vehicles;

- insufficient car parking;
- the extension would not be in keeping with the existing building or surrounding period properties;
- the extension would harm the outlook to the rear of adjacent dwellings and from the adjacent garden;
- the extension would cause loss of sunlight for the adjacent garden;
- concerns about the impact on access to adjacent premises; and
- the extension is unnecessary.

Included in the 5 objections is one from the operator of the restaurant at No. 101-103 Warwick Road. They object on the grounds that they have had no notification from their landlords that any changes are proposed with the car park area that they lease.

WCC Ecology: No objection, subject to a condition in relation to supervision of works by a bat worker.

WCC Highways: No objection, subject to conditions. The local planning authority should consider revoking the eligibility of residents to apply for residents' parking permits.

WDC Private Sector Housing: No objection, but make detailed comments in relation to refuse storage, kitchen facilities and fire precautions.

WDC Environmental Health: Recommend conditions to restrict noise from the air source heat pump and to require a scheme of physical measures to ensure a safe pedestrian route across the car park.

ASSESSMENT

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

- loss of employment land;
- impact on the living conditions of neighbouring dwellings;
- provision of a satisfactory living environment for future occupants;
- impact on the character and appearance of the area;
- impact on the setting of the adjacent Conservation Area;
- car parking and highway safety;
- protection of bats; and
- health and wellbeing.

Loss of employment land

It appears that the lawful use of the premises is for Class B8 storage purposes, although the last use appears to have been for storage purposes ancillary to the adjacent restaurant. In the circumstances Local Plan Policy SC2 may or may not apply, but for the purposes for this assessment it will be assumed that it does apply.

Policy SC2 states that redevelopment or change of use of existing and committed employment land and buildings for other uses will not be permitted unless one of 4 criteria are met. The applicant has submitted a planning statement which makes points relating to criterion (a). Criterion (a) permits redevelopment for

other purposes where employment activity would have an unacceptable adverse impact upon adjacent residential uses and it would not be desirable to seek to replace this with any other employment use. This criterion is clearly applicable in the current case, given that the site is surrounded by dwellings. There is also an awkward access to the site through the adjacent car park which runs alongside the boundaries of neighbouring dwellings. It is also of note that the loss of this employment site has been accepted previously when planning permission was granted for a redevelopment for residential purposes in 1991 (Ref. W91/1020). Consequently the site is not considered to be suitable for an employment redevelopment and the proposals are therefore considered to be in accordance with Local Plan Policy SC2.

Impact on the living conditions of neighbouring dwellings

The proposals would not infringe a 45-degree sight-line in relation to the nearest windows in neighbouring dwellings. Furthermore, the proposals would comply with the Council's Distance Separation Guidelines in relation to all neighbouring dwellings. Whilst the proposed extension would be situated alongside the adjacent gardens to the south-east and south-west, as a single storey structure (albeit with the highest point on the boundary) it would not cause an unacceptable degree of loss of light or loss of outlook. In this regard it is noted that the extension would be to the north-east and north-west of the gardens that it would adjoin and therefore would not significantly impact on direct sunlight. The extension would be 18m from the rear elevation of the adjacent dwellings in Clarendon Road, well in excess of the 12m minimum separation distance specified in the Council's Guidelines (and that being for 2 storey development). Therefore it has been concluded that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for neighbouring dwellings.

Objectors have raised concerns about potential noise and disturbance resulting from the occupation of the site by students. However, student accommodation is a residential use that is considered to be generally acceptable alongside conventional dwellings. A refusal of planning permission would only be justified on these grounds if the proposals would create or add to an over-concentration of student accommodation in the locality. According to the Council's records there are only 3 existing houses in multiple occupation within a 100m radius of the application site. Therefore the concentration of houses in multiple occupation in this locality is well below the 10% limit set out in Draft Local Plan Policy H6. The proposals also comply with the other criteria in Policy H6. Therefore it has been concluded that the proposals will not create or add to an over-concentration of student accommodation in the locality. Accordingly it must also be concluded that the proposals will not cause unacceptable noise and disturbance for neighbouring residents.

Provision of a satisfactory living environment for future occupants

The proposed student accommodation would be situated at the rear of a narrow car park serving an adjacent restaurant. However, the current proposals differ from the previous scheme for two new building dwellings in one key respect and that is that the windows in the development largely face sideways onto the courtyard within the site. Consequently the scheme now proposed does not suffer the same poor outlook across an unrelieved expanse of car park. Furthermore the accommodation now proposed would be more protected from activities in the car park due to the orientation of the windows and the provision

of a wall and gates across the end of the courtyard. The application also proposes that a pedestrian priority route will be created across the car park which will improve the environment for residents crossing the car park to access the proposed development. Therefore it has been concluded that the proposals provide a satisfactory living environment for future occupants and have thereby addressed the first reason for refusal of the previous application.

Impact on the character and appearance of the area

The application site is situated to the rear of the frontage development on Waverley Road, Warwick Road and Clarendon Road. However, the current application now proposes to retain the existing building, which forms part of the historical development of the area. The alterations and extension are in keeping with the historic form and appearance of the existing building and surrounding traditional development. Therefore it has been concluded that the proposals are in keeping with the character and appearance of the area. These revised proposals have thereby addressed the second reason for refusal of the previous application.

Impact on the setting of the adjacent Conservation Area

Whilst one corner of the application site adjoins the boundary of the Kenilworth (Clarendon Road) Conservation Area, the relationship with the Conservation Area would be back to back (i.e. the private rear boundary of the application site adjoining the private rear boundary of the dwellings in Clarendon Road). As a result, the proposals would not impact on any public views of the Conservation Area. Therefore, development on the application site is unlikely to have a significant impact on the setting of the Conservation Area. The design of the extension and alterations are traditional in appearance and this will ensure an appropriate relationship with the Conservation Area.

Car parking and highway safety

The proposals would not provide any off-street parking. However, the site is situated within a Residents' Parking Zone and the applicant proposes that occupants will be prohibited from applying for Residents' Parking Permits. The applicant has submitted a Unilateral Undertaking to secure an amendment to the Traffic Regulation Order governing the Residents' Parking Scheme in the locality such that future occupants of the development will not be entitled to Residents' Parking Permits. This is being checked by the Council's Solicitors and if it is considered to be sound, then this would ensure that the proposals do not adversely impact on parking on surrounding streets. An area for cycle parking is indicated within the yard and a condition is recommended to require details of a covered cycle store to be submitted for approval.

Turning to the issue of highway safety, the Highway Authority objected to the previous scheme for 2 dwellings on this site and this formed the third reason for refusal of that application. However, the current scheme incorporates a number of amendments to address the concerns that the Highway Authority had with that previous scheme. Firstly, the revised proposals are for student accommodation rather than family houses. Secondly, the revised proposals do not include on-site parking and consequently only pedestrian access is proposed across the adjacent car park. Finally, a Unilateral Undertaking has been submitted to ensure that future occupants are not entitled to residents' parking

permits. Furthermore, a condition is recommended to require measures to be put in place to ensure safe pedestrian access to the site across the adjacent car park. The Highway Authority have confirmed that they have no objection to the amended scheme. Therefore it has been concluded that these amended proposals would be acceptable in terms of highway safety. The amendments have therefore satisfactorily addressed the third reason for refusal of the previous application.

Protection of bats

A bat survey has been carried out and this did not find any evidence of bats using the existing buildings. WCC Ecology have accepted the findings of the bat survey and have raised no objection, subject to a condition to require compliance with the proposed bat mitigation measures. Therefore it is considered that the proposals would have an acceptable impact on bats.

Health and wellbeing

Not applicable.

Other matters

A contribution of £5,024 is required towards the provision or enhancement of public open space to meet the requirements of Local Plan Policy SC13 and the associated SPD. A condition is recommended to secure this.

The application proposes the installation of an air source heat pump to meet 10% of the predicted energy requirements of the proposed dwellings. This would meet the requirements of Local Plan Policy DP13.

Conditions are recommended to deal with the issues raised by Environmental Health.

Suitable provision is made for refuse and recycling storage and collection in the form of a store within the car park to the front of the site.

Summary/Conclusion

The proposals comply with Policy SC2 in relation to the loss of employment land. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. The proposals would also have an acceptable impact on the setting of the adjacent Conservation Area. Finally it has been concluded that the proposals would be acceptable in terms of car parking and highway safety and that the proposals will not cause harm to bats. Therefore it is recommended that planning permission is granted.

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) 5126/12A, 5126/14A & 5126/15A, and specification contained therein, submitted on 25 November 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 Notwithstanding the details shown on the approved plans, prior to the commencement of the development hereby permitted a plan to show the layout and surface treatment of a covered cycle parking area for use in association with the development shall have been submitted to and approved by the District Planning Authority. The cycle parking area 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. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

4 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

5 No construction will be undertaken until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. This shall include a Construction Phasing Plan, details of measures to prevent mud and debris on the public highway and suitable areas for the parking of contractors and visitors and the unloading and storage of materials. The development shall be carried out in strict accordance with the approved details. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

6 No part of the student residential accommodation hereby permitted shall be occupied unless and until a refuse and recycle store has been constructed in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The refuse and recycling store shall be retained at all times thereafter. **REASON** : To

protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

7 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.

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.

9 Noise arising from any air source heat pump or ventilation plant at these premises , when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) measured as LAeq(5 minutes). 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 living conditions of neighbouring dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan.

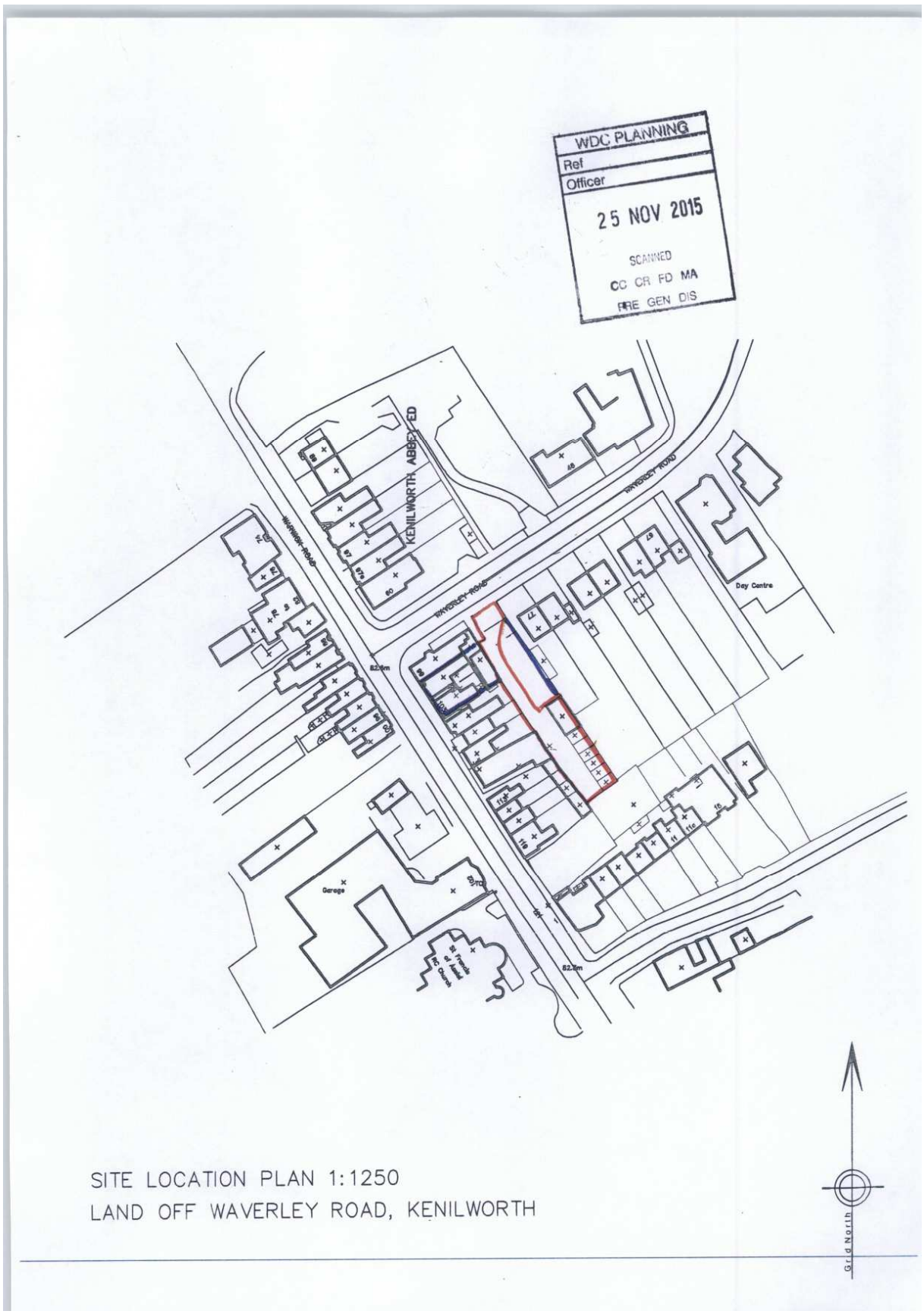
10 The development hereby permitted shall not be occupied unless and until:

(a) details of measures to ensure safe pedestrian access to the site across the adjacent car park have been submitted to and approved in writing by the local planning authority; and
(b) the measures approved under (a) have been implemented in strict accordance with the approved details.

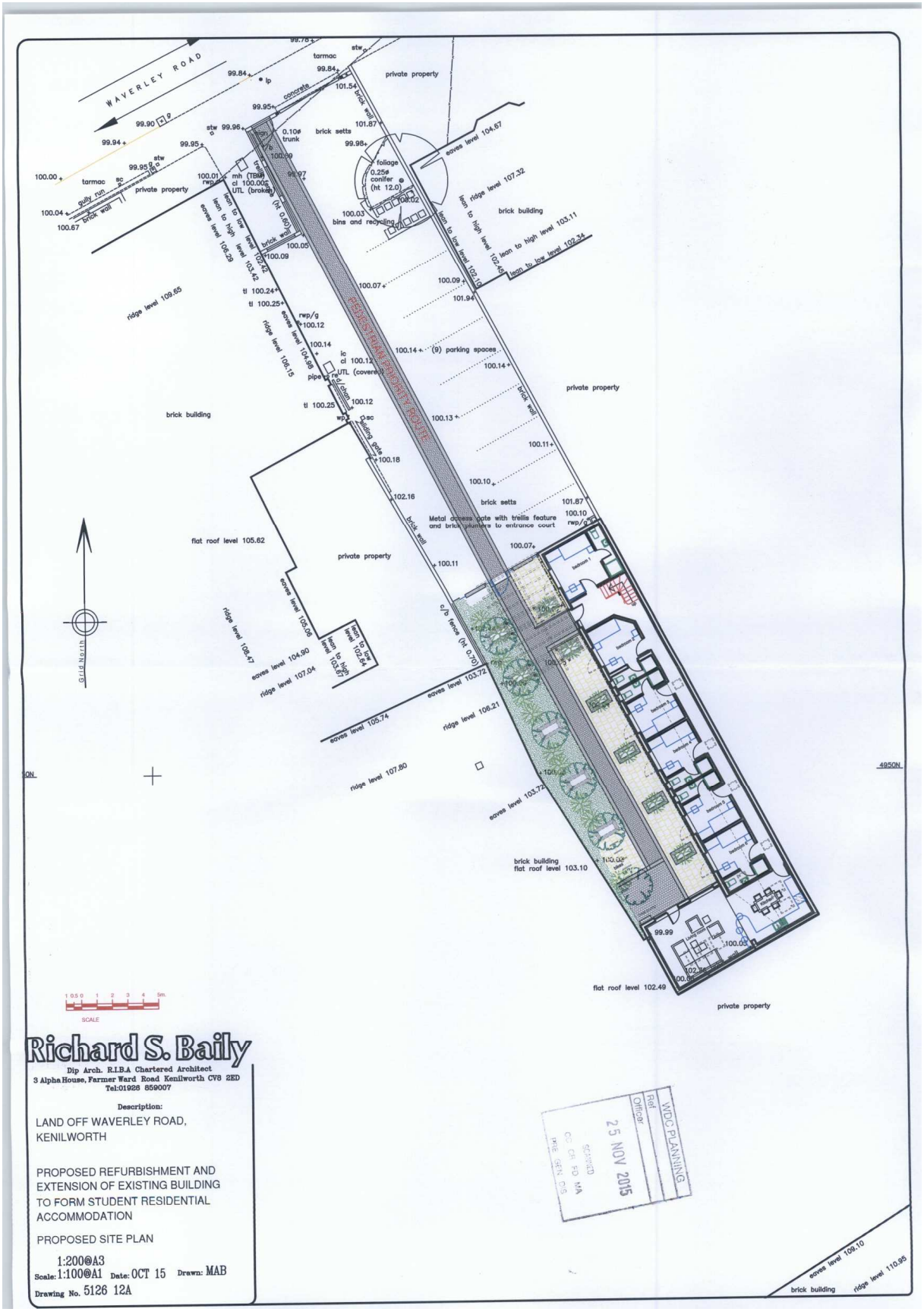
REASON: To ensure safe access to the site, in accordance with Policy DP6 of the Warwick District Local Plan.

11 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building to be affected, in addition to any other suitable features. All roofing and other suitable material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice.

Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker, Natural England and WCC Ecological Services. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.
REASON : To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan.



SITE LOCATION PLAN 1:1250
LAND OFF WAVERLEY ROAD, KENILWORTH


WAVERLEY ROAD
private property
brick setts
brick building
Metal access gate with trellis feature and brick planters to entrance court
(9) parking spaces
flat roof level 105.62
flat roof level 102.49
brick building flat roof level 103.10
ridge level 109.65
ridge level 107.80
eaves level 104.67
eaves level 103.72
eaves level 105.74
eaves level 104.90
ridge level 107.04
ridge level 108.47
eaves level 105.06
ridge level 106.21
eaves level 109.10
ridge level 110.95
Grid North
SCALE
Richard S. Baily
Dip Arch. R.I.B.A Chartered Architect
3 Alpha House, Farmer Ward Road Kenilworth CV8 2ED
Tel:01926 859007
Description:
LAND OFF WAVERLEY ROAD, KENILWORTH
PROPOSED REFURBISHMENT AND EXTENSION OF EXISTING BUILDING TO FORM STUDENT RESIDENTIAL ACCOMMODATION
PROPOSED SITE PLAN
Scale: 1:200@A3 1:100@A1 Date: OCT 15 Drawn: MAB
Drawing No. 5126 12A
WDC PLANNING
Ref
Officer
25 NOV 2015
SCANNED
CO CR FD MA
PRE GEN DIS

WDC PLANNING
2015
WEST ELEVATION
Metal access gate with trellis feature and brick planters to entrance court
EAST ELEVATION
1 0.5 0 1 2 3 4 5m.
SCALE
Richard S. Baily
LAND OFF WAVERLEY ROAD, KENILWORTH
PROPOSED REFURBISHMENT AND EXTENSION OF EXISTING BUILDING TO FORM STUDENT RESIDENTIAL