PLANNING COMMITTEE 21 JUNE 2016

OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA

Item 5 – W/16/0356: Tollgate House, Banbury Road, Bishops Tachbrook

Bishops Tachbrook Parish Council have provided further comments in support of their request for a footpath link between the site and the village which would involve the applicant providing a length of 230 metres of footpath which the Council considers to meet the relevant tests set out in planning legislation.

Item 6 – W/16/0527 Victoria Park, Royal Leamington Spa

WCC Ecology: No objection, the skate park will be sited on low amenity grass land. Protected species notes suggested.

One further neutral comment has been received from a local resident regarding the notification process.

One objection from a local resident raising concerns that the skate park will be located near to the children's area, teenage skaters may appreciate being away from young children too has been received.

Item 7 – W/16/0603 Land East of Radford Semele

One further objection has been received raising issues of visibility/prominence and asking that WDC stand up to developers and not let them get their way.

Additional comments from a local resident have been received raising the following concerns:

1. The issue of this water pipe was raised by a neighbour at reserved matters stage, there is no excuse for any party to claim that it only came to light after work had commenced.
2. It is not acceptable to claim that Severn Trent water had not made clear their restrictions within the vicinity of the water mains.
3. As a rate payer of Warwick District Council I would have expected that once this error had come to light, a notice should have been served on Bovis to cease work until the matter was resolved.

Item 8: W/16/0609 12-17 Talisman Square:

WCC Highways: No objection: The application site is located within Kenilworth town centre. The town centre is served by off-street 'pay & display' car parks, and the parking on the streets immediately surrounding the site is controlled by Traffic Regulation Orders. The site allows for a choice of means of transport, being within walking distance of several residential areas, and within close proximity of bus services and cycle parking stands.

Given the relatively small scale of the proposed use, the sustainable transport options and parking controls discussed above, the Highway Authority considers it unlikely that the proposed change of use would result in detriment to the safety or operation of the highway network.

Kenilworth Town Council: Objection: the 24 hour operation is an alien feature to the town; the concerns of Environmental Health and Community Protection regarding noise and light and shared, and it is agreed that the use should be restricted to a gymnasium.

Additional Information from the Applicant:

Light

The Institution of Lighting Professionals classifies Town/city centres with high levels of night-time activity as "Urban" with High District Brightness.

We strive to be a good neighbour and will put measures in place to ensure that light from the gym does not affect the residential amenity of nearby properties. There will be no external lights, only internal lighting. The windows will have frosted glazing that will minimize direct glare. Other measures will include blinds on elevations that face residential properties that are on a timer and lower automatically at a specified time, and dimmer lighting at night.

Parking

The peak time for gym use is between 4:00 and 6:00pm weekdays. Our member usage data shows that there are rarely more than 20 people using one of our gyms at any point in time, and that is only at peak times, and not all of those people will drive. Car parking can easily accommodate this new use. It is suggested that a gym would not generate any more visits, or parking need, than any other proposed occupant for the unit.

Air conditioners

The noise level from the proposed air conditioner will not exceed the level specified by your Environmental Health office.

Noise and Vibration Mitigation Scheme

A noise and vibration mitigation scheme for this site has been developed.

The applicant unit has been vacant for 12 years and our proposal will bring it back into use. A D2 use contributes positively to a retail area such as this and is a confirmed town centre use. We are very much hoping to become part of the community in Kenilworth.

Response from the Environmental Health Officer: Except for our comments regarding the potential for light nuisance, our original comments and recommend conditions remain the same.

Additional public comment received:

23 Randal Road: Objection: inappropriate development in the town centre; will create strain on already struggling parking provision in Kenilworth meaning that the change of use is not viable and does not meet the minimum Vehicle Parking Standards; the units would create more jobs if retained as offices; concern regarding noise pollution and queries whether the noise impact assessment provided is adequate; queries whether the other example of similar gym is comparable.

11 Talisman Square: Requests that if planning permission is granted, a contribution is made by the applicant to improving security to the entrance of Curves on the first floor of Talisman Square.

5 Courthouse Croft: Supports application: fantastic opportunity for local residents and nearby towns to come and use facility. 24 hour nature of gym is useful for those unable to attend during normal hours. Queries why residents do not wish to see a national chain coming to a small town as it will create jobs in space which has not been used for 12 years. Kenilworth is expanding with a younger generation which the gym would serve. If the application is refused then the offices will go back to being redundant. Parking would not be an issue as most members would be local and would therefore walk. An entrance system can finger print, swipe card or

key code which other gyms use to provide security. Most of objection comments are from fellow gym trainers and members of other gyms.

Planning Officer Report Further Comments:

Employment

Local Plan policy SC2 states that change of use of existing and committed employment land and buildings for other uses will not be permitted. The change of use from offices to a gymnasium would result in the loss of some employment land in the town centre. The existing offices have been vacant for 12 years and when considering that the offices are located within a town centre location, it is clear that such a use is no longer seen as viable by the market. The proposed change of use will provide the equivalent of 8 full-time roles and complies with all other relevant policies in reference to this application. Therefore, the proposal is considered to comply with Local Plan policy SC2.

For the sake of clarity, the references in the report to the proposed use of the site as falling within use class D1 should be read as class D2.

Item 11: W/16/0861 The Willows:

Additional information has been received from the Agent

- We have followed the planning officer's advice.
- We have the support of the neighbours, the Parish Council and the Ward Councillors.
- The retention of the existing, badly extended bungalow, (which is utilitarian and of little or no architectural merit), would be of no value to the village.
- The site is located within a continuous run of development whereby any increase in floor area would be much less conspicuous than within an open countryside location.
- Any visual impact would be limited by the large set-back from the main road, and by the roof ridge height being lower than that of the adjoining property.
- The re-modelled dwelling would not conflict with Council Policy, or undermine, any of the identified purposes of the sites Green Belt designation.

Comments from Chair of Norton Lindsey Parish Council: The Parish Council showed unanimous support at their meeting held in June. They are disappointed to see that Planning Officers are recommending refusal on the grounds that the

development represents disproportionate and inappropriate development in the Green Belt.

They make the following observations: comparisons are being drawn between the original house and the proposed dwelling rather than between the existing and proposed dwelling. They express concern that planning policy is being applied in an inconsistent manner - neighbouring properties to the west have both been extended in recent years, including raised rooflines and large dormer windows, and properties on Canada Lane (e.g. Furlong) and Snitterfield Lane (e.g. Appleby), which are within or adjacent to the Conservation Area have similarly been extended and/or dramatically altered in terms of their appearance. The Parish Council cannot understand what underpins these different decisions. The development will be an enhancement to the street scene – there is no uniform style and the proposed development would be of the appropriate scale to sit comfortably within the street scene.

Item 12 - W/15/1871 – 39 High Street, Kenilworth

CAF: The previous concerns raised by CAF regarding the size; shape and materials used for the proposed building have been addressed, and views from the Pound and Abbey Fields have been protected. The amended scheme is **supported** as a being carefully considered design.

WCC Archaeology: The Archaeologist has no objection, subject to a condition to require an appropriate scheme of archaeological work including an archaeological mitigation strategy.

Additional comments by a local resident unable to attend Committee, reiterating comments that are already identified within the officer report.