

Planning Committee: 04 January 2005
Application No: W 04 / 1850

Part 2 Item Number: 01

Town/Parish Council: Kenilworth
Case Officer: Debbie Prince
01926 456555 planning_west@warwickdc.gov.uk

Registration Date: 14/10/2004
Expiry Date: 09/12/2004

Rear of 12, Amherst Road, Kenilworth, CV8 1HA
Erection of a detached dwelling FOR Applestone Homes Ltd

This application was deferred at Planning Committee on the 6th December 2004, to enable a site visit to take place on 18th December 2004.

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: recommend refusal on the grounds that the size and bulk of the building is inappropriate in relation to the area of land available for development. It is inappropriate in the street scene by virtue of being larger than the other dwellings in the street scene and there is inadequate parking provision.

The Town Council reiterate their objections in relation to the amended plans

Councillor Blacklock: requests that the application should be referred to planning committee for decision on the grounds that there had been confusion regarding the site boundary and the actual measurements of the site. There is considerable disquiet among neighbours regarding the size and scale of the proposed house. The application needs careful consideration.

W.C.C. (Highways): No objection subject to access and visibility conditions.

The Kenilworth Society objects to the proposal on the grounds of overdevelopment of the site and therefore the development would not be in keeping with the character of the area and street scene. The new property would be too close to No 14 Amherst Road and there is inadequate parking and vehicle turning space. The proposal would also exacerbate flooding problems in the area.

Neighbours: Sixteen letters have been received objecting to the proposal on the grounds of over development of the site, the size and scale of the dwelling is out of character, inadequate parking provisions, impact on drainage, loss of privacy and adverse impact on road safety. An objector has also submitted details of the types of cars that would/ would not fit in the proposed garage and a photograph of the garden of 12 Amherst Road.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application site consists of part of the large rear garden of 12 Amherst Road (a corner property). The site measures 18m wide by 24m in length.

The proposal is to erect a single five bedroom, two storey, house fronting Amherst Road. The property would have integral garaging and a forecourt parking/manoeuvring area.

Although the property is large, I do not consider that it is significantly larger than the neighbouring properties, especially those in the older part of Amherst Road which are of individual designs. Furthermore, the proposal includes the retention of many of the existing trees and a 2m high fence with brick pillars along the front boundary so that the impact on the street scene would be kept to a minimum. The proposed amenity space provided for the new property is considered satisfactory for a property of this size and No 12 would also be left with an adequate rear garden. Taking into account the current advice given in PPG3 for new residential development, I am satisfied that the proposal would not harm the character of the area or that it would represent inappropriate overdevelopment of the site.

The proposal also meets the Council's own distance separation requirements and 45 degree guideline and there would be no significant loss of privacy or other adverse effect on neighbouring properties.

Government Guidance also advises that car parking standards that result on average in more than 1.5 off street parking spaces per dwelling are unlikely to reflect the Government's emphasis on securing sustainable residential environments. The proposed application provides up to 3 off street parking places and meets the highway authority's requirements as regards visibility splays (details are shown on the applicant's plans). Therefore there are insufficient grounds to raise an objection on lack of parking or on highway safety grounds.

The drainage problems referred to by neighbours regarding the culverted stream are the responsibility of the Water Authority and is not a reason to refuse planning permission.

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 amended drawing 10092 received 2nd November 2004 and drawings 10071,10069,10068 received 13th October 2004, drawing 10112 received 18th November 2004 and specification contained therein, 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 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning

Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 4 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **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.
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Planning Committee: 04 January 2005
Application No: W 04 / 1855

Part 2 Item Number: 02

Town/Parish Council: Cubbington
Case Officer: Alan Coleman
01926 456535 planning_east@warwickdc.gov.uk

Registration Date: 15/10/2004
Expiry Date: 10/12/2004

Land rear of 1 Kenilworth Road, Cubbington, Leamington Spa, CV32 7TN
Demolition of existing garage and erection of a two bedroomed detached dwelling with external parking space FOR Mr D Riman

This application was deferred at Planning Committee on the 6th December 2004, to enable a site visit to take place on 18th December 2004. The report which follows is that which was presented previously and incorporates the comments made in the addendum.

SUMMARY OF REPRESENTATIONS

Parish Council - raises objection on the following grounds:

"It is considered that the revised plan is no better than the original. Concerns remain over the amount of parking available, increased traffic, and the narrowness of the access road. The area in front of the proposed property is privately owned and so there would be no access from the front elevation, and therefore no parking space would be available. The adjoining Lindop Close is privately owned also, and would not provide any parking area. This road could be obstructed and would be the route used for access by emergency vehicles."

NB The Parish Council explicitly had no objection to the previous application, expressing comments similar to those above.

Highway Authority: No objection.

WCC (Archaeology): No objection, subject to condition on archaeological investigation.

WDC (Environmental Health): No objection.

Neighbours: The residents of 3 Kenilworth Road maintain objections on the grounds that the amended proposals do not satisfy previous concerns and would remain unacceptable by reason of loss of amenity from increased noise/disturbance generated by the intensified residential use/occupation of the site/unfettered movement of vehicles, over-dominant/overbearing impact and loss of light from the height, scale, mass and proximity of the development adjacent to the existing dwelling adjoining the rear boundary of their garden, which would effectively "wall us in."

The resident of 11 Lindop Close expresses concerns regarding the use of Lindop Close and, in particular, the access road from Kenilworth Road for construction traffic and thereafter car parking by residents/visitors to the proposed dwelling as it is required to be kept clear to ensure unobstructed access for emergency vehicles.

The resident of 3 Lindop Close also raises strong objection on grounds of parking difficulties, access for emergency vehicles being impaired, impact on surface/condition of Lindop close which is a private road and considers that refusal should be maintained.

The owner of 12 Lindop Close has no objections to the proposals.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
Distance Separation (Supplementary Planning Guidance)
The 45 Degree Guideline (Supplementary Planning Guidance)

HEAD OF PLANNING & ENGINEERING

The site comprises an existing detached garage and forecourt driveway serving and situated at the rear of the host property, 1 Kenilworth Road. Access to the garage is via a private driveway from Kenilworth Road that runs in-between numbers 1 and 1A. The driveway also provided access to the former Stereomatics factory which has now been redeveloped for housing comprising properties in Lindop Close. Collapsible bollards prevent access being taken to Lindop Close via this driveway other than for emergency vehicles.

The site is adjoined by a dormer bungalow on the north-west boundary that stands at the rear of 3 Kenilworth Road . The gable elevation of a terrace of dwellings at Lindop Close stands to the south-east on the opposite side of the access road whilst the remaining properties in Lindop Close stand adjacent to the site to the south and south-west. Access to Lindop Close is from Rugby Road.

Planning permission for the erection of a two-storey dwelling on the site was refused by this 'Committee at the meeting on 13th September 2004 on the grounds that: the height, size, design, proximity and overall mass of the development in conjunction with the neighbouring dormer bungalow would create an uncomfortably oppressive and overbearing effect on both the rear garden and rear facing habitable room windows of 3 Kenilworth Road, and; the size of the plot would not permit development of a standard compatible with existing development in the area, or allow the provision of adequate amenity space (WDC Reference: W04/1103).

The proposals have been amended in light of this refusal and the following statement has been submitted in support of the revised application:

"The proposed house has been reduced in overall scale and mass by totally omitting the two-storey gabled extension at the rear of the proposed dwelling. The roof line has been considerably lowered to be in line with the adjoining semi-bungalow, as suggested in the letter of objection from the owners of no. 3 Kenilworth Road." (*" Given the fact that the new house would be so close to our rear boundary , we would argue that it should be no higher than the property already directly behind our house."*)"The cutting back of the extended rear wing also moves the property further away from no. 3 Kenilworth Road in both distance and of course height. All first floor windows to the rear of the proposed house have also been omitted to prevent the possibility of any overlooking of any properties to the rear of the site, both actual and perceived.

The reduction in scale, mass and footprint of the building enables a larger area of garden to be provided, together with a parking space adjoining the property. The applicant and owner of no. 1 Kenilworth Road currently has vehicular and pedestrian access to his existing garage and extending over the roadway to the end of his site. The proposed dwelling uses that right of access and provides for turning facilities which are acceptable to W.C.C.Highways.

Any proposed building access would not be over the adjoining site as suggested by some of the surrounding neighbours, but over the current access which the applicant enjoys right of way. Clearly the existing house no. 1 Kenilworth Road has adequate parking on the

Kenilworth Road frontage and therefore this amenity would not be compromised by the construction of a new dwelling to the rear of the site.

The amenity of all neighbours is further protected by the provision of a tree and shrub planting scheme providing further screening.

It is felt that the proposed dwelling, although very small, provides a much needed scale of property in the current market and would also provide for a considerable improvement to the general street scene which is currently spoiled by the existing unsightly garage."

As amended, I consider the proposal is acceptable in terms of its siting, size, scale, mass, design and appearance in relation to the neighbouring dwellings on Kenilworth Road and in Lindop Close. With regard to the concerns of the Parish Council and neighbouring residents regarding car parking and access, I am satisfied that suitable provision for car parking has been made and note that the Highway Authority has raised no objection. I also consider it would be appropriate to apply a condition to any permission that may be granted to ensure the access road is kept clear of construction traffic and contractors vehicles.

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 1106.04a, 01b and 02c, and specification contained therein, submitted on 15th October 2004 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 Policy (DW) ENV3 of the Warwick District Local Plan and Policy DP1 of the Warwick District Local Plan 1996-2011 (First Deposit Version).
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details.
REASON : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan and Policy DP1 of the Warwick District Local Plan 1996-2011 (First Deposit Version).
- 4 No development shall be carried out on the site which is the subject of this permission, until details of the proposed boundary railings and screen walls have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : Insufficient details were submitted for these matters to be fully and properly considered in respect of the approval hereby granted.

- 5 The area indicated on the plans hereby approved for vehicle parking and manoeuvring space shall at all times be kept free of obstruction and be available for those purposes at all times.
REASON : To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan and Policy DP1 of the Warwick District Local Plan 1996-2011 (First Deposit Version).
- 6 No access to the site for construction traffic shall be gained other than via the existing driveway from Kenilworth Road, which shall be kept unobstructed from vehicles, materials and equipment during the construction period.
REASON : To ensure access for emergency vehicles.
- 7 No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District 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 (DW) ENV22 of the Warwick District Local Plan 1995 and Policy DP4 of the Warwick District Local Plan 1996-2011 (First Deposit Version).
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority.
REASON : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of Policy (DW) ENV3 of the Warwick District Local Plan 1995 and Policy DP2 of the Warwick District Local Plan 1996-2011 (First Deposit Version).
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Planning Committee: 04 January 2005
Application No: W 04 / 1905

Part 2 Item Number: 03

Town/Parish Council: Sherbourne
Case Officer: Steven Wallsgrove
01926 456527 planning_west@warwickdc.gov.uk

Registration Date: 25/10/2004
Expiry Date: 20/12/2004

6 Moat Green, Sherbourne, CV35 8AJ

Erection of two-storey side extension, rear dormers, and detached garage/store FOR Mr & Mrs Leggett

This application was deferred at Planning Committee on the 6th December 2004, to enable a site visit to take place and this report has not been changed from that previously considered.

SUMMARY OF REPRESENTATIONS

Barford (Joint) Parish Council object as being unneighbourly, impinging on privacy, disproportionate, violates 40% rule, in conflict with character of area, and access close to neighbours.

Neighbours: Objections have been received from 6 local households on grounds of being excessive, out of keeping, unneighbourly, loss of privacy and outlook, heavy traffic, dormer windows, affect on Conservation Area, and loss of light.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)

RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application site lies at the head of a cul-de-sac of detached houses of varying designs and consists of a two-storey house with a high roof and a rear dormer. It has a gabled south end, with a hipped north end continuing the roof of a front, gabled, projection. There is also a flat roofed link to a steeply pitched roof attached garage on this end.

The proposed extensions are to satisfy the family needs of the applicant and would continue the main roof across and replace the single storey parts with an equivalent two-storey extension, with rear dormers, and a flat roofed, single storey, rear extension which would be used as a roof terrace with a screen end wall. The resulting dwelling would have the existing front gable centrally positioned, and its overall width as extended would be 0.5 m narrower than the existing dwelling with its garage. In terms of gross floor area, the extensions would represent a 53% increase (if the rear conservatory is excluded and the use of the roof space) and, therefore, is in accordance with the present policy size in the 1995 Local Plan. (The policies in the Review Local Plan 1996-2011 can only be given limited weight at this stage, and the property is in the middle of a residential area outside the Conservation Area and the Green Belt.)

In terms of its affect on the character of the area, the cul-de-sac contains a wide variety of designs of dwellings, with the adjoining property at No. 5 being of similar character having a large central gable to the front with a long ridge line. The width of the north half of this roof is similar to that of the existing south half of the application site. It is considered,

therefore, that there is no special reason to require the ridge line of the extension to be lowered in this case.

The proposed extension, and the dormer windows, also satisfy the adopted distance separation standards in that, for the dormer windows, they would be at least 35 metres from the nearest house at the back, whereas the standard for a three-storey house is 27 metres. The adjoining dwellings in Moat Green should also not be further overlooked to any material degree due to their positioning and the erection of a screen wall at the end of the proposed balcony.

The proposed detached garage is to be sited where it would be partly hidden by a conifer screen and where the gable end of the adjoining house (6A) is blank. The driveway extension to this part of the garden does not need planning permission.

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 roof terrace shall not be used until the end screen wall has been completed in accordance with the approved plan and the screen wall shall then not be altered or removed. **REASON**: To protect the amenities of adjoining dwellings in accordance with Policy (DW) ENV3: Development Principles of the Warwick District Local Plan 1995.
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Planning Committee: 04 January 2005
Application No: W 02 / 0376

Part 2 Item Number: 04

Town/Parish Council:
Case Officer:

Will Charlton
01926 456528 planning_west@warwickdc.gov.uk

Registration Date: 05/03/2002
Expiry Date: 30/04/2002

University of Warwick, Gibbett Hill Road, Stoneleigh

University halls of residence: including 700 bedrooms, 20 one bedroom and 30 two bedroom flats and associated works/parking. FOR University of Warwick

The report relates to an application resolved to be granted in September 2002, subject to a Section 106 Agreement in relation to the provision of public transport. The agreement has not been concluded and the report recommends that permission now be granted (with conditions) without the need for an agreement.

SUMMARY OF REPRESENTATIONS

Warwickshire County Council : They have been consulted on the Universities request but no response has been received to date.

RELEVANT POLICIES

Not applicable to this report.

APPLICATION HISTORY

The University of Warwick is situated to the north of Kenilworth and to the southwest of Coventry, with the majority of the site being situated within the control of Coventry City Council. The application site is located to the south-west of the existing main university campus and involved the erection of additional halls of residence, including 700 bedrooms and 50 one and two bedroom flats. The development constitutes a southerly extension to the earlier phases of the Lakeside Residence scheme, which created 604 rooms.

The planning application was originally submitted in March 2002 and following consultations and negotiations, the application was presented to Committee in September 2002. Committee resolved to grant full planning permission, subject to a number of conditions and a legal agreement for the provision of public transport. Warwickshire County Council originally justified the need for the legal agreement stating that staff and students require sustainable transport links to local town centres. With the nearest bus stop being located over 400 metres from the halls, this was considered to be too far away to comply with current standards. It was accepted that the final form of the agreement be agreed following further financial and viability investigations.

Since committee agreement, the applicant, Warwick University, has submitted schemes and details covering all the conditions requiring the submission of further information. Due to financial and other commitments, including the desire to increase accommodation on the campus, the University has progressed with the construction of the accommodation, with the first phase (335 rooms) of the construction now being in its second student year of occupation, with the remainder being occupied since the start of this student year.

HEAD OF PLANNING & ENGINEERING

Since permission was resolved to be granted by the Committee, there has been much discussion between the University and Warwickshire County Council regarding the form and nature of the legal agreement, including a meeting with the local public transport bus operators. However, discussions with the County Council during this year have faltered, with no response from the County having been received since July. Warwick University therefore request that permission be granted for the halls of residence without the need for a legal agreement.

The University has an established policy to prevent students who accept places in halls from keeping a car on campus. The only parking spaces which are provided at the new residences are for the sole benefit of the 50 flats which are permanently occupied by those who study or work full-time at the University and who do not commute into the University. This therefore means that the users of the 700 rooms approved under this permission, together with the 604 rooms previously granted (total 1304 rooms) do not have any parking privileges, apart from those allocated for disabled users. Warwick University also implements other green travel initiatives including vehicle barriers to prevent unauthorised access to the Lakeside Residences, secure covered cycle parking, shower and changing facilities, together with improved footpath and pedestrian links in the site. This includes the provision of secure cycle parking rooms within the approved scheme.

It is accepted that Gibbet Hill Road, where the nearest bus stop is located, is approximately 400 to 650 metres away from the new residences, which is above the maximum as set in The Institute of Highways & Development's guide - 'Planning for Public Transport in Development, 1999' and Warwickshire County Council's Design Guide. However, the first part of the main campus is approximately 600 to 850 metres, to which students either walk or cycle, crossing over Gibbett Hill Road. Whilst it is accepted that under normal circumstances the development is contrary to the recommendations in the guidance stated above, the development of the halls of residence is not a standard speculative development. Students who occupy the rooms will either walk or cycle to the campus on a daily basis and as such it is not considered that the nearest bus stop being over the maximum distance is as onerous as it would be in a speculative housing development.

It is extremely important to note that following a meeting between the University, the County Council and the two local bus operators, who have regular services along Gibbett Hill Road, the operators decided that they would not divert their service from the main road into the residential complex as there was not considered to be sufficient demand to justify the additional cost and service implications. Since that meeting, further justification from the County Council has not been forthcoming and without backing from the bus operators, a public service would not operate. It is considered in the circumstances that it would not be reasonable to require the University to implement its own shuttle bus service, at considerable cost.

CONCLUSION

Having due regard to the length of time which has passed since committee originally resolved to grant planning permission with a Section 106 Agreement to provide public transport, it is considered that this requirement can no longer be insisted upon. As stated, the local bus operators are not willing to provide a service into the residential complex, which has been fully occupied since September and part occupied since last year. The University already has in place green travel initiatives and has restrictive practices regarding on-site students and cars, which includes not allowing any cars onto this part of the campus, apart from those authorised. It is proposed to add a number of conditions to the permission to ensure that the barriers preventing general vehicle access and the provision of the already approved secure cycle parking areas are indefinitely maintained.

RECOMMENDATION

GRANT, without the requirement of a Section 106 Agreement, subject to the previously approved conditions, together with the following :

The cycle provision shown on the approved plans shall be kept free of obstruction and available for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

The vehicle barriers located to prevent unauthorised means of access to the development site hereby permitted, as shown on plan ref: P002 Rev B, received on 14 December 2004, shall at all times be kept free of obstruction and be available for those purposes. **REASON** : To ensure no unauthorised vehicle access to the site due to the restricted amount of parking provision and for sustainability reasons, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

Planning Committee: 04 January 2005
Application No: W 04 / 1066

Part 2 Item Number: 05

Town/Parish Council: Lapworth
Case Officer: Will Charlton
01926 456528 planning_west@warwickdc.gov.uk

Registration Date: 07/07/2004
Expiry Date: 01/09/2004

Land at, Tapster Lane, Lapworth, Solihull, B94 5PA
Erection of cattle shed, store and access drive FOR Mr K Butterfield

SUMMARY OF REPRESENTATIONS

Parish Council : Object on the following grounds :

- Interrupting the openness of the Green Belt, this is a prominent position;
- Pollution, effluent will run off into nearby brook;
- Tapster Lane is not suitable for heavy vehicles. There are weight restrictions on both bridges on the approach;
- Proximity of Conservation Area.

Ecology (WCC) : The potential enhancement of the nature conservation interest of the site would outweigh the potential effects caused by the development. The suggested conditions would ensure that this occurs both during and after the construction of the development.

Environment Agency : No objections subject to a condition requiring the soakaway system to be designed and constructed in accordance with BS standards.

Neighbours : Two objections have been received regarding the construction of this unsightly building within the Green Belt set in a prominent position on a high point. The building would cause effluent, smell and noise nuisance, while also creating additional traffic nuisance and disturbance during construction. The adjacent land has been created into a private wildlife area with a high quality of flora and fauna, which would be harmed by the proposal.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The building proposed is for agricultural use and would be positioned towards the western side of the applicants relatively substantial land holding. The building could be constructed as an agricultural development, therefore only requiring prior notification to be sent to the Local Planning Authority. However, as the building would house livestock and would be positioned so as to be within 400 metres of a dwelling, full planning permission is required. The building would be used as a cattle building for over wintering cattle and general agricultural storage. The proposed materials are blockwork, timber cladding and grey roof sheeting.

Buildings for agricultural purposes within the Green Belt are not considered to be inappropriate development as defined in Government Planning Policy Guidance (PPG2 - Green Belts), providing the building is designed for and essential to the use of the land. It is considered that due to the amount and type of land in the control of the applicant, a

building of the size proposed (32 metres in length by 12 metres wide and 6.4 metres high to ridge) is appropriate.

Government Guidance aims at sensitively locating such buildings, preferably adjacent to any existing complex of buildings. There is no such complex of buildings on the holding and whilst the building would be located at a high point, it would be located adjacent to the corner of a field, adjacent to two mature hedge / tree lines. It is therefore considered that any potential impact on long distance views would be limited, as would the views of the site from the Conservation Area and houses in Lapworth.

During the processing of the application there has been close liaison, including a site visit, between the applicant and Warwickshire County Council Museum Field Services (Ecology). This resulted in a full Ecological Survey having been undertaken. County Ecology are now satisfied that the application will not harm the ecological value of the site, some of which is classified as "substantive" in the context of (PPG9 - Nature Conservation). It is considered that with a well implemented scheme and management plan, in line with the report, the ecological interest on the site can be maintained if not enhanced.

It is considered that the scheme would be unlikely to cause pollution nuisance to nearby properties, the nearest of which is approximately 120 metres away, or to surrounding land. The site, together with other fields in the applicants control is used for the keeping of cattle and whilst the building may encourage their concentration it is not considered that this would be to the detriment of the area, as confirmed by the Environment Agency's no objection to the scheme.

Traffic to the site is likely to be limited and unlikely to be significantly different to the current situation. Movements to and from the site may be reduced as the need for fodder and other equipment may be stored in the building rather than having to be moved from elsewhere.

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 RGC/KB/01/A, RGC/KB/2/A and RGC/KB/3 and RGC/KB/4, and specification contained therein, submitted on 7 July and 22 November 2004 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 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details.
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 works associated to this development shall take place until an Environment Protection Plan for Construction has been submitted to and approved in writing by the planning authority. The plan shall include:

- a) An appropriate scale plan showing the “Environment Protection Zones” where any construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife or protected species could be harmed (*including the bird nesting season*);
- d) Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;
 - vi) Provision of training and information about the importance of “Environment Protection Zones” to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the planning authority.

Reason: To protect features of recognised nature conservation importance in compliance with WDC Local Plan Policy DP3.

5 In this condition *retained tree* means an existing tree or hedge shrub which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the development/building for its permitted use.

- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped lopped other than in accordance with the approved plans and particulars, without written approval of the planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard BS3998 Tree Works.
- b) If any retained tree, hedge or shrub scheduled for retention is removed, uprooted, destroyed, rendered unsafe, disfigured or dies for any reason during development works shall be replaced with such planting of a size and species at the same place or other approved location and shall be planted in the first planting season after its loss or at such a time as may be specified in writing by the Local Authority.
- c) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with BS5837 ‘Guide for Trees in Relation to Construction’ before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the planning authority.

Reason: To protect features of recognised nature conservation importance in compliance with WDC Local Plan Policy DP3.

- 6 No work or development shall take place until full details of all proposed tree planting, their specifications and the proposed times of planting, have been approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with these details and times.

If within a period of 5 years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the planning authority gives its written consent to any variation.

Reason: To protect features of recognised nature conservation importance in compliance with WDC Local Plan Policy DP3.

- 7 A habitat management plan shall be submitted to and approved in writing by the planning authority prior to the occupation of the development. The plan shall include:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and / or constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for the implementation of the plan;
- h) Monitoring and remedial/contingencies measures triggered by monitoring.

The plans shall be carried out as approved, unless otherwise approved in writing by the planning authority.

Reason: To ensure the nature conservation of the site is maintained in order to protect features of recognised nature conservation importance in compliance to WDC Local Plan Policy DP3.

- 8 No development shall take place until there has been submitted to and approved by the Local Planning Authority a plan showing the routes and construction details of the locations of all services including the utilities and private connections, including drainage.

Reason: To minimise the effect the trenches for storm and foul drainage, gas, electric, water, cable, etc will have on ecological features or protected species in compliance to WDC Local Plan Policy DP3.

- 9 Surface water shall be disposed to a soakaway system designed and constructed in accordance with BS 8301:1985 (Section 8.4).

REASON : To minimise the risk of pollution of rivers and watercourses and other surface waters, and to satisfy Policy ENV3 of the Warwick District Local Plan.

Planning Committee: 04 January 2005
Application No: W 04 / 1815

Part 2 Item Number: 06

Town/Parish Council: Warwick
Case Officer: Will Charlton
01926 456528 planning_west@warwickdc.gov.uk

Registration Date: 19/10/2004
Expiry Date: 14/12/2004

Ground Floor, 3 St. John's, Coten End, Warwick, CV34 4NE

Change of use from office (A2) to hot food take-away (A3) FOR Mr Amrik S Thind

SUMMARY OF REPRESENTATIONS

Town Council : Object - The Town Council is concerned that a proliferation of A3 uses in this row of shops will result in unacceptable levels of parking to the detriment of highway users and emissions might lead to loss of amenity for residents living above the shops.

Highways (WCC) : No objection

Environmental Health : No objection subject to conditions to control potential noise and odour nuisance.

CAAF: Considered that there are too many A3 uses in this part of St John's and a further takeaway would aggravate the parking situation and reduce the number of shops. The proposed duct to the rear was also considered unacceptable.

Warwick Society : The proposal would not maintain a day time mixed economy and would aggravate the existing parking problem at a busy road junction. The extraction duct would be unacceptable in the Conservation Area and no permission should be granted until a shop front design is agreed.

Neighbours : Eight objections from the area have been received, including one from the Coten End & Emscote Resident's Association, with three being from other hot food traders. It is considered that there are a sufficient number of hot food uses in the area, with two currently being situated within the same row of units. The use would detract from the character of the building, with insufficient information having been provided regarding the shop front. The extraction duct would cause unacceptable damage to the Conservation Area and there would be noise, smell and litter nuisance created. The known parking problems in the area, including parking on pavements etc at dangerous junction would be exacerbated further.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) S5 - Changes of Use Within Retail Areas (Warwick District Local Plan 1995)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

TCP5 - Secondary Retail Areas (Warwick District 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The premises are not currently occupied as the previous user, an insurance company, has recently moved. The premises were used as an office (A2 - Professional & Financial Services), which to change to a take-away (A3 - Food & Drink) requires planning permission. The first floor, above, appears to have been used in conjunction with the offices below.

The premises is set within a Secondary Retail Frontage (Policy TCP5 of the deposit draft of the Local Plan), in which changes of use from A1 (Retail) to other uses are restricted. However, having assessed the uses on this particular frontage and the grouping of uses in the area, it is not considered that this proposal would detract from the vitality and character of this retail area, especially as the current use of the premises is not within Class A1. The proposal is set within a row of six units, where three (50%) of which are, and would remain in retail use. Policy TCP5 also requires that no more than 50% of the total length of the street frontage to be in non A1 use. Although this frontage currently has over 50% in non retail use, the percentage would remain the same, as the premises would be changing from A2 to A3, therefore retaining the current situation.

Parking provision is limited in the direct vicinity, particularly for the type of patrons the unit would attract, wanting to 'stop off' quickly rather than park for a longer period, such as in a Pay and Display car park. Concern has been expressed regarding parking in the area and illegal / dangerous parking at the St John's road junction. Whilst it is acknowledged that parking in the area is at a premium and that this sometimes leads to illegal parking, either on the pavement or at the pedestrian crossing, Warwickshire County Highways have raised no objection to the proposal and the issue of illegal or dangerous parking is a matter for the police to enforcement.

Whilst acknowledging the concerns regard to potential noise and fumes from the restaurant and any extraction system, Environmental Health have stated that they have no objection subject to specific conditions. It should also be noted that there are two other hot food premises with extraction systems already in the parade of buildings.

Concern has been expressed regarding the impact of the extraction system proposed to the rear of the premises. The details provided are indicative only, as the application has been made for the principle of the change of use. Due to its location, it is not considered that objection can be raised to the change of use regarding the potential harm to the area from the extraction system, especially as both the neighbouring unit and the restaurant four units away both have extraction systems to the rear. A submission under condition will be required for details of the proposed extraction duct, whilst separate permissions may be required for any other alterations to the building, including the shop front or advertising. These will, as such, be determined on their own merits.

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 Notwithstanding the details in respect of external flue shown on the submitted plans, no development shall be carried out on the site which is the subject of this permission, until details of the kitchen extraction system and proposed flue have been submitted to and approved in writing by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.

- 3 The level of noise from the fixed plant and equipment including kitchen extract and air conditioning systems measured one metre from the nearest noise sensitive facade(s) shall not increase the background level by more than 3dB (see attached notes). **REASON** : To protect the amenities of surrounding premises/properties, in accordance with Policy ENV3 of the Warwick District Local Plan.
- 4 Comprehensive kitchen ventilation schemes shall be installed to capture and treat fumes to ensure that as far as reasonably practicable no nuisance is caused from cooking odours. The odour control systems shall be adequately maintained at all times to ensure their continued satisfactory operation. Documentary evidence including service contracts, receipts, invoices etc, must be kept on the premises and made available to authorised officers of the Local Planning Authority to facilitate compliance with this condition. **REASON** : To protect the amenities of surrounding premises/properties, in accordance with Policy ENV3 of the Warwick District Local Plan.
-

Planning Committee: 04 January 2005
Application No: W 04 / 1861

Part 2 Item Number: 07

Town/Parish Council: Bubbenhall
Case Officer: John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

Registration Date: 15/10/2004
Expiry Date: 10/12/2004

Land adjacent to Waverley Lodge, Weston Lane, Bubbenhall, CV8 3BN
Alterations and change of use of building to provide 2 units of tourist accommodation with car parking FOR Mr D Cobb

SUMMARY OF REPRESENTATIONS

Parish Council: Object. It is considered inappropriate development on Weston Lane due to the size of the development and that the site is in the Green Belt and, therefore, subject to restrictions.

British Pipeline Agency: No objection.

Transco: No objection.

H.S.E.: No objection.

C.P.R.E.: Objection. Site in Green Belt/Special Landscape Area. Development should only be permitted in very special circumstances. Conversion to a dwelling of any land not acceptable in the Green Belt.

Head of Environmental Health: No objection subject to condition on contamination.

W.C.C. (Highways): No objection subject to access conditions.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) TO1 - Improvement of Tourist Facilities (Warwick District Local Plan 1995)

(DW) TO4 - Change of Use to Hotels or Guest Houses (Warwick District Local Plan 1995)

(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)

DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

RAP8 - Converting Rural Buildings (Warwick District 1996 - 2011 First Deposit Version)

RAP16 - Directing New Visitor Accommodation (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

Planning permission for the conversion of this building into a bungalow was refused in September 2003, reference W03/1078.

The site is located in the Green Belt (the site is not within a Special Landscape Area) and presently it comprises a single storey range of outbuildings and an open area presently used for vehicle storage/repair; this current activity is the subject of an enforcement investigation.

The proposal entails the conversion of the building, including the provision of a new pitched roof to provide two units of two bedrooled holiday accommodation. The proposal includes the landscaping of the existing open storage yard, the provision of two vehicle car parking spaces and the closure of the existing vehicular access to Waverley Lodge and the re-routing of the drive to that property to be served off an existing access which will also serve the two units of holiday accommodation.

The applicant has submitted a statement in support of the application, including a structural report and a letter in support of the conversion of these outbuildings into tourist accommodation from South Warwickshire Tourism Ltd. Whilst noting the objections received from the Parish Council and C.P.R.E. , this is a conversion of an existing outbuilding to a Tourism based activity which I consider would be in general accordance with the policies in the Warwick District Local Plan 1995 and the Warwick District Local Plan (first deposit version). I note no objections have been raised by other consultees and that the implementation of this scheme would secure the closure of the existing access to Waverley Lodge.

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, the site location plan, site plan 0215/2.01 (D) and plan/elevation plan 0215/2.02(A) and specification contained therein 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 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **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 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 5 More than one vehicular access shall not be made or maintained to the site C33

Weston Lane. **REASON** : In the interests of highway safety in accordance with the provisions of policy (DW) ENV3 in the Warwick District Local Plan 1995).

- 6 The development for the purpose of holiday lets shall not begin until all parts of the existing western access to the C33 Weston Lane, not included in the proposed means of access, has been permanently closed and the public highway features, including the verge and kerb line have been reinstated in accordance with details approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety in accordance with the provisions of policy (DW) ENV3 in the Warwick District Local Plan 1995).
- 7 The development shall not be occupied until the existing eastern vehicular access to the site from the C33 Weston Lane has been widened to 5.0 metres for a distance of 30.0 metres into the site and from thereon no less than 3.7 metres, as measured from the near edge of the public highway carriageway. **REASON** : In the interests of highway safety in accordance with the provisions of policy (DW) ENV3 in the Warwick District Local Plan 1995).
- 8 Gates provided at the entrance to the site shall not be hung so as to open to within 25.0 metres of the near edge of the public highway carriageway. **REASON** : In the interests of highway safety in accordance with the provisions of policy (DW) ENV3 in the Warwick District Local Plan 1995).
- 9 The vehicular access to the site from C33 Weston Lane shall not be used until it has been provided with 6.0 metre kerbed radius turnouts on each side. **REASON** : In the interests of highway safety in accordance with the provisions of policy (DW) ENV3 in the Warwick District Local Plan 1995).
- 10 The widening of the existing vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain, ditch or to permit surface water to run off the site onto the public highway. **REASON** : In the interests of highway safety in accordance with the provisions of policy (DW) ENV3 in the Warwick District Local Plan 1995).
- 11 The vehicular access to the site shall not be used until visibility splays have been provided with an 'x' distance of 2.0 metres and 'y' distance of 215.0 metres in an easterly direction and 100.00 metres in a westerly direction. No structure, erection, trees or shrubs exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined. **REASON** : In the interests of highway safety in accordance with the provisions of policy (DW) ENV3 in the Warwick District Local Plan 1995).
- 12 The development shall not be occupied unless there is available vehicular turning space within the site so that cars are able to enter and leave the public highway in a forward gear. **REASON** : In the interests of highway safety in accordance with the provisions of policy (DW) ENV3 in the Warwick District Local Plan 1995).
- 13 The verge crossing shall not be used for vehicular access unless it has been laid out and constructed to the standard specification of the Highway Authority. **REASON** : In the interests of highway safety in accordance with the provisions of policy (DW) ENV3 in the Warwick District Local Plan 1995).
- 14 The development shall not be occupied before the vehicular access serving the site has been surfaced with bound materials to the approval of the District

Planning Authority for a minimum of 25.0 metres into the site, as measured from the near edge of the public highway carriageway, and in such a manner that extraneous material is not spread onto the public highway by the wheels of vehicles leaving the site. **REASON** : In the interests of highway safety in accordance with the provisions of policy (DW) ENV3 in the Warwick District Local Plan 1995).

- 15 The maximum length of stay in the holiday cottage(s) hereby permitted shall be limited to six weeks in any calendar year unless first agreed otherwise in writing by the District Planning Authority. **REASON** : The site is within the Green Belt where there is an objection to the formation of new dwellings as set out in the refusal of application W03/1078. It is considered necessary to secure the restriction of occupancy to ensure compliance with policies T01 and T04 of the Warwick District Local Plan 1995).
- 16 No development shall take place until:-
- (a) A desk top study has been carried out that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.
- (b) If identified as being necessary having completed the desk-top survey study, a site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the District Planning Authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected, and
 - Refinement of the conceptual model, and
 - The development of a method statement detailing the remediation requirements.
- (c) The site investigation has been undertaken in accordance with details approved by the District Planning Authority and a risk assessment has been undertaken.
- (d) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the District Planning Authority. This should be approved in writing by the District Planning Authority prior to the remediation being carried out on the site. **REASON** : In the interests of the amenity of future occupancy of the site in accordance with the provisions of Policy DW (ENV3) of the Warwick District Local Plan 1995.
- 17 All development of the site shall accord with the method statement approved in accordance with Condition 13 above. **REASON** : In the interests of the amenity of future occupancy of the site in accordance with the provisions of Policy DW (ENV3) of the Warwick District Local Plan 1995.
- 18 If during development, contamination not previously identified, is found to be present the site then no further development shall take place (unless otherwise agreed in writing with the District Planning Authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with and the development shall then proceed strictly in accordance with the approved method statement and the approved addendum thereto. **REASON** : In the interests of the amenity of future occupancy of the site in accordance with the provisions of Policy DW (ENV3) of

the Warwick District Local Plan 1995.

- 19 Upon completion of the remediation detailed in the approved method statement and any addendum approved thereto a report shall be submitted to the District Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. **REASON** : In the interests of the amenity of future occupancy of the site in accordance with the provisions of Policy DW (ENV3) of the Warwick District Local Plan 1995.
- 20 Two full copies of reports at each state should be provided to the District Planning Authority as required by Conditions 16, 17 and 18 above. **REASON** : In the interests of the amenity of future occupancy of the site in accordance with the provisions of Policy DW (ENV3) of the Warwick District Local Plan 1995.
-

Planning Committee: 04 January 2005
Application No: W 04 / 1890

Part 2 Item Number: 08

Town/Parish Council: Barford
Case Officer: Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

Registration Date: 25/10/2004
Expiry Date: 20/12/2004

11 Dugard Place, Barford, CV35 8DX
Two storey side extension FOR Mr & Mrs J Dunn

SUMMARY OF REPRESENTATIONS

Parish Council: objection:

- proposal would restrict light to neighbours and views of the surrounding area;
- overdevelopment;
- violates the 40% rule;
- out of keeping with the character of the surrounding dwellings.

Neighbours: 3 neighbours object on grounds of :

- loss of light and sunlight to patio and, particularly, greenhouse;
- loss of privacy to rear garden;
- proposal disproportionate to original house;
- loss of outlook;
- detrimental to street scene.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

The 45 Degree Guideline (Supplementary Planning Guidance)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

Dugard Place is a road of large houses of mixed designs, planned in the 1960s. The application property has a large plot, but has not been extended previously, apart from a conservatory.

It is now proposed to construct a 2-storey extension to the side of the house, measuring 3.5m by 8.2m. This extension would lie to the rear of the existing garage and would be 1.3m from the side boundary of the house. The neighbour's house is sited a little behind the application property, further from the road, and is 1.5m from the side boundary. To the rear of this land to the side of the house, the neighbour has a small lean-to greenhouse, which currently enjoys sunlight from over the applicants' garden, which is to the south.

The proposal is fully in compliance with normal standards for a domestic extension in that the building would be in excess of 1m from the side boundary and the 45 degree code from the neighbour's windows is easily met. The size of the extension is within normal guidelines and I am unable to agree with the objections of the Parish Council and neighbours on these grounds. Furthermore, I do not consider that the proposal would be out of character with the street scene.

There is also the issue of the impact of the proposal on the neighbour's greenhouse. There is no doubt that this will suffer a loss of sunlight at certain times of day, but I do not consider that this is an issue of sufficient weight to justify the refusal of the planning

application. In order to protect the privacy of the neighbours it will be necessary to restrict the installation of any new windows in the side elevation of the proposed extension.

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification):
 - no windows other than those expressly authorised by this permission, shall be placed at any time in the north, side elevation of the extension, at first floor level;
 - the approved first floor windows in the north, side elevation of the extension shall be obscure glazed and retained as such at all times thereafter.**REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected.
-

Planning Committee: 04 January 2005
Application No: W 04 / 1928

Part 2 Item Number: 09

Town/Parish Council: Lapworth
Case Officer: Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

Registration Date: 01/11/2004
Expiry Date: 27/12/2004

45a, Station Lane, Lapworth, Solihull, B94 6LW
Erection of a first floor extension. FOR Mr & Mrs Chapman

SUMMARY OF REPRESENTATIONS

Parish Council: no objection.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
The 45 Degree Guideline (Supplementary Planning Guidance)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

It is proposed to build a first floor extension over an existing flat-roofed extension to the rear of the house, situated 900mm from the boundary with the neighbour. The existing extension was built on the 45 degree line from the adjoining neighbour's patio window, which is separated from the application site by a fence and shrubs.

The proposal for a two storey extension means that the 45 degree line would now be taken from the quarter point of the neighbour's window rather than the centre point and this means that the extension would infringe the 45 degree line by 350mm.

It is not possible amend the plans to overcome this problem and the proposal has to be judged on its merits. The application site is to the north of the neighbour and the roof would have a lower eaves line than that of the neighbour. The fact that the proposal is 900mm from the boundary also helps to reduce the impact.

The neighbour has not written formally to object to the proposal, although he has telephoned and expressed his concern to the case officer. Nevertheless, given the circumstances of the case, as described above, I do not consider that a refusal of permission could be justified, in that the impact of the proposals on the neighbour would be comparatively minor.

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 drawing 2004/31/01, and specification contained therein, submitted on 1 November 2004, 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.
-

Planning Committee: 04 January 2005
Application No: W 04 / 1958

Part 2 Item Number: 10

Town/Parish Council: Warwick
Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

Registration Date: 05/11/2004
Expiry Date: 31/12/2004

8 Temple Grove, Warwick, CV34 6AU

Erection of a 2 storey side extension. FOR Mr D O'Boyle

This report is from the Group Leader for Development Control as representations have been received from the Head of Planning, who resides at no. 9 Temple Grove.

SUMMARY OF REPRESENTATIONS

Warwick Town Council object: The development would alter the scale and character of the original dwelling, which may harm the character of the area and street scene. The pair of dwellings would be unbalanced which would detract from the symmetry of the pair. The application may act as a precedent for future proposals.

One neighbour has commented as follows: There are no similar extensions in the surrounding area which extend up to the side boundary. Other houses which have been extended have provided an access gap to the side boundary. The proposal may prevent similar future proposals on their property from being granted, as this would effectively link the dwellings and create a terracing effect.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

This semi-detached dwelling forms part of a row of semi-detached houses with regular spaces between them at first floor, which contributes to the regular rhythm of the street scene. This property currently has a drive way running between the dwelling and the side boundary, as does the adjacent neighbour. The drive ways lead to a pair of linked garages, set back behind the houses. The adjacent neighbour has two first floor side windows into a WC and landing, and a ground floor kitchen door and two small obscure glazed windows. It is proposed to erect a two storey side extension, to be built up to the side boundary, which has been set back 0.45m from the front elevation of the house at first floor level. This results in a drop in ridge height of 0.1m.

The appearance of this row of houses is characterised by the regular spacing between the semi-detached dwellings at first floor level. The proposed extension would significantly reduce this gap, and if the neighbouring property then proposed the same, this would result in the linking of the houses and formation of a terrace. It is established practice to resist two storey extensions up to the side boundary in areas of semi-detached houses in order to avoid creation of a terracing effect. This would appear totally out of keeping and in my opinion would be harmful to the established character of the area.

RECOMMENDATION

REFUSE for the following reasons :

Policy (DW) ENV3 of the Warwick District Local Plan and emerging policy DP1 of the first deposit version of the Local Plan (1996-2011) requires all development proposals to achieve a high standard of design, having regard to the character of the area and harmonising with their surroundings. The application property lies within an area of predominantly semi-detached properties which are regularly spaced with the spaces between the properties forming an important feature in defining the character of the area. In the opinion of the District Planning Authority, a large two storey extension of the type proposed and situated close to the plot boundary would lead to the creation of a terracing effect and be injurious to the existing character of the area and the street scene as a whole and these adverse effects would be increased if similar applications were permitted for other dwellings in the area.

Planning Committee: 04 January 2005
Application No: W 04 / 1961

Part 2 Item Number: 11

Town/Parish Council: Leamington Spa
Case Officer: John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

Registration Date: 05/11/2004
Expiry Date: 31/12/2004

265 Rugby Road, Leamington Spa, CV32 6EB
Loft conversion FOR Mr B McGarr

SUMMARY OF REPRESENTATIONS

Town Council : Proposal represents a design which will fail to harmonise with the dwelling or enhance the visual amenity of the neighbours.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

This is a terraced dwelling which was incorporated within the Conservation Area in March 2004.

The property presently has a rear 3 light dormer window of box design centrally positioned on the rear elevation.

A previous application W04/1107 for a box dormer across the full width of the property was refused in August 2004 on the grounds that its bulk and design would be an unacceptably dominant feature.

This present application, which has been amended, now proposes a new dormer sited adjacent to the side of the roof, adjacent to No. 263, similar in size to the existing box dormer. A 'conservation' rooflight is also proposed on the rear elevation. Given the existence of the existing central dormer, I consider that the replacement dormer of the amended design and siting now proposed, which would have a lead cladding, would be acceptable and would not harm either the character or appearance of the Conservation Area or neighbours amenity.

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 drawing(s) 424-01C, and specification contained therein, submitted on 15th December 2004 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.
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Planning Committee: 04 January 2005
Application No: W 04 / 2018

Part 2 Item Number: 12

Town/Parish Council: Cubbington
Case Officer: Fiona Blundell
01926 456545 planning_east@warwickdc.gov.uk

Registration Date: 17/11/2004
Expiry Date: 12/01/2005

30 New Street, Cubbington, Leamington Spa, CV32 7LA
Erection of side extension, boundary fencing and 3 no. bay windows to front elevation
FOR Mr M Jackson

SUMMARY OF REPRESENTATIONS

Town Council: Comments were received which stated that ' *There is no objection to the proposed extension, but the erection of a boundary fence is strongly opposed as this is a designated open area, it would reduce the visibility for traffic turning out of Price Road into New Street(in the vicinity of a school and a sharp bend), the fence is considered to be unsightly , and would be contrary to the open plan aspect of the neighbouring properties.*

Neighbours : Two objections were received on the grounds that the proposed fencing would be detrimental to the character of the residential area and the street scene.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application relates to a bungalow, which is located on the corner of New Street and Price Street. The property is set back from the public highway and has open plan gardens to the front and side, with an enclosed garden to the rear of the property. The houses on the opposite side of the road are semi detached, whilst the application site and its neighbouring properties are bungalows. All of the properties within the street are characterised by open plan landscaping to the front. There is a change in site levels ascending from the west to east in New Street.

The proposal seeks permission to erect a single storey side extension, boundary fencing and the installation of 3 bay windows in the front elevation. In terms of design, the extension would be acceptable using materials appropriate to the dwelling house and locality. I consider that the extension would meet the general development principles of the Local Plan and that there would be no breach of the Council's adopted SPG 45^o code. Furthermore, I consider that the proposal would not result in any degree of unreasonable overlooking.

With regard to the Parish Council's and neighbours' concerns about the proposed boundary fencing, following negotiations, the scheme has now been amended to omit the boundary fencing from the open plan area of the site. Fencing will be erected solely to join the rear of the proposed extension and the rear garden fencing. I am now satisfied that the amended scheme will address the concerns of both the neighbours and the Parish Council. I am of the opinion therefore that the amended scheme would not have a detrimental impact on the neighbouring amenities, street scene or the character of this residential area.

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 drawing(s) as revised on 16th December 2004, and specification contained therein, 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.
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Planning Committee: 04 January 2005
Application No: W 04 / 2019

Part 2 Item Number: 13

Town/Parish Council: Leamington Spa
Case Officer: Alan Coleman
01926 456535 planning_east@warwickdc.gov.uk

Registration Date: 17/11/2004
Expiry Date: 12/01/2005

45 St. Margaret's Road, Leamington Spa, CV31 2NX

Erection of 2 storey side extension, ground floor rear extension and conversion to three flats FOR Mr P S Pinesap

SUMMARY OF REPRESENTATIONS

Town Council: "The Town Council raises objection on the following grounds:

- (i) Development would be detrimental to the character of the street scene;
- (ii) The proximity of the site to a busy road junction makes it unsuitable for additional dwellings as there is already insufficient parking available;
- (iii) The proposal represents a density of development which is inappropriate to a site of this size."

Highway Authority: No objection.

Neighbours: The residents of 43 St. Margaret's Road object on grounds of loss of sunlight, privacy and security from the proximity of the side extension to the side access and door/window openings in the side elevation, and; inadequate on-site car parking leading to roadside parking to the detriment of safe and convenient highway access.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP14 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The premises comprise one of a pair of semi-detached houses situated on the eastern side of St Margarets Road within an established residential area containing a mix of semi-detached houses of broadly similar size and design and terraced houses laid out on a common building line along the alignment of the road. A local shopping centre is located opposite the site that has flats on the upper floors. The front curtilage of the site has a depth of some 8 metres. The dwelling is set in from the side boundary with No. 43 by some 3 metres providing an overall separation distance of some 5 metres between the side elevations.

There is a window in the side gable elevation of No. 43. A single storey extension has been built as 'permitted development' to the rear of the premises that adjoins the boundary of the site with No. 47.

There is a bus stop adjacent to the premises on the opposite side of St. Margaret's Road and attendant parking restrictions operate in the immediate vicinity of the site. Vehicle crossings have also been formed to serve off-road parking spaces in some of the front gardens of neighbouring properties. Otherwise, parking on St. Margaret's Road is generally unrestricted.

Planning application W04/1626 for the erection of a two storey side/rear extension, first floor rear extension and conversion of the dwelling to 3no. self-contained flats was refused by this 'Committee at the meeting on 26th October 2004 for the following reason:

"Policy (DW) ENV3 of the Warwick District Local Plan requires all development proposals to achieve a high standard of design which harmonises with its surroundings. This is reflected by Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 (First Deposit Version) which states development will only be permitted which positively contributes to the character and quality of its environment and does not have an adverse effect on neighbours amenity.

In the opinion of the District Planning Authority, the scale and mass of the proposed extensions would have an unacceptable overbearing effect on the neighbouring residents of 43 and 47 St Margarets Road and would adversely affect their outlook. The proposal would therefore be unneighbourly and contrary to the aforementioned policies."

The current application seeks to convert the dwelling to 3no. self-contained flats and would also comprise the erection of a two story side extension which, in comparison with the previous scheme, has been reduced in depth at first floor to align with the rear elevation of the host dwelling. A ground floor rear extension is also proposed that, together with the existing rear extension, would extend across the full width of the property similar to the previous proposal. A first floor extension was previously proposed across the full width of the property. This element of the scheme has been amended too by the omission of first floor additions from above the existing ground floor extension adjacent to the boundary with No. 47 and the proposed side extension, adjacent to the boundary with No.43. However, the application has now been amended by the omission of the remaining first floor element of the scheme. Provision for 3no. forecourt parking spaces would be available to serve the dwelling in a similar configuration as proposed under the previous application.

I remain of the opinion that the proposal is acceptable in principle and in terms of design and appearance. In accordance with established practice, a separation distance of 1 metre would be retained between the side elevation of the proposed side extension and the boundary with No. 43, it would be subservient to the main body of the original dwelling and would satisfy adopted Supplementary Planning Guidance in relation to 'The 45 Guideline' when measured from the nearest ground and first floor habitable windows in the rear elevations of No's. 43 and 47 St. Margaret's Road. A garden area in excess of some 17 metres would also be retained to serve the development. Thus, as amended, I consider the proposal would now satisfy Members' objections to the previous application. In terms of parking, I note that no objection to this aspect of the scheme was raised by Members. The accessibility of the premises to public transport also remains unchanged and I am satisfied that the number and layout of the proposed spaces is acceptable. The continued lack of objection from the Highway Authority also reinforces my view on this issue.

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 drawing 1542/2/C, and specification contained therein, submitted on 9th December 2004 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 Policy (DW) ENV3 of the Warwick District Local Plan 1995 and Policy DP1 of the Warwick District Local Plan 1996-2011 (First Deposit Version).
 - 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 (DW) ENV3 of the Warwick District Local Plan 1995 and Policy DP1 of the Warwick District Local Plan 1996-2011 (First Deposit Version).
 - 4 The car parking areas shown on the approved plans shall be constructed prior to occupation of the development and thereafter be permanently retained for parking purposes for the development hereby permitted.
REASON : To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995 and Policy DP1 of the Warwick District Local Plan 1996-2011 (First Deposit Version).
 - 5 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise vertical and horizontal transmission of airborne noise between:

 1. the proposed flats, and;
 2. between the proposed flats and the adjoining dwelling at 47 St. Margaret's Road

have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details.
REASON : In the interests of the amenities of neighbouring residents and future occupiers of the building, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995 and Policy DP2 of the Warwick District Local Plan 1996-2011 (First Deposit Version).
 - 6 No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details.
REASON : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy (DW) ENV3 of the Warwick District Local Plan 1995 and Policy DP1 of the Warwick District Local Plan 1996-2011 (First Deposit Version).
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Planning Committee: 04 January 2005
Application No: W 04 / 2020

Part 2 Item Number: 14

Town/Parish Council: Leamington Spa
Case Officer: Joanne Fitzsimons
01926 456534 planning_east@warwickdc.gov.uk

Registration Date: 08/11/2004
Expiry Date: 03/01/2005

104 New Street, Leamington Spa, CV31 1HL

Erection of two terraced dwellings (re-submission of W04/1401). FOR Mr J. Kandola

SUMMARY OF REPRESENTATIONS

Town Council: Object - consider the proposal to be over-development of a small site. A single dwelling or 2 flats could be accommodated in a far more satisfactory disposition.
1 neighbour letter of support - considers the amended application to be entirely satisfactory, conforming with the adjacent and general appearance of the other houses in the street.

Environmental Health: Recommend condition requiring a contamination study to be conducted.

WCC Highways: No objection

CAAF: Some improvements were noted in the loss of the attic storey. Concern however that the site is too small for two terraced houses and suggest one single dwelling would be more appropriate.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application relates to the erection of two dwellings on a site which at present comprises of substantial single and two storey workshops. The previous application for two dwellings was refused at the committee meeting on 4 October 2004 on grounds of inappropriate design, out of keeping with the street scene within a Conservation Area. Conservation Area consent has been granted for the demolition of the existing buildings on the site.

The application has been re-submitted to design the dwellings so that they are the same height as those which immediately surround the site and omitting the front and rear dormer windows. The proposal has been the subject of negotiations with the Council's Conservation Architect who is now satisfied that this proposal is acceptable, subject to large scale details and traditional sliding sash windows.

There is a breach of the Council's adopted 45° line. However, in this instance where the site contains a number of buildings including a double storey brick building across the whole of the rear of the site with windows on the elevation towards the rear of existing properties in New Street, it is considered that in these particular circumstances there is a

clear justification for the granting of this permission which will secure the demolition of all the existing buildings on the site and their replacement by the proposed scheme.

In my opinion, I consider the proposal to address the reasons for refusing the previous scheme

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 drawing numbers 02, 03, 04, 05 and 06 and specification contained therein, submitted on 8 November 2004, 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 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **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 be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 5 All window frames shall be constructed in timber, painted and not stained, and be of a sliding sash type. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policy ENV3 of the Warwick District Local Plan.

- 7 Development shall not be commenced until there has been submitted to the District Planning Authority a survey report on the extent to which any part or the whole of the application site is contaminated by toxic or other noxious materials and on the remedial measures required to deal with the hazards. No development shall be commenced until all toxic or obnoxious materials have been removed or otherwise treated in accordance with details which have been approved in writing by the District Planning Authority. **REASON** : To protect the health and safety of future occupiers as the land appears to have former potential contaminative use.
- 8 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **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.
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Planning Committee: 04 January 2005
Application No: W 04 / 1900

Part 2 Item Number: 15

Town/Parish Council: Budbrooke
Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

Registration Date: 25/10/2004
Expiry Date: 20/12/2004

11 Church Path, Hampton Magna, Budbrooke, CV35 8SJ
Erection of a single storey front kitchen extension FOR Mr McGill

SUMMARY OF REPRESENTATIONS

Budbrooke Parish Council: No objection providing the extension does not go over the building line.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
The 45 Degree Guideline (Supplementary Planning Guidance)

HEAD OF PLANNING & ENGINEERING

It is proposed to add a single storey front extension to this detached dwelling which is linked to its neighbour by their garages. The dwelling is set forwards of the affected neighbour (number 10) by 1.9m on this side of the house. The front elevation then steps forwards with a projecting porch and garage. The proposed extension would extend past the porch and garage by 0.9m. The neighbour's nearest front window is to a kitchen, and a 45 degree guideline from the centre point of this window is breached by 1.0m. The applicant and the neighbour are both set off the side boundary, with the extension set 0.9m from the side boundary. A side window is proposed from which the extended kitchen would overlook the front garden of the neighbour.

There is no defined building line in this cul-de-sac, and the extension does extend closer to the road than the existing house, but this is not substantially closer than other dwellings, and it is not considered that there would be so serious an impact on the mixed character of the area, or visual amenity of the street scene, that refusal would be warranted. The impact of the extension on the amenity of the neighbouring dwelling, from which a 45 degree guideline is breached is material, however given the single storey low pitched roof design and distance to the extension, it is not considered that refusal is warranted on these grounds alone. The side facing window will not harm the privacy of the neighbour to an unacceptable amount as it will only be overlooking the public front of the house that is visible from the footpath.

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 drawing(s) 2432/2, and specification contained therein, submitted on 25 October 2004 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.
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