

Planning Committee: 04 April 2005
Application No: W 04 / 1851

Part 2 Item Number: 01

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

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

**Land at South West Warwick (Tournament Fields), Stratford Road, Warwick, CV34
6BS**

Employment development for class B1, B2 & B8 purposes; associated infrastructure
(variation of condition 3 of p.p. W920291 - to allow a longer period of time for the
development) FOR Severn Trent Property Ltd

SUMMARY OF REPRESENTATIONS

Warwick Town Council: objection - 'The Town Council wishes to emphasise the
planning requirements regarding the Town's highway and traffic management schemes
to mitigate the effect of this development on the Town.'

Barford, Sherbourne and Wasperton PC (adjoining PC): no objection.

Highways Agency: no objection.

WCC (Highways): no objection.

RELEVANT POLICIES

UAP2 - Directing New Employment Development (Warwick District 1996 - 2011 First
Deposit Version)

(LW) EMP1- Major Employment Land Allocations (Warwick District Local Plan, 1995)

HEAD OF PLANNING & ENGINEERING

The proposal is to extend the life of one of the planning permissions granted by the
Secretary of State in 2000 as part of the overall scheme for South West Warwick. This
particular part of the development refers to the large parcel of land to the north of the
Hilton Hotel, to the east of the by-pass and the west of Stratford Road and forms the
main part of the employment allocation. The permission granted by the Secretary of
State was given after a unilateral obligation by the applicants which dealt with funding for
highway improvements to junction 15 of the M40 and public transport contributions.

The permission as granted by the Secretary of State included the condition that
application for approval of reserved matters for all phases of the development should be
made within 5 years of the date of approval of the Master Plan and that the development
should be begun within 8 years of the date of the permission or within 2 years of the date
of approval of the last of the reserved matters, whichever is the later. The Master Plan
was approved on 15 April 2003 and all details therefore have to be submitted prior to 15
April 2008.

The applicants consider that they may not be able to submit all the required details within
the remaining 3 year period and therefore wish to provide an adequate period of time for
submission of the details. They propose a period of 6 years from the grant of the new
consent, which would need to repeat the conditions of the original permission. Taken
together with the 2 year period (after the approval of the last reserved matter, referred to
above), the full life of the new planning permission would be 8 years.

The purpose of limiting the life of planning permissions is to prevent an unnecessary accumulation of unimplemented permissions and to encourage early implementation and the bringing of land with permission onto the market. The arrangement also enables local planning authorities to review the position at the expiry of a permission.

In this particular case there are a number of issues needing to be resolved before the commencement of building work, but it is clear that the applicants have been making considerable efforts to bring the development to fruition. For example, the interim works at junction 15 have been completed.

In these circumstances, the additional period of time is considered reasonable. With regard to the objection of Warwick Town Council, the highway requirements of the development would be unchanged from the previous permission.

The original grant of permission was subject to an undertaking under section 106 and a new agreement to refer to the current proposal will therefore be needed.

REASON FOR RECOMMENDATION

The land forms part of a major allocation in the Warwick District Local Plan, 1995 and the Council recognises the timescale for implementation of development of this site needs to be extended. The employment allocation is reiterated in the emerging Warwick District Local Plan, 1996-2011.

RECOMMENDATION

After the completion of a legal agreement under section 106 of the Act, GRANT subject to the following conditions :

- 1 The development shall be carried out in accordance with the principles and phases established in the Tournament Fields Employment Land Development Brief as approved by the District Planning Authority and dated 15 April 2003. **REASON:** To define the terms under which permission is granted.
- 2 Approval of the details of the siting, design, external appearance of the buildings, landscaping of the site and means of access thereto (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority for each phase approved in the Master Plan prior to the commencement of that phase of the development. **REASON:** To define the terms under which permission is granted.
- 3 Application for the approval of reserved matters for all phases of development approved in the Master Plan shall be made to the Local Planning Authority prior to the expiration of six years from the grant of this permission. **REASON:** To define the terms under which permission is granted.
- 4 The development hereby permitted shall be begun either before the expiration of eight years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later. **REASON:** To define the terms under which permission is granted.
- 5 Plans and particulars of the reserved matters referred to in Condition (2) shall be submitted in writing to the Local Planning Authority and shall be carried out as approved. **REASON:** To define the terms under which permission is granted.

- 6 Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved in writing by the Local Planning Authority and implemented before any development is commenced. **REASON:** To ensure that proper facilities are provided, in accordance with policy ENV 3 of the Warwick District Local Plan 1995.
- 7 A strip of land 8 metres wide adjacent to the top of the bank of the waterhouse must be kept clear of all buildings, trees and structures (including gates, walls and fences) unless agreed otherwise in writing by the Local Planning Authority. **REASON:** To protect the water environment, in accordance with policy ENV 3 of the Warwick District Local Plan 1995.
- 8 No development shall take place until a schedule of landscape maintenance for a minimum of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule. **REASON:** To protect and enhance the amenities of the area, in accordance with policy ENV 3 of the Warwick District Local Plan 1995.
- 9 The reserved matters referred to in Condition (2) above will include provision of on-site footpaths and cycleways to link the new employment area, the subject of this permission, with the residential, employment and local centre development to the north of the site. **REASON:** To encourage sustainable means of transport.
- 10 The reserved matters referred to in Condition (2) above will include details of noise control measures, thereafter the noise control measures shall be implemented as part of the development. **REASON:** To protect the amenities of the area, in accordance with policy ENV 3 of the Warwick District Local Plan 1995.
- 11 A cordon sanitaire shall be retained, as defined on Plan WDC/A attached hereto. No use shall be made of the land within the cordon sanitaire for purposes other than landscaping and car parking. **REASON:** To ensure that unsuitable areas are not developed, in accordance with policy ENV 3 of the Warwick District Local Plan 1995.
- 12 Development shall not begin until details of the junction between the proposed estate road serving the development and the A429 Stratford Road has been approved in writing by the Local Planning Authority, and the buildings shall not be occupied until that junction has been constructed in accordance with the approved details. **REASON:** In the interests of highway safety, in accordance with policy ENV 3 of the Warwick District Local Plan 1995.
- 13 No building shall be occupied until those parts of the roads and footways which provide access to it have been constructed to base course level in accordance with the approved plans submitted as part of the reserved matters application. **REASON:** In the interests of highway safety, in accordance with policy ENV 3 of the Warwick District Local Plan 1995.
- 14 No employment uses shall be occupied until convenient shower facilities and secure cycle storage facilities are available for use by employees. On occupation of the employment use the shower facilities and secure cycle storage shall be maintained and be available at all operational times for the employment use. **REASON:** To encourage the use of sustainable means of transport.
- 15 No development shall take place on the site until arrangements have been made for the implementation of a programme of mineral utilisation that provides for total

utilisation of 406,280 tonnes as follows:-

- mineral extraction 66,990 tonnes (39,405 m³)
- use of minerals in situ 211,830 tonnes (124,595 m³)
- use of recycled materials 127,460 tonnes (74,976 m³)

REASON: To ensure that mineral resources are properly exploited.

- 16 No development shall be occupied for employment purposes (not including occupation by workmen involved in construction of the development or the use of any building for storage or plant or materials or for sales or marketing purposes) until the improvements to the M40 Junction 15, as shown on TPK Plan No. 9577/25 attached hereto, or similar solution approved by the Highway Authority, are completed to the reasonable satisfaction of the Highway Authority. **REASON:** In the interests of highway safety, in accordance with policy ENV 3 of the Warwick District Local Plan 1995.
- 17 No development shall be occupied for employment purposes (not including occupation by workmen involved in construction of the development for the use of any building for storage or plant or materials or for sales or marketing purposes) until the applicant has provided the necessary funding for the construction and design of the scheme defined in Condition (18) below or has made an equivalent payment towards the long term improvements at the M40 Junction 15. **REASON:** In the interests of highway safety, in accordance with policy ENV 3 of the Warwick District Local Plan 1995.
- 18 The works referred to in Condition (17) to consist of the construction of improvement works to Junction 15 on the M40 motorway substantially in accordance with the TPK Plan No. 5021/22 attached hereto, or a similar suitable solution approved by the Highway Authority for the M40 motorway and the A46 trunk road. **REASON:** In the interests of highway safety, in accordance with policy ENV 3 of the Warwick District Local Plan 1995.
- 19 The development hereby approved shall not exceed 66,000 m². Gross Floor Area (GFA) measured internally. **REASON:** To define the terms under which permission is granted.
- 20 No more than 36,300 m² GFA measured internally shall be used for purposes falling within Class B1 of the Town and Country Planning Use Classes Order 1987 unless otherwise agreed in writing by the Local Planning Authority. **REASON:** To define the terms under which permission is granted.
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Planning Committee: 04 April 2005
Application No: W 04 / 2105

Part 2 Item Number: 02

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

Registration Date: 15/12/2004
Expiry Date: 09/02/2005

42 Stratford Road, Warwick, CV34 6AT

Erection of a two bedroom dwelling (retrospective application) FOR Mr C Macias

This application was deferred at Planning Committee on the 10 March 2005, for further information on the previous approved scheme (W20031777). This was approved by Planning Committee at the meeting on 6th January 2004 (Part 2 Item 15).

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object as Council policies require proposals to harmonise with their surroundings in terms of design and land use. This proposal would not meet this requirement and constitutes an unneighbourly form of development and impacts adversely on neighbouring dwellings.

Neighbours: Two letters of support have been received. The alley to the side of the property is now a much safer and more attractive area, The adjacent neighbour on the opposite side of the alley comments that they now have more sunlight following removal of trees on the site, the building fits in with its surroundings in terms of size, design and use, a drive and dropped kerb are already in place, the building is attractive and has improved the appearance of the site, and no disturbance has been created by building works.

Two letters of objection have also been received, on the grounds that the vehicular access is dangerous, the foot path has already been damaged by construction works, the building is excessive in size, and the site is overdeveloped. Planning permission for dwellings have been refused previously on this site, and this application should not be granted because it has already been built.

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)
Distance Separation (Supplementary Planning Guidance)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

HEAD OF PLANNING & ENGINEERING

Planning permission was granted in 2003 (W20031777) for the demolition of the existing garage in the rear garden of the site and replacement with a new garage with study over in the roof space. In 2003 permission was also granted for a two storey side extension to the dwelling, and permission was later granted retrospectively for use of this as a separate dwelling (W20030077; W20040151) There is ample parking on the frontage for both dwellings, while the rear garden was divided in line with the dwellings.

The building in the rear garden that now exists is similar to that granted as a garage with study over in 2003. The changes from the building which was granted permission consist of a reduction in the width of the building by 1.2 metres, the replacement of one large dormer window with two smaller dormers, removal of two garage doors and

replacement with windows, insertion of two ground floor side windows, and the repositioning of two roof lights. This application is to retain the building and use it as a separate dwelling house, with its own domestic curtilage and vehicular access.

The building in question consists of a dining/kitchen room, shower room and living room at ground floor, with two small bedrooms in the roof space. There are two rear facing roof lights which face towards the applicants house. The ground floor of the building is partly screened by the boundary wall of the site. The rear garden of 42 Stratford Road, fronts onto the corner of Goldsmith and Wordsworth Avenue, where the character consists of two storey dwellings set back behind traditional open front gardens.

As the principle of a building very similar to that built has already been granted on this site, the main issue is that of its use as a separate dwelling. The access to the rear of the site already exists so there can be no objection on the grounds that this is unsuitable as it is in established use. The frequency of the use of this access may increase, but this could happen currently. There would be no increased loss of amenity for neighbouring properties, as no new windows are proposed which would increase overlooking. Amenity space for the dwelling would be very limited, but this is not considered unreasonable given that the floor area of the building is similar to a flat which would have none.

Overdevelopment of the site is the remaining issue. The original single building plot has now been divided into three separate plots, each of which have adequate parking and reasonable outdoor amenity space. The level of development on the site has increased, and its use has intensified, but it is not considered that the use of this building as a separate dwelling will give rise to any specific additional detriment to the character of the area, or to the amenity of surrounding dwellings, including those already on site, which would justify a refusal.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 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 Part 1, Classes A, B, D, E, and G of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : To retain control over future development of the premises in the interests of residential amenity.

Planning Committee: 04 April 2005
Application No: W 04 / 2231

Part 2 Item Number: 03

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

Registration Date: 16/12/2004
Expiry Date: 10/02/2005

34 Malthouse Lane, Kenilworth, CV8 1AD

Erection of a two storey front extension and detached double garage, following demolition of existing garage FOR Mr S Lambert

This application was deferred at Planning Committee on the 10 March 2005, to enable a site visit to take place on 2 April 2005. The report which follows is that which was presented previously

SUMMARY OF REPRESENTATIONS

Town Council: Recommend refusal. The garage is in front of the general building line, and its bulk and size with blank brick walls offends the street scene in a sensitive area. Neighbours: 3 letters object to the garage, 1 objects to the extension and 1 objects to both proposals. The garage will project forwards of the building line, appearing out of character and setting a precedent for future proposals. It will also destroy the openness of the front garden and views of the house, and require removal of the established planting (boundary hedge and conifer). Malthouse Lane was referred to in a recent appeal decision as a road characterised by properties with long frontages, which would be permanently destroyed if building occurred in the front gardens.

The front extension would be intrusive and affect the character and amenity of the area, It would appear out of character with the neighbours of the same design. The extension would also be unneighbourly, and the two storey blank side wall will be an eyesore to neighbours on this side. Very little of the front elevation of the house would be visible from the road, light to the application dwelling would be reduced, and the plot overdeveloped. Parking space on the driveway would be reduced, possibly resulting in on road parking and traffic congestion. The proposals would be contrary to Policy DP5 of the Local Plan. A site visit is recommended, and two neighbours invite Members to view the site from their properties.

WCC Ecology: No objection subject to bat notes being added to the approval.

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 applicants detached dwelling is set at an angle to Malthouse Lane, and forms part of a group of three staggered dwellings with the same design. The rear of 36 Malthouse Lane to the north is in front of the applicants dwelling due to the staggered position, with a glazed side door on this side, one metre off the boundary. The application dwelling is set back behind a long front garden, with boundary hedge planting along the side boundary next to 36 Malthouse Lane. A detached double garage with pitched roof is to be positioned level with the front of the garage at number 36 which, due to the angle of the dwellings to the road, will be in front of the building line drawn diagonally across the face of the three properties. The applicants existing garage will be replaced on the

same footprint with a living room, and two bedrooms above, creating a projecting front gable.

The front extension will change the character of the dwelling as it will appear much larger and no longer similar to the other two dwellings in the same style. A large two storey blank wall would also be visible looking northwards down Malthouse Lane, but this view is partially screened by several trees along the road frontage, and the elevation would be viewed against the side elevation of number 34 which projects much further towards the road. The neighbour on this side, number 30/32, has a large garage on this side of the property, with facing secondary side windows some distance away. The character of the dwelling would change but in my opinion this would not be so harmful to the character or amenity of the street scene or neighbours as to justify refusal.

The garage would project in front of the building line created by dwellings along this side of the road, but this alone is not a reason for refusal. Each application must be considered on its merits, and in this case while the building would be closer to the road than any other, resulting in a change to the character of this frontage, it is not considered that this would be unduly intrusive within the street scene. Planning permission is not required to remove the hedges so could not be used as a reason for refusal, and adequate parking would be retained for the dwelling.

Any future applications would be considered on their merits so it is unreasonable to refuse this application on the grounds that a precedent may be set. Overall, the proposals are considered to be well designed and would not unacceptably compromise the amenity of the area. It is considered that the proposals do not conflict with the key objectives of the relevant Local Plan Policies, and do not cause such harm as would warrant refusal.

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) (Ref: 484-02), and specification contained therein, submitted on 15 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.
- 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.
- 4** 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 side elevations of

the extension. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected.

Planning Committee: 04 April 2005
Application No: W 04 / 2287

Part 2 Item Number: 04

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

Registration Date: 22/12/2004
Expiry Date: 16/02/2005

Oakdean, Croft Lane, Shrewley, CV35 7HL

Erection of a single storey front and rear extension and replacement roof to provide two bedrooms and two bathrooms FOR Miss S. Pitt

This application was deferred at Planning Committee on the 8th March 2005, to enable a site visit to take place on 2nd April 2005. The report which follows is that which was presented previously.

SUMMARY OF REPRESENTATIONS

Shrewley Parish Council: object as proposal exceeds permitted limit and is virtually unchanged from the previous application, an unacceptable intrusion within the Green Belt.

W.C.C. (Ecology): request a bat note.

Neighbours: Letters of objection have been received from 5 residents on grounds of changing character, height and size in Green Belt, and affects on neighbours.

2 neighbours reiterate objections in relation to the amended plan.

RELEVANT POLICIES

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

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

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

HEAD OF PLANNING & ENGINEERING

This property is a bungalow within a small group of dwellings along Croft Lane. It has a side dormer and a flat roofed garage. It stands slightly below the adjoining property (Myton Cottage) and above the corner house (Wishing Well Cottage). A previous application to substantially alter and extend the property was refused under delegated powers.

The present application represented a substantial reduction in the height of the extensions but, through negotiation, this has now been further reduced so that the new ridge is now approx. 1.0 m above the ridge of the existing dwelling. This enables a pitched roof to be provided over the flat roofed garage and the adjoining open space which leads to the front door. This roof space would then be used as two bedrooms and bathrooms with front and rear dormers. The existing side dormer towards Wishing Well Cottage would be substantially reduced in size.

The resulting floor area would be a substantial increase over the existing dwelling but the aspect that has to be considered is the visual impact of the proposal on the openness of the Green Belt. In this context, I am of the view that the change in overall mass and bulk of the bungalow is not substantial and, it is considered, would not materially affect the openness of the area. This is because it will still be a dormer bungalow and will still be below the level of the adjoining Myton House, which has a steeper roof pitch and stands on higher ground.

In terms of its affect on its neighbours, it is considered that the reduction in the size of the side dormer will be an improvement on Wishing Well Cottage and will have limited impact on Myton Cottage since it has its garage on this side.

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 P2004/12/1 Rev. 1 & 1/12/2 Rev. 1, and specification contained therein, received on 14th February 2005 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 April 2005
Application No: W 05 / 0060

Part 2 Item Number: 05

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

Registration Date: 31/01/2005
Expiry Date: 28/03/2005

Myton School, Myton Road, Warwick, CV34 6PJ

Retention of 7 no. roof lights in the location approved in application no. W20021476 at the revised constructed height of 1600mm FOR The School Governors

SUMMARY OF REPRESENTATIONS

Town Council : No objection.

Neighbours : Eight properties on Myton Crescent have been notified of the application and one objection has been received from No 4 Myton Crescent. The application is little different to that previously rejected, whilst the need for the rooflights to have hoods over them and why they cant be horizontal flat fit is raised. Reducing the height of the rooflights will provide little improvement in the look of the building and the haphazard pattern.

RELEVANT POLICIES

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

HEAD OF PLANNING & ENGINEERING

Planning permission was originally granted in November 2002 (Ref: W02/1476) for the erection of extensions to the school building and the creation of a row of seven angled roof lights. However, the completed scheme included the creation of 10 roof lights, with the additional 3 being in ad hoc positions nearer to the properties in Myton Crescent. The angle of the roof lights altered from 30 to 60 degrees, raising their height from 1.0m to 1.5m.

The completed scheme has meant that the additional roof lights which are located in ad hoc positions are very prominent on the skyline of the flat roof school building and are visible from the surrounding area, including Myton Crescent.

An application in 2004 (Ref: W04/0170) for the retention of all 10 roof lights was refused by committee on visual intrusion grounds, at which time enforcement authorisation was given for the removal of the 3 roof lights closest to Myton Crescent. The subsequent appeal against the refusal was dismissed, with the appeal inspector stating:

"The roof-lights sit on top of a 2 storey flat roofed building and cannot be said to integrate with the design of the building, appearing rather as a set of objects that have been arranged on the roof in some sort of pattern. Their height and appearance attract the eye and thereby attention becomes focused upon them. With their black roller shutters closed they appear to gain an almost sinister character. Within the school grounds this is of little consequence and many of the roof-lights are concealed by the angle of view that can be obtained. However, from nearby properties in Myton Crescent they are fully exposed to view and although well separated by some 80m, they remain conspicuous to the eye and have a considerable and hardly visually beneficial effect on the appearance of the building. The result can only be described as visually intrusive

and I regard this intrusion as unacceptable from the residential viewpoints that are affected."

This current application proposes the retention of only the original 7 roof lights at their increased height of 1.5 metres. The extra 3 rooflights would be removed in accordance with members instructions.

It is considered that the Planning Inspector was primarily referring to the 3 ad hoc roof lights in his appeal decision, which due to their location are readily visible from the properties in Myton Crescent. Views of the approved 7 roof lights are limited from the properties in Myton Crescent and due to the angles and distances involved (approximately 80m) it is considered that the difference between 1.0m in height (approved) and 1.5m would not be readily apparent.

It is therefore considered that the increase in height of the originally approved roof lights, which are positioned in a uniform line, would not harm the amenities of the surrounding area and those enjoyed by neighbouring residents to such an extent as to warrant refusal.

However, it is considered that the additional unauthorised 3 roof lights, by reason of their size and location do have an adverse effect upon the visual amenity of the area and in particular the residential amenities of the occupiers of No 2 and No 4 Myton Crescent. In order to ensure their removal within 3 months, a condition should be imposed as detailed below.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following condition :

- 1 Within 3 months of the date of this planning permission the 3 unauthorised roof light structures located closest to the neighbouring Myton Crescent residential properties (and not included in the planning permission W02/1476) shall be completely removed, all material from the school site removed and any damage to the flat roof made good. **REASON** : It is considered that the provision of the 3 roof lights, by reason of their size and location have an adverse effect upon the visual amenity of the area and in particular the residential amenities of the occupiers of No 2 and No 4 Myton Crescent contrary to Policy (DW) ENV3 of the Warwick District Local Plan 1995.

Planning Committee: 04 April 2005
Application No: W 05 / 0076

Part 2 Item Number: 06

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

Registration Date: 19/01/2005
Expiry Date: 16/03/2005

41 Price Road, Cubbington, Leamington Spa, CV32 7LG

Erection of a storage building (to replace existing sectional building) FOR P K Mottram

SUMMARY OF REPRESENTATIONS

Parish Council: Objections were received as follows: *'This is a development in a back garden and could, potentially, be used for a different reason at a later date. The plans are vague and no height of the building is mentioned. There is some concern that the foundations could adversely affect the banks of the adjoining brook'*

Neighbours: Three neighbours objected on the following grounds:
There are concerns about the potential use of the storage building for the purposes of childminding. The proposed height of the building is considered to be inappropriate within a residential garden and out of character with the surrounding residential area. Furthermore, there are concerns about the loss of privacy and overlooking as a result of the building. Concerns were also expressed regarding the possible damage to the banks of Pringle Brook from the digging out of the foundations.

Environment Agency: Recommendation that the proposal *would be moved away from the top of bank of the Pringle Brook to provide an improved maintenance strip of say 3 metres'*

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 site is located in the rear garden of No.41 Price Road. The property has been previously extended and has a large rear garden. Pringle Brook runs parallel with the rear boundary of the application site. A public footpath is adjacent to the eastern boundary of the dwelling house. Price Road comprises properties which are broadly similar in style, design and external appearance to the original buildings, within a well established residential area.

The proposal seeks permission to erect a storage building to replace the existing sectional building. The building would measure 5.615 metres wide 5.615m deep and 5.7 metres from ground to ridge line, incorporating a pitched roof. Following negotiations, the application has been amended in line with the Environment Agency recommendations to negate potential damage to the Pringle Brook banks. The building would consequently be sited a minimum of 3 metres away from the banks of the brook. I am now satisfied that the foundations of the building would not adversely affect the banks of this brook. I further note the concerns relating to issues of overlooking and height of the proposed building. With regards to overlooking and height of the building, I

consider this is negated by the installation of high level windows and sufficient distance between the building the neighbouring properties.

I am of the opinion therefore that the proposal would not have an adverse impact on the street scene, neighbouring amenities and character of the residential area that it would warrant a refusal.

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 amended (Ref Drawing No. 1A and specification contained therein, submitted on 14th march 2005) 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 April 2005
Application No: W 05 / 0086

Part 2 Item Number: 07

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

Registration Date: 20/01/2005
Expiry Date: 17/03/2005

2 Holly Cottages, High Cross Lane, Rowington, Warwick, CV35 7BG
Erection of a rear extension FOR Edward Bromwich

SUMMARY OF REPRESENTATIONS

Rowington Parish Council have no objection.

Neighbours - No views received.

Councillor Caborn has requested that this application is taken before the Planning Committee.

RELEVANT POLICIES

(DW) C3 - Criteria for the Conversion of Rural Buildings (Warwick District Local Plan 1995)
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)
DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version)
(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
RAP8 - Converting Rural Buildings (Warwick District 1996 - 2011 First Deposit Version)
DAP3 - Protecting Special Landscape Areas (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application property forms part of an L-shaped barn conversion with a large gravelled courtyard. The property was given permission for residential use on 15th August 1989 Ref: W89/0501. The property is of traditional construction with brick walls and a clay tiled roof. The barn is located in the Green Belt and Special Landscape Area and lies immediately to the west of Holly Farm at High Cross, Rowington.

The proposal would involve the replacement of the rear small single storey element, with a larger two storey extension. This would provide a family room and utility area at ground floor level and two bedrooms with roof lights at first floor level. The proposal also involves the conversion of the garage for use as a dining/ kitchen. The extension would be constructed of bricks and tiles to match the existing property.

Farm buildings whether converted to a different use or not are an established part of the rural scene and are an important element in forming the character of the Warwickshire Landscape. Permission for conversion is only granted where the proposed use or adaption can be accommodated without extensive rebuilding, alterations or extensions to the buildings as specified in Policy C3 of the Warwick District Local Plan April 1995. Conversion of this farm building was granted in 1989 and permitted development rights were removed for subsequent extensions to ensure that the character and appearance of the converted buildings and their setting within the wider countryside were respected and protected.

The substantial two storey extension of this property as proposed would in my opinion be detrimental to the character and appearance of the original farm building by reason of its size, form and projection prejudicing the objectives of Policy C3 of the Local Plan and emerging policy RAP8 of the first deposit version of the Local Plan (1996 - 2011) and therefore permission should be refused. Furthermore, if permitted this type of extension could act as a precedent for extensions to other converted barns which would be difficult to resist, thereby cumulatively eroding the character and appearance of the countryside to the detriment of the wider Green Belt and Special Landscape Area.

RECOMMENDATION

REFUSE for the following reason :

- 1 The application site which lies within the Green Belt and Special Landscape Area, comprises a converted former agricultural building which is part of a larger complex of barns now used for residential occupation. Barn conversion schemes are carefully considered in relation to policy C3 of the Warwick District Local Plan 1995 and the Council's approved Supplementary Planning Guidance on barn conversions, and permitted development rights for subsequent extensions are removed in order to ensure that the character and appearance of the converted buildings and their setting within the wider countryside are respected and protected.

In the opinion of the District Planning Authority, the proposed extension disrupts the simple form of the converted barn by reason of its size, form and projection and detracts from the original character and appearance of the complex of buildings, thereby prejudicing the objectives of Policy C3 of the Local Plan and emerging policy RAP8 of the first deposit version of the Local Plan (1996-2011). If permitted, this type of extension could act as a precedent for extensions to other converted barns which would be difficult to resist, thereby cumulatively eroding the character and appearance of the countryside to the detriment of the wider Green Belt and Special Landscape Area.

Planning Committee: 04 April 2005
Application No: W 05 / 0117

Part 2 Item Number: 08

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

Registration Date: 25/01/2005
Expiry Date: 22/03/2005

79 Northumberland Road, Leamington Spa, CV32 6HQ

Erection of ground and first floor extensions to front and rear elevations and erection of dormer window extension to front roof slope FOR Mr D Whitley

SUMMARY OF REPRESENTATIONS

Town Council: *"The proposal would introduce an incongruous form of development which would be visually intrusive in the existing street scene of Northumberland Road."*

CAAF: *"It was felt that the proposals to this well designed 1930's house detracted from the architectural quality of the building and did not enhance the conservation area. There was a loss of the 1930's cat slide roof over the garage which is typical of these sorts of houses and also truncation of the tall staircase window on the front elevation. It was felt that there could be some scope for extensions to the rear not affecting the front of the property."*

Neighbours: The resident of 77 Northumberland Road objects on grounds of loss of privacy to rear bedroom through proximity and overlooking from proposed side facing first floor bedroom window of extension, and; loss of privacy and light to patio and garden. The resident of 81 Northumberland Road has no objection, subject to the use of opaque glazing for the proposed rooflight in the north-eastern roof slope.

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)

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

DAP2 - Protecting the Areas of Restraint (Warwick District 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)

The 45 Degree Guideline (Supplementary Planning Guidance)

HEAD OF PLANNING & ENGINEERING

The premises comprise a two-storey detached dwelling that stands on the western side of Northumberland Road within an established residential part of the recently extended Leamington Conservation Area. The property is unique in original design and appearance to the neighbouring dwellings, which are equally diverse in size and style. However, a unifying characteristic of the dwellings is their generally regular height, spacing and setting along a common building line that sets them back from the highway behind mostly enclosed frontages. In common with the neighbouring properties, the dwelling also has an extensive rear garden that extends to over 40 metres in length.

The proposal is for the erection of single and two storey extensions to the front, rear and north-eastern side elevations to provide an additional bedroom and enlarged bedroom, garage, kitchen, lounge and study accommodation, together with a conservatory. An existing ground floor rear extension would be removed to accommodate the development. The scheme has now been amended to make the side windows (bathroom and W.C.) of the first floor bedroom extension adjacent to 77 Northumberland Road obscure glazed and fixed shut. As such, I am satisfied that neighbours' objection to this aspect of the development has been addressed.

In terms of design and appearance, the proposals would eliminate the existing 'cat-slide' roof of the dwelling by the enlargement of the garage and first floor bedroom above to form a two storey projecting wing to match the existing wing on the other side of the property. A porch would be formed in-between with a pitched roof that would obscure the bottom panes of the existing staircase windows. I appreciate the concerns of the Town Council and the CAAF regarding the impact of these proposals on the original design and appearance of the front elevation of the dwelling. However, I do not consider the facade is of such architectural merit to preclude this degree of alteration. I am also satisfied that these proposals would be consistent with the mix of architectural styles present among the neighbouring dwellings and would continue to add variety and interest to the character and appearance of the street scene within this part of the Conservation Area.

With regard to the proposed rear extensions, I am satisfied the development would comply with the Council's adopted Supplementary Planning Guidance 'The 45° Guideline' in relation to the neighbouring properties. I am also satisfied that the prospect of overlooking from the first floor window of the bedroom extension would be no greater than at present and therefore would not unacceptably harm neighbouring residents' amenities through any loss of privacy.

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 6010 02 ac A, and specification contained therein, submitted on March 2005 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.
- 3 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 (DW) ENV8 of the Warwick District Local Plan 1995.

- 4 All conservatory and window frames shall be constructed in timber, painted and not stained.

REASON : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.

- 5 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.

- 6 The first floor bedroom window in the south west elevation of the extension hereby permitted shall be non-opening and obscure glazed and retained as such at all times thereafter.

REASON : To protect the amenity of the neighbouring residents of 77 Northumberland Road.

Planning Committee: 04 April 2005
Application No: W 05 / 0129

Part 2 Item Number: 09

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

Registration Date: 27/01/2005
Expiry Date: 24/03/2005

Mumbai Bluu, 4 Bedford Street, Leamington Spa, CV32 5DY
Extension to garden bar FOR Mr M Kandola

SUMMARY OF REPRESENTATIONS

Town Council: *"The provision of additional facilities in connection with A3 use is opposed on the basis that Leamington Spa has an over concentration of such establishments. In addition the area of Bedford Street already benefits from sufficient capacity of A3 use."*

CAAF: *"The bar was felt to be acceptable as extended, however, it was suggested that as part of the approval the installation of solid gates to the side street elevation should be conditioned, to close off the view into the service yard area."*

WDC Environmental Health: No objection.

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)

DP9 - Pollution Control (Warwick District 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

The premises stand on the western side of Bedford Street within a predominantly retail part of the Conservation Area, that also contains residential properties nearby in recently completed developments known as 'The Glass House' and 'The Corner House' adjacent to the site in Windsor Street/Windsor Place to the west. There are also extant permissions for residential development comprising seven flats opposite the site at 7 Bedford Street (WDC Ref: W20011283) and for the provision of two flats on the upper floors of 50 Warwick Street to the north (WDC Ref: W20020734).

The main body of the building is two-storey in height with single storey additions to the front and rear. There is a yard at the rear which is used as a beer garden and contains seating, a retractable canopy and a free-standing bar.

The proposal is to extend the garden bar to the same width, depth and height using matching materials. As proposed, I am satisfied the development would be acceptable in terms of design and appearance. The bar is a lean-to timber/slate structure sited against the rear wall of the yard.

I note the concerns of the Town Council. However, the use of the yard as a beer garden remains ancillary to the permitted planning use of the premises as a public house within the meaning of Class A3 of The Town and Country Planning (Use Classes) Order 1987 (as amended). In my opinion, the enlargement of the existing bar is reasonable to supplement the existing permitted use of this area. The lack of objection from the Divisional Environmental Health Officer 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 1510/7, 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 Policy (DW) ENV3 of the Warwick District Local Plan 1995.
 - 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.
-

Planning Committee: 04 April 2005
Application No: W 05 / 0191

Part 2 Item Number: 10

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

Registration Date: 08/02/2005
Expiry Date: 05/04/2005

31 Hill Wootton Road, Leek Wootton, CV35 7QL

Two storey extension to dwelling, pitched roofs to existing garage and existing porch
FOR Mr & Mrs J Prince

SUMMARY OF REPRESENTATIONS

Parish Council: objection- in front of the building line of The Hamlet, and would 'close-off' the open entrance to the estate, felt to be inappropriate due to infringement to the building line. No objection to roof over garage.

WCC (Ecology): no objection, but due regard needs to be paid to possibility of presence of bats.

RELEVANT POLICIES

The 45 Degree Guideline (Supplementary Planning Guidance)

(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)

HEAD OF PLANNING & ENGINEERING

This application is reported to the Committee as one of the applicants is a Council employee and because of the Parish Council objection.

The house occupies a prominent position on the corner of Hill Wootton Road and The Hamlet and has a large corner garden, outside the rear garden fence, which forms part of the landscaping of the area. It is proposed to construct a two-storey extension to the house, with a width of 4m, which would be about a 40% addition to the frontage. This extension would occupy the full depth of the house and would be visible on the corner of the two roads. The extension would occupy about half of the depth of the existing side garden outside the fence-line.

The second part of the proposals is to construct a pitched roof to replace the existing flat roof of the garage, which adjoins the first house in The Hamlet. This part of the proposal is not controversial.

The siting of the house means that the proposal would be quite prominent, but the substantial side garden which would remain means that the landscaped setting of the house would not be lost. The Parish Council is correct to point out that the side extension would project in front of the houses in The Hamlet. These houses have garages projecting forwards which tends to make the building line less clear on site than it might appear on plan. Also, in view of the amount of landscaping in the area generally, I do not consider that the proposals would have a detrimental impact on the locality sufficient to justify a refusal of 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 (unnumbered) drawing and specification contained therein, submitted on 8 February 2005 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 April 2005
Application No: W 05 / 0256

Part 2 Item Number: 11

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

Registration Date: 15/02/2005
Expiry Date: 12/04/2005

10-12 Bridge Street, Barford, CV35 8EH

Conversion of shop and flat into three dwellings and erection of pitched roof over rear wing FOR Saville Estates Limited

SUMMARY OF REPRESENTATIONS

Parish Council : It reiterates the objections in its letter of 11th November 2003. Policy (DW) S8 of the Warwick District Local Plan should be enforced, particularly in the light of the very recent closure of the Barford Post Office and Shop.

The Council's previous comments on the application were as follows:

"The Council wishes to express concern for the further loss of commercial premises in the village. It considers the proposal to move from two current dwellings to three to be an over-development of the site. Similarly, it regards the car parking area as inadequate for three dwellings. It believes that the usual requirement of 1.5 spaces per unit is not being observed. Whilst supporting the change from a flat roof to one that is pitched, the Council is nevertheless concerned about the possible effect of the increased height of the roof ridge on those properties in close proximity. The Council notes that the chimney shown in the drawings will now have its top below the roof ridge-line, which it understands to be contrary to building regulations. Accordingly, the Council objects to this planning application."

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) S8 - Village Shops (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) H8 - Limited Infill Villages (Warwick District Local Plan 1995)
(DW) H13A - The Re-Use of Empty Residential Property (Warwick District Local Plan 1995)
(DW) H15 - Conversion of Existing Residential Property (Warwick District Local Plan 1995)

HEAD OF PLANNING & ENGINEERING

The application premises comprise a vacant three storey building with the front section of the ground floor being retail and the remainder of the property being residential. The application proposes to create three houses having 1, 2 and 3 bedrooms. Three parking spaces for the units would be provided down the side of the building, with access onto Bridge Street.

There have been two previous applications for the site, both involving the part or whole removal of retail element and change to residential units. These were both refused solely on the loss of the retail element. Both applications were dismissed on appeal as the Inspector was not satisfied that adequate demonstration had been provided that retail use of the premises was not viable, stating that "... PPG6 and the adopted Local Plan policy recognise the importance of village shops to rural communities and I consider that

it is incumbent on the appellant to demonstrate clearly that the continued retail use is unviable."

Policy (DW) S8 of the Warwick District Local Plan resists the loss of village shops and services unless it can be demonstrated that the unit is no longer viable. The current application provides further assessment and evidence, over that previously provided, with regard to the viability of the retail element, together with evidence to show that the unit has been unsuccessfully marketed for in excess of 12 months. Having considered the additional information and details submitted, as required by the Planning Inspector, it is now accepted that the unit is not viable, especially given its rural location and probable limited market.

Barford is identified as a 'Limited Infill Village' under Policy (DW) H8 of the Local Plan, which would mean that the provision of such residential units would be acceptable. Although policy RAP2 of the Deposit Local Plan would only allow affordable housing in the village, this has very limited weight and as such is not considered that this policy could be used as a reason for refusal.

The provisional findings of a recent Village Appraisal carried out in Barford has indicated a need for small houses, flats and bungalows and specifically the provision of 1 and 2 bed units. Although 3 bed dwellings are not referred to in the responses to the appraisal, it should be noted that the proposal would replace an existing 4 bed flat and the provision of such units in Barford was considered to be acceptable by the Appeal Inspector.

It is considered that the provision of the pitched roof over the existing flat roof rear extension would visually enhance the aesthetics of the property and the character of the street scene and Conservation Area, a view that was expressed by the Inspectorate. It is not considered that the proposal would cause loss of amenity to the neighbouring properties.

The proposed parking area would be located within a contained site, bounded by walls and fencing, while the proposed pitched roof is situated away at a right angle from the nearest neighbouring property. Whilst the proposal would involve the use of the existing joint entrance doorway between one of the retail units and No 8, it is considered that the use of this door together with possible noise intrusion would be less under the proposed scheme than could currently be the case. Whilst any noise insulation between the units would be an issue covered by Building Regulations.

The current scheme, showing off road parking for three cars, is considered to be acceptable and in line with Government Guidance. Whilst the amount of space provided would not allow for cars to turn within the site, thereby resulting in vehicles either reversing into or out of the site it is not considered that this would worsen the current situation which could take place if the building was in full retail/residential use.

It is particularly relevant that the lack of demonstration of the viability of the premises was the only reason that the Inspector dismissed the appeals with the Inspector concluding "*Whilst I consider that the appeal proposals are acceptable in terms of residential and Conservation Area policy, I conclude that the loss of retail premises would be contrary to the aims of the adopted Local Plan policy.*"

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 6773 02 B and 6773 03, and specification contained therein, submitted on 18 March 2005 and 15 February 2005 unless first agreed otherwise in writing by the District Planning Authority, except as required by Condition 3 below. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
 - 3 Notwithstanding the details in respect of bin store location shown on the submitted plans, no development shall be carried out on the site which is the subject of this permission, until full elevational details of bin store 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.
 - 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.
-

Planning Committee: 04 April 2005
Application No: W 05 / 0260

Part 2 Item Number: 12

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

Registration Date: 16/02/2005
Expiry Date: 13/04/2005

110 Lillington Road, Leamington Spa, CV32 6LW

Demolition of existing building and erection of replacement dwelling (re-submission of W04/1268) FOR Dr. K. Pandya

This application has been requested to be presented to Committee by Councillor Goode.

SUMMARY OF REPRESENTATIONS

Town Council: No objection

WCC Ecology: Bat notes.

1 neighbour objects on grounds that the proposed dwelling extends 2 metres beyond the existing house and is close to the boundary resulting in a loss of light, especially in the late autumn, winter and early spring months.

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

The application site relates to a large detached property outside, albeit, adjacent to the Leamington Spa Conservation Area. This proposal has been the subject of a previous application which was refused by Members of the Planning Committee at their meeting on 26 October 2004. The reasons for refusal were on grounds that the proposal incorporated a double garage which projected beyond the main bulk of the house and therefore, together with the alignment of the house at an angle to the prevailing building line, was considered detrimental to the street scene and unneighbourly.

This re-submission has sought to address the reasons for refusal and now incorporates an integral garage within the main dwelling and as such no longer has a projecting element beyond the building line of the property. Furthermore, the orientation of the property has been amended to align with the neighbouring dwellings. There is no breach of the Council's adopted 45 degree line. The design of the property remains largely unaltered with a modern semi-circular bay window feature on the rear ground floor and a balcony feature to the front of the property above the entrance.

I am satisfied that this amended application has taken into account the previous reasons for refusal and would not in my opinion cause additional harm to neighbouring amenities. As such I do not consider this replacement dwelling to be inappropriate given the diverse range of styles along this stretch of Lillington Road.

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 PAN1543PA001 and PAN1543PA100 and specification contained therein, submitted on 16 February 2005, 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 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 or other openings other than those expressly authorised by this permission, shall be placed at any time in the north or south elevations of the dwelling. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected.
-

Planning Committee: 04 April 2005

Part 2 Item Number: 13

Application No: W 05 / 0286

Registration Date: 22/02/2005

Town/Parish Council: Warwick

Expiry Date: 19/04/2005

Case Officer: Steven Wallsgrove

01926 456527 planning_west@warwickdc.gov.uk

Priory House, Priory Park, Warwick, CV34 4JS

Change of use from residential to office accommodation FOR Warwickshire County Council

SUMMARY OF REPRESENTATIONS

Warwick Town Council: - No comments received.

RELEVANT POLICIES

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

(DW) ENV15 - Encouragement of full use of Listed Buildings (Warwick District Local Plan 1995)

DAP7 - Changes of Use of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

This dwelling forms the front part of the County Record Office complex and, until recently, was occupied by a County Council employee. Since it became vacant, the Council has made two other applications to change its use to offices, the first being for non-Council use, which was refused, and the second for Council use, which was withdrawn. The building is listed Grade 2*.

The basic Local Plan policy situation is set out in ENV15, which states "If the original use cannot be continued or re-instated, favourable consideration will be given to sympathetic new uses." This is generally supported by paragraph 3.10 of PPG15: Planning and the Historic Environment which states "The best use will very often be the use for which the building was originally designed and the continuation or re-instatement of that use should certainly be the first option when the future of a building is considered." In the present case, the justification put forward by the County Council can be summarised as being that there is no demand from employees to occupy the property as a residence, that the uses of the adjoining parts of the County Record Office site are offices, and that there would be minimal changes to the building.

Existing policy does recognise that there does need to be a degree of flexibility in finding appropriate uses for listed buildings. Whilst continuation of use as a dwelling would be the preferred option, use of the property as offices would ensure a beneficial use is secured, with minimal alteration to its fabric. The dominant use of what is in many respects a unique site is offices and, in this particular instance, I am satisfied that the alternative office use for Priory House would complement this surrounding use and can be supported.

REASON FOR RECOMMENDATION

The proposal is considered to not significantly prejudice 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.
