

**Planning Committee:** 24 January 2005  
**Application No:** W 04 / 1588

**Part 2 Item Number: 01**

**Town/Parish Council:** Budbrooke  
**Case Officer:** Sandip Sahota  
01926 456522 [planning\\_appeals@warwickdc.gov.uk](mailto:planning_appeals@warwickdc.gov.uk)

**Registration Date:** 18/10/2004  
**Expiry Date:** 13/12/2004

**1 Curlieu Farm Cottages, Norton Curlieu Lane, Budbrooke, Warwick, CV35 8RD**  
Erection of 4m high pole with attached two halogen lights in association with use of  
ménage (Retrospective Application) FOR Linda Cashmore

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### **SUMMARY OF REPRESENTATIONS**

**Budbrooke Parish Council:** Object on grounds that it is a source of light pollution in an otherwise unlit area.

**Environmental Health:** No objection, but would recommend that if planning permission is granted a condition be imposed requiring that the lights be installed in a manner that minimises glare and light spillage to neighbouring premises.

**Highway Authority:** No objection, subject to the condition that glare shall not be created upon the public highway.

**Neighbours:** No objection in principle from adjoining property, but because the ménage is visible from their rear bedroom, which is about to become nursery for 2 young children, they are concerned that 2 halogen lights on a pole would add significant light into the bedroom after dark and would have the possibility of waking/ disturbing the children's sleep patterns. Therefore they request a condition preventing use of lights after 7pm.

### **RELEVANT POLICIES**

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)  
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)

### **HEAD OF PLANNING & ENGINEERING**

The application site is a ménage situated on the west side of Norton Curlieu Lane in open countryside which lies within the West Midlands Green Belt and Arden Special Landscape Area.

The proposal is for the retention of a 4 metre high timber pole with two halogen floodlights attached, erected on the north side of the ménage directed southwards, which is used to walk horses down to the bottom of the field at night, reduce the risk of intruders and for use when riding in the ménage in the early evening in winter.

The site forms part of 1 Curlieu Farm Cottages, one of 4 barn conversions within this complex, located approximately 20 metres north east of the ménage. The pole is situated approximately 60 metres from the highway to the east, with intervening buildings and trees providing an effective screen. The ménage is also well screened by tree cover immediately to the north, west and the south.

Site visits were carried out both during the day and in the early evening in the dark with the lights switched on. The occupier of the adjoining property at no.2 raised concern over the impact of the light to the first floor rear bedroom to her property. However, this was evaluated on site in the dark and I consider that due to the relative positions of the pole and the property at no.2, combined with effective curtains/ blinds, there is virtually no impact at all on this room. Moreover, all the barn conversions as well as the stables have external lighting fixed to them. The lights and the pole are not visible from the highway both during the day and in the dark.

The pole is not considered to be visually harmful because of the existing poles within the vicinity for power lines and the site is very well screened from public view. Overall I consider that the proposal would not be detrimental to the rural character of the area, the amenities of the neighbouring properties or highway safety.

### **REASON FOR RECOMMENDATION**

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

### **RECOMMENDATION**

GRANT subject to the following conditions :

- 1 The lighting hereby permitted shall be positioned such that no glare shall be created or light allowed to spill onto the public highway. **REASON:** In the interests of highway safety in accordance with Policy ENV3 of the Warwick District Local Plan, 1995.
  
  - 2 The lighting hereby permitted shall be positioned so as to minimise light spill onto adjacent land. **REASON:** To protect the amenity of this Green Belt, Special Landscape location and the amenity of the occupiers of nearby properties, in accordance with the requirements of Policies ENV1, ENV3 & C8 of the Warwick District Local Plan 1995.
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**Planning Committee:** 24 January 2005  
**Application No:** W 04 / 1890

**Part 2 Item Number:** 02

**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

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This application was deferred at Planning Committee on 4 January 2005, to enable a site visit to take place on 15 January 2005. The report which follows is that which was presented previously.

### **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.
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**Planning Committee:** 24 January 2005  
**Application No:** W 04 / 1893

**Part 2 Item Number: 03**

**Town/Parish Council:** Baginton  
**Case Officer:** John Beaumont  
01926 456533 [planning\\_east@warwickdc.gov.uk](mailto:planning_east@warwickdc.gov.uk)

**Registration Date:** 04/11/2004  
**Expiry Date:** 30/12/2004

**The Meeting Room, Mill Hill, Baginton, Coventry, CV8 2AG**

Retention of meeting room without compliance with Condition 9 of planning permission W900890 (hours of opening) FOR The Coventry Meeting Rooms Trust (1983)

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**SUMMARY OF REPRESENTATIONS**

Parish Council: In view of comments received from residents in Mill Hill, whilst having previously resolved no objection, the Parish Council now objects to the application. However, it would support an extension of the hours of start from 0600 hours provided that both access gates are used in order to minimise nuisance to residents. It was felt that a complete removal of the restrictions on hours of use would subject residents to round the clock disturbances.

Coventry Airport: No safeguarding objections.

Head of Environmental Health: No objections to a restriction on use between the hours of 2230 hours to 0600 hours.

**RELEVANT POLICIES**

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

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

DP9 - Pollution Control (Warwick District 1996 - 2011 First Deposit Version)

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

**HEAD OF PLANNING & ENGINEERING**

Planning permission for the erection of this meeting room (the use of which is restricted to public worship/religious instruction) was subject to a condition restricting the times it could be used; this condition was varied in October 1990 to read:-

'The premises shall be used only between the hours of 0800 and 2230 hours, Monday to Saturday, and 0600 and 2230 hours on Sunday and 0600 hours and 2230 hours on up to twelve Saturdays per calendar year'.

An application to vary that condition to permit the use of the premises at any time was granted on 2nd October 2003, reference W20031237. This was granted for a temporary period expiring on 30th September 2004.

The current application seeks to grant a permanent permission for the removal of the restriction on the hours of use of the premises. In support of the application, the applicants have confirmed that from October 2003 to September 2004 (inclusive) the premises were used only on six occasions outside the original permitted hours and none of these occasions began before 0620 hours.

Whilst noting the revised objection from the Parish Council, the use of both access gates has not been required in the past. Nevertheless, I am of the view, that the use of this site either late in the evening or in the early morning could result in noise nuisance/disturbance to residents in this locality and hence I consider conditions to facilitate the

use of both accesses off Mill Hill (thereby offering the opportunity of 'splitting' traffic movements on/off the site between both accesses) and to limit the hours of use of this site could be justified, in the interests of protecting the amenity of local residents.

### **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 premises shall only be used between the hours of 0800 hours and 2230 hours and at no other time. **REASON** : To protect the amenity of residential properties nearby in accordance with Policy ENV3 of the Warwick District Local Plan 1995.
  - 3 At all times these premises are open for use both the eastern and western accesses off Mill Hill shall be open and available for use by pedestrians or vehicles entering or leaving the site. **REASON** : To protect the amenity of residential properties nearby in accordance with Policy ENV3 of the Warwick District Local Plan 1995.
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**Planning Committee:** 24 January 2005  
**Application No:** W 04 / 1904

**Part 2 Item Number: 04**

**Town/Parish Council:** Whitnash  
**Case Officer:** Sarah Laythorpe  
01926 456554 planning\_east@warwickdc.gov.uk

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

**86 Coppice Road, Whitnash, Leamington Spa, CV31 2JB**

Erection of a dwarf wall with fence panels 3 metres out after demolition of existing brick wall. FOR Peter Beaufoy

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**SUMMARY OF REPRESENTATIONS**

Parish Council objects on the grounds that declared policy is that the Council do not allow open space to be built on and that the land belongs to WCC Highways. They suggest that this matter should be referred to WCC Highways department to determine whose land this is before a decision is made.

WCC (Highways): No objection

**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 relates to a property which is located in a prominent position on the corner of Coppice Road and Verdun Close. It is in an elevated position, set back off the road by a grass verge which is some 13.5 metres from the footpath at the front and 6.5 metres at the side. As existing, the property has a brick wall of approximately 2 metres in height along the side of the house which encloses the rear garden and side access off Verdun Close.

The original application W750591 removed Permitted Development Rights from the property, specifically on Parts 1 and 2 of the General Permitted Development Order 1995, which involves the erection of fences, walls and means of enclosure.

This scheme proposes the erection of 1.8 metre high fence which would be located 4 metres from the side of the property and would replace the existing brick screen wall. This would leave a verge some 2 metres wide along this elevation to Verdun Close. The applicants have enclosed a supporting statement which gives details of proposed planting along the new boundary fence which I consider would enhance the visual amenities of the area. They have also confirmed that they own the land.

With regard to the objection from the Parish Council regarding the use of open space, I do not believe the resiting of the fence would be so harmful to the visual amenity of the area to warrant a refusal. The proposal would retain a substantial landscaped verge at the side of the property and would therefore retain the open plan aspect of the 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 (15493B-1), and specification contained therein, submitted on 25th 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.

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**Planning Committee:** 24 January 2005  
**Application No:** W 04 / 1953

**Part 2 Item Number: 05**

**Town/Parish Council:** Warwick  
**Case Officer:** David Edmonds  
01926 456521 [planning\\_appeals@warwickdc.gov.uk](mailto:planning_appeals@warwickdc.gov.uk)

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

**19 Hurlbutt Road, Heathcote Industrial Estate, Warwick, CV34 6TD**

Change of use of warehouse to a mixed use of part storage and distribution use and part display and sale of goods (retrospective application) FOR Westmede Furnishers Ltd

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**SUMMARY OF REPRESENTATIONS**

Warwick Town Council: No objections

Cllr Christine Hodgetts: Requested referral to the Committee so that the complex issues affecting the viability of the town centre can be fully discussed.

**RELEVANT POLICIES**

(DW) EMP7 - Retail Occupation of Industrial and Warehouse Premises (Warwick District Local Plan 1995)

(DW) S1 - Protection and Development of Town Centres (Warwick District Local Plan 1995)

SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP3 - Directing New Retail Development (Warwick District 1996 - 2011 First Deposit Version)

TCP1 - Protecting and Enhancing the Town Centres (Warwick District 1996 - 2011 First Deposit Version)

**CASE OFFICERS ASSESSMENT OF KEY ISSUES**

**KEY ISSUES:**

**The site and its location:**

Hurlbutt Road, together with Bird Road and Blick Road is an enclave of small industrial units set within the Heathcote Industrial estate, located towards the Heathcote Road access to the estate. The estate is part of a large employment area allocated for employment use in accordance with Policy (DW) EMP 5 in the Local Plan, close to the edge of built up area of Leamington and Warwick. The application building is a purpose built small industrial unit set within a row of similar units, each with a small forecourt fronting the western side of the road. Unit 19 has a floorspace of 446 square metres comprising a ground floor with integral office, reception area and mezzanine floor.

The enclave was developed in the early 1980's in implementation of planning permission W81/0260 for construction of 68 units for warehousing and light industrial purposes. It has largely maintained this character since then with planning permissions have been granted for change of use in respect of only four of the units to various single or mixed uses e.g. car repairs, office and general industrial. There have been no permissions given for retail uses either as a single or mixed use on any of the units, but there is a current enforcement investigation into the retail use of the adjoining unit, no. 17 Hurlbutt Road where there is an issue of time limits for taking enforcement action. There is no planning history related to the application site, itself.

### **Details of the development:**

The application seeks a mixed use of the mezzanine floor within the unit which has a floor area of 214 square metres to retail and storage; with the ground floor remaining as storage. Initially it was indicated that the use of mezzanine would fluctuate, at different times from all being used for storage to all being used for retail with the retail use is confined to the display of end of line models, together with selected lines of larger furniture. However, the covering letter maintains that the mezzanine is unsuitable for active storage because of difficulties with manual lifting in the absence of a mechanical lift. On the three visits by officers, (in April, July and November 2004), nearly all of the floorspace of the mezzanine was being use for the display and sale of furniture with associated showroom decoration and fixtures/ fittings and carpeting covering the whole mezzanine floor. The ground floor reception room also appears to fulfil a dual purpose as a sales display area.

The supporting letter states that notwithstanding Government and Council policies there is now large a number and variety of out of town retailers which is summarised in a submitted schedule. In this context it is maintained that town centre furniture retailing is now difficult illustrated by the recent closure of town centre stores - Mundys in Warwick and Percy Whale and Woodwards in Leamington town centres. It is contended that in order to maintain the viability of their town centre stores at Smith Street, Warwick and Regent Street, Leamington it is necessary to have a supporting out of town warehouse facility which could also be used for retail use. It is asserted that suppliers are having difficulty supplying the company's town centre outlets in Regent St Leamington Spa and Smith Street Warwick using ever increasing lorry sizes. It is argued that the alternatives of blocking the streets whilst furniture is being delivered, or delivery to an out of town location and transhipment by small vans to the customer are both unacceptable. It is stated that the application site meets these requirements but is too large for their storage requirements and too expensive for the scale of operations of the business. It is argued that there is a need *'to generate some additional income from the unit for the business model to work'*. It is stated further *'The lack of this complimentary facility would be the main factor putting the future of town centre shops in doubt'* although it is accepted that there are other factors. In this respect, it is argued that the development accords with (DW) S2 in the Warwick District Local Plan in that it complies with one of the five additional criteria for assessing the merits of out of town retail development. Also it is argued that it broadly complies with Policy UAP3 of the Emerging local plan.

In conclusion it is argued that the development is an exceptional circumstance and invites a planning permission made personal to the company because of these special factors. There is no specific information about consideration being given to alternative sites for a small retail warehouse type developments in more sustainable locations e.g. the edge of town centre.

### **Assessment:**

The main issues raised by the development are whether the development accords with the development plan policies with reference to the effect on the vitality and viability of the town centre, the justification of need for additional out of town retail floorspace , and the protection of employment land and buildings.

The current government advice on retail development is set out PPG 6, issued in June 1996 This ushered in a tighter regime for the control of retail developments emphasising the need to sustain and enhance existing centres and introducing a requirement to undertake a 'sequential test'. This means that first preference should be for town centre sites, where suitable sites or buildings suitable for conversion are available, followed by

edge-of-centre sites, district and local centres, and only then out of centre sites in locations that are accessible by a choice of means of transport. Notably developers are urged to be more flexible about the format, design and scale of development but local planning authorities should be sensitive to needs of retailers,

This new policy guidance was emphasised and clarified in the written answer to a Parliamentary Question by the Minister for the Regions, Regeneration and Planning on 11<sup>th</sup> February 1999 (Caborn Statement). In respect of out of town schemes which do not accord with an up to date strategy, developers have to justify the need for additional facilities and demonstrate that a sequential test has been followed. A similar interpretation to retail planning policy was given in a Parliamentary statement issued by Tony McNulty on 10<sup>th</sup> April 2003. This highlighted the requirement for flexibility in the scale and format of a proposed development to meet the objective of maximising the sale of goods from town centre locations.

The Warwickshire Structure Plan reflects the guidance in PPG6 referring to the need for local plans to ensure that the town centres are the focus of retail uses. The 1995 Warwick District Local Plan was prepared and adopted prior to the revised PPG6 but the reference to the retail objective of maintaining the town centre of Leamington Spa as a focus for retail activity is however still considered valid. However the policy emphasis of (DW) Policy S2, which relates to out-of-centre retail development now has less weight due to the content of the June 1996 PPG 6. The retail planning policies of the Warwick District Local Plan 1996-2011 (First Deposit Version), November 2003 reflect the more up to date national guidance and Structure Plan policies designed to maintain and enhance the vitality and viability of existing town centres and thereby promote more sustainable patterns of development. In this respect, it is considered that the application would conflict with WDLP EMP7 and (DW) S2 and WDLPR First Deposit UAP3 and TCP1.

Members will be aware the Council commissioned DTZ, specialist retail planning consultants to undertake retail studies and town centre health checks. The DTZ Retail Studies of 2002 and 2004 highlighted a number of key weaknesses and constraints of both Warwick and Leamington town centres including a relative decline in the market share and attraction together with the ongoing pressure for out of town retailing. A key recommendation is that, in accordance with PPG 6 and the sequential test, the optimum location for new shopping should be in or on the edge of the town centre. In this respect, the current development of 'Regent Court' key site 'E', and the aforementioned premises vacated by furniture retailers should be amongst the options that the applicant needs to demonstrate has been considered.

Regarding the employment protection issue, by reason of the site's location, within a designated employment area, which apart from the introduction of some complementary non retail uses has been protected, it is considered that a mixed use involving retail would also conflict with policy SC2 designed to protect employment land from change of use to other use.

Section 54A of the 1990 Town and Country Planning Act requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The policy related material considerations such as PPG6, the ministerial statements and the retail studies support the development plan and the assessment of the site related material considerations cited by the applicant need to be undertaken in this context. The reasons for the applicant having to operate a warehouse in this location due in part to larger lorries having difficulties servicing town centre shops, and the value of the facility in helping maintain a town centre presence, are not supported by hard evidence. Moreover, it is considered that difficulties in a town centre retailer meeting the competition from existing out of town retailers does not

provide sufficient justification to transfer a significant part of its retailing to an out of town location. Therefore it is considered that this scale and extent of retail use is unacceptable.

Consideration has been given to the use of conditions to limit and control the scale and extent of the retail use. These include making any permission personal to the company concerned, restricting the hours that the sales area can be used and/or restricting any consent to a temporary period. However, Circular 11/95 "Use of Conditions" does not generally favour personal, particularly company, permissions and the granting of a temporary permission effectively just defers a conclusion to a later date.

The advice in PPG 18 'Enforcing Planning Control' is that the cost of a small business in responding to enforcement has to be taken into account. This would allow informal discussion about the possible means of minimising harm. However, it is important that the authority's views regarding the current scale and extent of retail activity is formalised. Therefore the refusal of planning permission and a recommendation for enforcement action is considered appropriate in this instance, but in recognition of the advice in PPG 18, it is considered that there should be a relatively long period of compliance to allow the company sufficient time to re-adjust its business model, accordingly.

### **RECOMMENDATION:**

1. REFUSE for the reasons set out below.
2. That authority be given to take formal enforcement action with a two year period of compliance

- 1 Planning Policy Guidance 6 (Town Centres and Retail Developments- June 1996) aims to sustain and enhance the vitality and viability of existing town centres by focusing new investment, particularly for retail and leisure uses within city, town and district centres. Government policy on shopping and leisure developments has been clarified on various occasions, including a statement by the Planning Minister, Richard Caborn, on 11th February 1999, (known as the Caborn Statement) when he stated that a failure to justify the need for new out-of-centre retail development would normally justify the refusal of planning permission unless there were weighty additional material considerations. Similarly, a Parliamentary Statement issued by Tony McNulty on 10th April 2003 (known as the McNulty Statement) made it clear that the tests apply equally to proposals for extensions.

Policy DW S2 of the Warwick District Local Plan 1995 states that further out-of-town retail development will not be permitted unless it can be demonstrated that the proposals would not adversely affect the viability and vitality of existing town centres. Additionally, policy UAP3 and TCP1 of the Warwick District Local Plan 1996-2011 (First Deposit Version) directs retail development to town centres.

The District Planning Authority consider by reason of the maximum extent of floorspace that can be devoted to retail use and the nature of display and sale of goods on the mezzanine floor with its associated showroom decoration, fixtures/ fittings and lighting, within this building in an out of town location, that there is a conflict with the aforementioned planning policies. It is considered the information submitted in support of the application is insufficient to justify the need for the development and to demonstrate that there are no alternative sites in more sustainable locations as required by the sequential approach.

- 2 The predominantly retail use of the mezzanine floor of the application building for retail (A1) purposes would undermine the employment policy objectives by reducing the level and range of employment land within the district, thereby

conflicting with Policy (DW)EMP7 of the Warwick District Plan, 1995, and SC2 of the Warwick District Local Plan 1996-2011 (First Deposit Version) November 2003, both designed to protect employment land.

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**Planning Committee:** 24 January 2005  
**Application No:** W 04 / 2019

**Part 2 Item Number:** 06

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Alan Coleman  
01926 456535 [planning\\_east@warwickdc.gov.uk](mailto: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 Panesar

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This application was deferred at Planning Committee on the 5th January 2005, to enable a site visit to take place on 15th January 2005. The report which follows is that which was presented previously.

**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 Margaret's 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 Margaret's 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:** 24 January 2005  
**Application No:** W 04 / 2032

**Part 2 Item Number: 07**

**Town/Parish Council:** Rowington  
**Case Officer:** David Edmonds  
01926 456521 [planning\\_appeals@warwickdc.gov.uk](mailto:planning_appeals@warwickdc.gov.uk)

**Registration Date:** 10/11/2004  
**Expiry Date:** 05/01/2005

**Brook Furlong Farm, Back Lane, Rowington, Warwick, CV35 7BD**

Erection of detached garage with room above (Retrospective). FOR Mr & Mrs R Smith

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**SUMMARY OF REPRESENTATIONS**

Parish Council: *'The building appears to be significantly larger and different in design to that granted permission in June 2003 (W2003.00741), considerably larger than the original footprint and of a disproportionate scale for its location within the Green Belt and adjacent to a Listed Building. Concern is also expressed about the potential uses the first floor accommodation could be put to, particularly as a separate dwelling or residential annex. It considers that the building would be contrary to the floorspace guidelines in policy RAP3 and being visually imposing due to the ridge/roof height has a serious impact on the landscape.'*

**RELEVANT POLICIES**

(DW) ENV12 - Protection of the Setting of Listed 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)  
(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)  
RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 First Deposit Version)  
DAP1 - Protecting the Green Belt (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 site is located adjacent to (north side of) the crossroads of Back Lane and High Cross Lane, rural roads linking the settlements of Lowsonford, to the west, with Shrewley Common and Pinley Green to the east. The farmhouse is grade II Listed Building, circa 16<sup>th</sup> century, of two storeys, constructed of timber framing with rendered infill and various character features and is set at right angles to the road. The garage that is the subject of the application has been constructed broadly adjacent and at right angles to the road on the opposite side of the farm yard and access point, approximately 16 metres to the south east of the farm house. The farm complex is separated from the adjacent road by an approximately 2 metre high brick wall. The site and surrounding countryside are part of the both the West Midlands Green Belt and the Arden Special Landscape Area.

The farm land associated with the site has an extensive planning history of equestrian related development since the mid 1990's with permissions for a ménage, storage barns, stables etc. The farm house itself appears to have remained intact, broadly as original, until 1999. Since then there have been a number of planning applications for various additions to the farm complex. The most relevant applications are as follows:

- Apr. 1999 (W99.0145LB) (retrospective): Listed Building Consent for construction of a conservatory extension & replacement of flat roof with pitched roof providing approximately 35 square metre floorspace.
- Jun.2003 (W03.0741): Planning permission for erection of detached double garage and store (on same site as current application) that would have been 8.1 metres wide x 6.1 metres deep x 5.5 metres ridge height but with no proposal for a first floor in the loft or for roof lights. The resultant floorspace would have been approximately 49 square metres. This was not implemented
- Jun 2003: (W03.1631 & 1634LB) Planning Permission and Listed Building Consent for erection of a 2 storey side extension refused. The subsequent appeal was withdrawn.
- Sep. 2004 (W04.1246 & 1247LB) Planning Permission and Listed Building Consent granted for erection of a two storey extension providing approximately 37 square metres of floorspace.

Planning permission, in retrospect, is sought for the retention of a detached garage with first floor accommodation served by side stairwell. It has been built broadly on the same site as W03.0741 above. Its dimensions are 9.5 metres wide x 6.3 metres deep x 5.5 metres ridge height incorporating approx 62 square metres ground floor space. There would be similar floorspace in the loft, lit by two 'conservation' roof lights, but this has limited headroom. It is proposed to use it as a games room or for storage purposes. The supporting letter states that the building would not be used as a separate dwelling or for primary residential accommodation (living room, bedroom etc). In terms of design and appearance, it has brick walls, clad with weatherboarding on the gable ends and the garage opening has been divided by a single timber pillar standing on a brick plinth. The garage replaces a flat roof garage outbuilding dating from the mid 20<sup>th</sup> century, of not dissimilar footprint, that has now been demolished.

The main issues raised by the application are the effect of the proposed development on the character and appearance of the Listed Building, whether the proposal represents inappropriate development within and the effect of the development on the openness of the Green Belt, and its effect on the rural character of the Arden Special Landscape Area.

Regarding the listed building issue, it is considered that the building would reflect the historic arrangement of farm buildings around the yard and in terms of scale, would still appear subordinate to and maintain the integrity of the listed farm house. The mixture of brick and timber external materials harmonises with the elements of the farmhouse and ties in with the brick wall fronting the site and is appropriate for farm outbuildings. The absence of windows visible from the road and the use of rooflights with limited projection above the plane of the roof and dark framing, together with the open front of the garage facing the farmyard, gives an appropriate non domestic appearance to the building.

In respect of the green belt issue, both (DW)ENV1 and paragraph 3.4 of Planning Policy Guidance Note no. 2 'Green Belts' [PPG2] indicate that the erection of new buildings in the Green Belt is inappropriate, unless it is required for one of the specified purposes. In this context the key issue is whether this addition to the complex of buildings results in disproportionate additions over and above the size of the original building. The case of *Sevenoaks DC v SSE and Dawe [1997]* found that a detached outbuilding can be an extension in green belt terms. This interpretation has been supported by the Inspectorate in appeals in respect of detached buildings at Chapel Haven, Lowsonford in 1993 and Glencove, Hunningham in 1994. Both policy (DW) H14 in the WDLP and RAP3 in the emerging local plan generally seek to prevent 'extensions' which would substantially alter the scale and character of a dwelling house in a rural area by reference to guideline percentage increases above the floor space of the original house.

Since policy RAP 3 in the emerging local plan still only carries limited weight the guideline of 50% in Policy (DW) H14 is more applicable.

The floorspace of the 'original' house excluding outbuildings is calculated to be approximately 200 square metres. The 1999 conservatory and 2003 side extensions amount to 84 square metres. The previous planning permission for a garage of 49 square metres ground floor area on the same site, and, in my opinion the proposed development represents a relatively modest increase in scale (13 square metres) with limited additional harm.

In respect of the effect on rural character, the scale and appearance of the building reflects the typical farm layout of the area and notwithstanding its forward position and size it has an agricultural appearance subordinate to the farmhouse. Therefore, in my opinion, it does not cause unacceptable harm to the rural character of the Arden landscape.

Finally, in respect of proposed use, the stated proposed use would be incidental to the enjoyment of the dwelling house and it is normal practice to require garaging to be retained for its intended purpose, in order to resist any possible future pressure for additional buildings at a later date. Suggested Condition 1 seeks to regulate this situation. There is no evidence that the building would be used as a separate dwelling and its external dimensions particularly of the loft space would make this unlikely.

### **REASON FOR RECOMMENDATION**

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

### **RECOMMENDATION**

GRANT subject to the following conditions :

- 1 The building shall be used for the housing of private vehicles, for domestic storage and as a games room and other purposes incidental to the residential use of the dwelling house. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the General Permitted Development Order, 1995 it shall not be used for primary residential purposes e.g as a living room, bedroom or kitchen . **REASON** : To protect the rural character and openness of the surrounding area, in accordance with Policy ENV1 and C8 of the Warwick District Local Plan.
- 2 Notwithstanding the provisions of Schedule 2, part 1, Class E of the General Permitted Development Order 1995 the installation of a garage doors to the enclose the open west elevation of the building would require planning permission. **REASON:** To maintain the character of a traditional agricultural building thereby complying with Policy ENV3 and C8 of the Warwick District Local Plan, 1995

**Planning Committee:** 24 January 2005  
**Application No:** W 04 / 2050

**Part 2 Item Number:** 08

**Town/Parish Council:** Hatton  
**Case Officer:** Martin Haslett  
01926 456526 [planning\\_west@warwickdc.gov.uk](mailto:planning_west@warwickdc.gov.uk)

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

**King Edward VII Memorial Hospital, Birmingham Road, Hatton, Warwick, CV35 7EH**  
Revised layout and house types for 24 units FOR Morris Homes Ltd

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### **SUMMARY OF REPRESENTATIONS**

Hatton Parish Council: no objection.  
Budbrooke Parish Council: no objection.  
Neighbours: one Warwick resident has commented that the smaller houses would be better-suited to serve local residents.  
WCC (Fire and Rescue): no objection, subject to condition.  
WCC (Ecology): concern over protection for protected species.  
WCC (Highways): no objection, subject to conditions and note.

### **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)

### **HEAD OF PLANNING & ENGINEERING**

The area involved is the eastern part of the site, to the right-hand side, when viewed facing the hospital. The proposal is to 're-plan' this part of the site, with the house types amended to show an increased number of smaller houses, but the road layout would be retained. Originally 17 dwellings were given permission in this part of the site, but now 25 are proposed.

As the houses now proposed are smaller than those originally agreed, the footprint of the development is not significantly different from the original scheme. There is also little difference to tree retention and landscaping.

The principal issue to be considered is therefore the increase in number of dwellings. The original number of dwellings was based on the footprint of the original hospital buildings and the requirement of Green Belt policy was that this should not be exceeded in the redevelopment of the site. The applicant chose to represent the footprint as a number of larger houses, in accordance with what they perceived as the market at the time. There is, therefore, no reason why, if the details are acceptable, this number should not be changed. The details of the scheme are acceptable and, accordingly, permission is recommended.

However, the site was subject to a section 106 agreement to require affordable housing, education and sustainable transport provision. These will need to be repeated for the current scheme and the additional number of dwellings would mean a small increase in the number of affordable dwellings.

Whilst I acknowledge the concerns of the County Ecologist, no particular ecological requirements were imposed as part of the original permission and I do not consider it would therefore be reasonable to make additional requirements now.

### **REASON FOR RECOMMENDATION**

The site lies in the Green Belt where PPG2 gives advice on the redevelopment of major site, which was taken into account in dealing with the previous grant of planning permission. The proposal is considered to comply with the policies listed above.

### **RECOMMENDATION**

After the completion of a legal agreement to require affordable housing, education and sustainable transport contributions and community facility contributions, 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 not be commenced/occupied until all accesses for cars have been provided to the site not less than 3.0 metres in width for single property accesses and not less than 5.0 metres in width for accesses serving more than one property or parking areas at any point for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. **REASON** : In the interest of highway safety in accordance with Policy ENV3 of the Warwick District Local Plan 1995.
- 3 No development shall take place until details of all external facing materials have been submitted to and approved by the District Planning Authority. 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 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the District Planning Authority. The scheme shall be implemented in accordance with the approved programme and

details. **REASON** : To reduce the risk of flooding.

- 6 No development shall be carried out on the site which is the subject of this permission, until details of existing and proposed ground levels of the development, including the finished floor levels of the dwellings and sections through the site between Plots 68 and 58 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 protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 7 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing, number 04.5611.100 and specification contained therein, submitted on 17 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.
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**Planning Committee:** 24 January 2005  
**Application No:** W 04 / 2093

**Part 2 Item Number:** 09

**Town/Parish Council:** Rowington  
**Case Officer:** Martin Haslett  
01926 456526 planning\_west@warwickdc.gov.uk

**Registration Date:** 06/12/2004  
**Expiry Date:** 31/01/2005

**Orchard Farm, Preston Road, Rowington, Solihull, B95 5EZ**  
Proposed garage extension and garden implement store FOR Mr & Mrs White

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### **SUMMARY OF REPRESENTATIONS**

Parish Council: overdevelopment of the site, in the Green Belt. Proposal inappropriate with serious visual impact. If permission is granted there should be conditions regarding future development, and ancillary use.

Neighbour: one neighbour objection:

- increases size of dwelling already larger than the one it replaced;
- impact on character of rural area and Green Belt;
- overlooking from staircase;
- visual impact.

### **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) C8 - Special Landscape Areas (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)  
RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 First Deposit Version)  
DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version)  
DAP3 - Protecting Special Landscape Areas (Warwick District 1996 - 2011 First Deposit Version)

### **HEAD OF PLANNING & ENGINEERING**

The recently-built replacement dwelling has a double garage to the front of the house. It is proposed to add an additional garage to the building, in the same style and materials as the existing building, together with a store attached to the garage building, on the part nearest the main house. A staircase to reach the loft area of the garage is also proposed, adjoining the store. The garage is, at minimum, 1.5m from the boundary with the neighbour. The applicant needs the additional accommodation to store and maintain his classic cars.

The neighbouring property is a single storey dwelling which is set further into its plot than the application property, separated from it by a substantial fence. The existing garage is visible from the front windows of the neighbouring dwelling and the increase in size will therefore have some impact. The neighbour is particularly concerned about overlooking from the new staircase, but the roof ridge of the new store would largely prevent this. I do not consider that the impact on the neighbour would be sufficient to justify a refusal of permission

Although the garage is in a comparatively prominent position, it is seen as part of the setting of the large house, and I do not therefore consider that it would have a seriously



detrimental impact on the character of the countryside or Green Belt. Nevertheless, I consider that permitted development rights should be removed, so as to prevent the installation of additional windows, or other changes.

### **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 1/895 and 2/895 and specification contained therein, submitted on 6 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 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 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 and protection of the character of the Green Belt.
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**Planning Committee:** 24 January 2005  
**Application No:** W 04 / 2145

**Part 2 Item Number: 10**

**Town/Parish Council:** Lapworth  
**Case Officer:** Steven Wallsgrove  
01926 456527 planning\_west@warwickdc.gov.uk

**Registration Date:** 01/12/2004  
**Expiry Date:** 26/01/2005

**Yew Tree Farm House, Yew Tree Lane, Lapworth, Solihull, B94 5PG**  
Erection of first floor side extension and replacement boundary wall to highway FOR Mr  
& Mrs D L Randolph

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### **SUMMARY OF REPRESENTATIONS**

Lapworth Parish Council : Have no objection to the extension but object to the wall as it restricts visibility.  
WCC (Highways): Have no objections since no worse than existing and very quiet lane.

### **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 dwelling lies at the junction of Yew Tree Lane and Tapster Lane which are narrow, single track, lanes. The house has not been the subject of any previous planning applications and the garage and forecourt are reached by an access on the corner through a gate in the existing wall. There is a tree just inside the wall, between the gate and the house, and a tall conifer hedge between the gate and the garage.

The proposed extension is small, on top of a small flat roofed extension, and will have little affect on the neighbouring house (Tapster Manor). The proposed wall will increase the height of the existing wall to 1.84 metres, to provide better security and is to be constructed with reclaimed brickwork. Since the existing wall already restricts visibility (it is over 1 metre in height) it is considered that the proposal would not create any additional problems.

### **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), and specification contained therein, submitted on 1st 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:** 24 January 2005  
**Application No:** W 04 / 2155

**Part 2 Item Number:** 11

**Town/Parish Council:** Leek Wootton  
**Case Officer:** Steven Wallsgrove  
01926 456527 planning\_west@warwickdc.gov.uk

**Registration Date:** 03/12/2004  
**Expiry Date:** 28/01/2005

**Juniper Cottage, 1 Wootton Grange Cottage, Warwick Road, Leek Wootton,  
Warwick, CV35 7RA**

Extension and conversion of part to form self-contained bed-sit FOR Mr & Mrs M Dale

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**SUMMARY OF REPRESENTATIONS**

Leek Wootton Parish Council : Object to creation of a self-contained dwelling, overdevelopment, precedent and contrary to Local Plan policies DP1 and DP2.

**RELEVANT POLICIES**

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

**HEAD OF PLANNING & ENGINEERING**

This property is one of a pair of Victorian semi-detached houses, both with detached outbuildings, on the edge of the village.

The proposal, although it is self contained in terms of its accommodation, is specifically designed to care for the applicants seriously disabled son, who needs 24 hour care. In that context, although it is self contained, it is to be used as ancillary accommodation to the main house and only enables the son to be properly cared for, which is extremely difficult in the main house. The proposal basically involves conversion of an existing outbuilding, with no increased in floorspace. An extension to the roof of the existing northernmost section of the building is part of the scheme.

It is considered, therefore, that this is a special case, with very exceptional circumstances, and its use will not have any unreasonable affects on the neighbour as long as it is used as ancillary accommodation. The alterations to the building, including the erection of a pitched roof over a flat roofed section, will also have very little impact on the neighbours or the character of the 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, and specification contained therein, submitted on 3rd 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 The residential accommodation hereby permitted shall only be occupied by members or relatives of the family occupying the main dwelling house. **REASON :** Since a separate use would have an unacceptable impact on the amenities of the main house due to its close proximity and window and access arrangements.
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**Planning Committee:** 24 January 2005  
**Application No:** W 04 / 2174

**Part 2 Item Number: 12**

**Town/Parish Council:** Leamington Spa  
**Case Officer:** John Beaumont  
01926 456533 [planning\\_east@warwickdc.gov.uk](mailto:planning_east@warwickdc.gov.uk)

**Registration Date:** 07/12/2004  
**Expiry Date:** 01/02/2005

**46 Warwick Place, Leamington Spa, CV32 5DE**

Erection of a dwelling at rear and provision of additional parking space fronting Oswald Road FOR Mr & Mrs A Andrews

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**SUMMARY OF REPRESENTATIONS**

Town Council:- Object. Detrimental to the setting of the Listed Building No's 44/46 Warwick Place contrary to Policy DAP6 of the emerging Local Plan.

Neighbours:- 5 letters of objection received. 1 raised no objection to the new dwelling but strong objection to the new parking access onto Oswald Road which would reduce on-street parking and detract from streetscene by altering original wall. 4 object on grounds of overdevelopment, detrimental to setting of Listed Building; loss of light/privacy; unneighbourly, parking and road safety problems.

WCC (Highways):- No objection subject to access condition.

**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)  
(DW) ENV12 - Protection of the Setting of Listed Buildings (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)  
DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)  
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

**HEAD OF PLANNING & ENGINEERING**

This is a Grade II Listed Building in the Conservation Area.

The proposed entails the felling of a row of Leylandi trees and the erection of a single storey pitched roof dwelling containing living rooms, kitchen, bathroom, bedroom and entrance lobby. This dwelling would be sited adjacent to the northern boundary of the site.

The proposal also entails the provision of two parking spaces off Oswald Road with a splayed wall at each side to give visibility of vehicles and pedestrians.

Planning Permission and Listed Building consent for the conversion of No 46 to 8 apartments with 7 forecourt car parking spaces was granted by the Planning Committee in May 2004, reference W040069/0063LB.

Planning Permission for the erection of a pair of semi-detached dwellings fronting Oswald Road and the dwelling the subject of the current application was refused under delegated powers in August 2004 (reference W04/1177) for the following reason:-

"1. The application site is located within the Conservation Area and forms part of the garden to a Grade II Listed Building which itself comprises half of a pair of Victorian Villas.

With the Warwick District Local Plan 1995, Policy (DW) ENV3 requires all development to harmonise with its surroundings; Policy (DW) ENV6 states Conservation Areas will be protected from development which would have a detrimental effect upon their character and appearance; Policy (DW) ENV8 states within Conservation Areas development proposals will be required to achieve a high quality of design, harmonising in scale and form with their surroundings; Policy (DW) ENV11 states applications to extend a Listed Building in such a way as to adversely affect its character will normally be refused whilst Policy (DW) ENV12 states the setting of Listed Buildings will be protected. These policies are reflected by Policies DP1, DP2, DAP6 and DAP10 of the Warwick District Local Plans 1996-2011, first deposit version.

The proposals the subject of this application seek to erect a pair of semi-detached dwellings and a bungalow in the grounds of 46 Warwick Place; the semi-detached dwellings would be linked to the existing boundary wall through which pedestrian access would be gained.

In the opinion of the District Planning Authority, this proposed development would significantly detract from the open setting of the Listed Buildings, Nos 44 and 46 Warwick Place. It would result in an unacceptably cramped form of development with only a communal garden of restricted dimension remaining, within which it would be likely there would be pressure for further development of private amenity space with screen wall/fence features to protect the amenity of the future occupiers of the proposed dwellings which would be to the further detriment of the Listed Building. The proposed development by reason of its proximity, siting and bulk would also detract from the outlook from the existing villas and from the proposed flats within No 46 granted planning permission reference W20040069.

The proposals would thereby conflict with the objectives of the aforementioned policies."

Whilst noting the above refusal, I consider that neither this single storey dwelling in itself or the widening of the vehicular access to Oswald Road would cause harm either to the setting of the adjacent Listed Buildings, the character/appearance of the Conservation Area or the amenity of neighbours such as to justify refusal. I am conscious of the objection to the loss of on-street car parking but no objection has been raised by the Highway Authority and I do not consider that this would justify a refusal of 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 drawing(s) 1003/100, 1003/05e, 1003/08C, 1003/09E and 1003/16 and specification contained therein, submitted on 7th 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 Notwithstanding the details confirmed within the submitted application. No development shall be carried out on the site which is the subject of this permission, until large scale details of rooflights, entrance screen, 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 a high standard of design and appearance for this Listed Building, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policies ENV8 and ENV11 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.
- 5 All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policies ENV8 and ENV11 of the Warwick District Local Plan.
- 6 Notwithstanding the details contained with the submitted application. 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.

- 7 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 ENV3 of the Warwick District Local Plan.
- 8 The dwelling hereby permitted shall not be occupied until the two parking spaces together with the widened access and splayed wall features have been constructed in accordance with details first submitted to and approved in writing by the District Planning Authority. (REASON: In the interest of highway safety in accordance with the requirement of Policy ENV3 of the Warwick District Local Plan).
- 9 Obstructions, including gates and barriers, shall not be placed within the vehicular access to the site. REASON: In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 10 The vehicular access for the development hereby permitted shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway. REASON: In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 11 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.
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**Planning Committee:** 24 January 2005  
**Application No:** W 04 / 2175 LB

**Part 2 Item Number: 13**

**Town/Parish Council:** Leamington Spa  
**Case Officer:** John Beaumont  
01926 456533 [planning\\_east@warwickdc.gov.uk](mailto:planning_east@warwickdc.gov.uk)

**Registration Date:** 07/12/2004  
**Expiry Date:** 01/02/2005

**46 Warwick Place, Leamington Spa, CV32 5DE**

Erection of a dwelling at rear and provision of additional parking space fronting Oswald Road FOR Mr & Mrs A Andrews

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**SUMMARY OF REPRESENTATIONS**

Town Council:- Object. Detrimental to the setting of the Listed Building No's 44/46 Warwick Place contrary to Policy DAP6 of the emerging Local Plan.

Neighbours:- 5 letters of objection received. 1 raised no objection to the new dwelling but strong objection to the new parking access onto Oswald Road which would reduce on-street parking and detract from streetscene by altering original wall. 4 object on grounds of overdevelopment, detrimental to setting of Listed Building; loss of light/privacy; unneighbourly, parking and road safety problems.

**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)  
(DW) ENV12 - Protection of the Setting of Listed Buildings (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)  
DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)  
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

**HEAD OF PLANNING & ENGINEERING**

This is a Grade II Listed Building in the Conservation Area.

The proposed entails the felling of a row of Leylandi trees and the erection of a single storey pitched roof dwelling containing living rooms, kitchen, bathroom, bedroom and entrance lobby. This dwelling would be sited adjacent to the northern boundary of the site.

The proposal also entails the provision of two parking spaces off Oswald Road with a splayed wall at each side to give visibility of vehicles and pedestrians.

Planning Permission and "Listed Building" consent for the conversion of No 46 to 8 apartments with 7 forecourt car parking spaces was granted by the Planning Committee in May 2004, reference W040069/0063LB.

Planning Permission for the erection of a pair of semi-detached dwellings fronting Oswald Road and the dwelling the subject of the current application was refused under delegated powers in August 2004 (reference W04/1177) for the following reason:-

"1. The application site is located within the Conservation Area and forms part of the garden to a Grade II Listed Building which itself comprises half of a pair of Victorian Villas.

With the Warwick District Local Plan 1995, Policy (DW) ENV3 requires all development to harmonise with its surroundings; Policy (DW) ENV6 states Conservation Areas will be protected from development which would have a detrimental effect upon their character and appearance; Policy (DW) ENV8 states within Conservation Areas development proposals will be required to achieve a high quality of design, harmonising in scale and form with their surroundings; Policy (DW) ENV11 states applications to extend a Listed Building in such a way as to adversely affect its character will normally be refused whilst Policy (DW) ENV12 states the setting of Listed Buildings will be protected. These policies are reflected by Policies DP1, DP2, DAP6 and DAP10 of the Warwick District Local Plans 1996-2011, first deposit version.

The proposals the subject of this application seek to erect a pair of semi-detached dwellings and a bungalow in the grounds of 46 Warwick Place; the semi-detached dwellings would be linked to the existing boundary wall through which pedestrian access would be gained.

In the opinion of the District Planning Authority, this proposed development would significantly detract from the open setting of the Listed Buildings, Nos 44 and 46 Warwick Place. It would result in an unacceptably cramped form of development with only a communal garden of restricted dimension remaining, within which it would be likely there would be pressure for further development of private amenity space with screen wall/fence features to protect the amenity of the future occupiers of the proposed dwellings which would be to the further detriment of the Listed Building. The proposed development by reason of its proximity, siting and bulk would also detract from the outlook from the existing villas and from the proposed flats within No 46 granted planning permission reference W20040069.

The proposals would thereby conflict with the objectives of the aforementioned policies."

Whilst noting the above refusal, I consider that neither this single storey dwelling in itself or the widening of the vehicular access to Oswald Road would cause harm either to the setting of the adjacent Listed Buildings, the character/appearance of the Conservation Area or the amenity of neighbours such as to justify refusal. I am conscious of the objection to the loss of on-street car parking but no objection has been raised by the Highway Authority and I do not consider that this would justify a refusal of 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 works hereby permitted must be begun not later than the expiration of five years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 1003/100, 1003/05e, 1003/08C, 1003/09E, and 1003/16 and specification contained therein, submitted on 7th 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 Notwithstanding the details contained within the submitted application. No development shall be carried out on the site which is the subject of this permission, until large scale details of rooflights, entrance screen 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 a high standard of design and appearance for this Listed Building, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policies ENV8 and ENV11 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.
- 5 All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policies ENV8 and ENV11 of the Warwick District Local Plan.
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**Planning Committee:** 24 January 2005  
**Application No:** W 04 / 2193 CA

**Part 2 Item Number: 14**

**Town/Parish Council:** Warwick  
**Case Officer:** Steven Wallsgrove  
01926 456527 planning\_west@warwickdc.gov.uk

**Registration Date:** 10/12/2004  
**Expiry Date:** 04/02/2005

**Land adjacent to Gymnasium, Kings High School for Girls, Smith Street, Warwick,  
CV34 4HJ**

Demolition of a section of boundary wall FOR Warwick Independent School

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### **SUMMARY OF REPRESENTATIONS**

Warwick Town Council : No comments received.

Neighbours : One neighbour objects to access being provided at this point due to proximity to Mitchell House.

### **RELEVANT POLICIES**

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

(DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)

### **HEAD OF PLANNING & ENGINEERING**

This proposal is directly related to the application for the erection of the teaching and sixth form centre block (see the Principal Item report) and is for the demolition of a short section (6m) of the front boundary wall to enable contractors to have access to the site. The wall would be reinstated on completion of the works, as provided for in the planning application. This access is at the end where a gap is to be retained down the end of the building, whereas the existing gate at the other end, by the gymnasium, is to be built on and, therefore, would not give access to the whole development site during the construction period.

### **REASON FOR RECOMMENDATION**

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

### **RECOMMENDATION**

GRANT subject to the following conditions :

- 1 The works hereby permitted must be begun not later than the expiration of five years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
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**Planning Committee:** 24 January 2005  
**Application No:** W 04 / 2207

**Part 2 Item Number: 15**

**Town/Parish Council:** Radford Semele  
**Case Officer:** Sarah Laythorpe  
01926 456554 planning\_east@warwickdc.gov.uk

**Registration Date:** 10/12/2004  
**Expiry Date:** 04/02/2005

**58 Southam Road, Radford Semele, Leamington Spa, CV31 1TE**

Erection of a ground floor side extension and dormer window to rear roof elevation. FOR  
Mr & Mrs Godbert

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**SUMMARY OF REPRESENTATIONS**

Parish Council objects on the grounds that the extension appears to be right on the boundary and also that there is a side window which looks directly onto the neighbouring property.

**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 property is a detached 2-storey dwelling house which is positioned 9 metres from the boundary of The Olde White Lion Public House at one side and 3.9 metres from the boundary of No.1 School Lane at the other side. It is proposed to add a single storey side extension adjacent to the boundary of No.1 School Lane, and a rear dormer window which would face the garden of No.3 School Lane. The proposed side extension would have a window facing the existing 6ft fence which separates the two properties.

Policy ENV3 states that developments should harmonise with their surroundings, both in terms of design and in terms of land use, while Policy DP2 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. With regard to this proposal, I do not believe the single storey side extension or the rear dormer window would impact on neighbouring amenities. The proposed side facing window in the ground floor side extension would also be acceptable, as it is a ground floor window positioned behind the existing 6ft boundary fence, and would not cause any additional overlooking to the property at No.1 School Lane.

**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 (drawing 2 and drawing 3), and specification contained therein, submitted on 10th 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.

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**Planning Committee:** 24 January 2005  
**Application No:** W 04 / 2210

**Part 2 Item Number: 16**

**Town/Parish Council:** Kenilworth  
**Case Officer:** Penny Butler  
01926 456544 [planning\\_west@warwickdc.gov.uk](mailto:planning_west@warwickdc.gov.uk)

**Registration Date:** 13/12/2004  
**Expiry Date:** 07/02/2005

**Shannock Bungalow, Grounds Farm Lane, Kenilworth, CV8 1PP**  
Alterations to roof. FOR Mr & Mrs G Burrows

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

### **SUMMARY OF REPRESENTATIONS**

Kenilworth Town Council: Comment that they welcome the proposals which were likely to improve the overall appearance of the property.

Neighbours: One letter of support has been received. The proposal is not unreasonable and would enhance the property removing a mixture of pitched and flat roofs.

### **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) C8 - Special Landscape Areas (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)  
RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 First Deposit Version)  
DAP1 - Protecting the Green Belt (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 site is located at the end of an unadopted single lane track, and comprises a previously extended bungalow with surrounding garden, which forms part of a small group of farm buildings and dwellings at Grounds Farm. The property has had a rear flat roof kitchen, W.C. and lounge extension which increased the size of the property by approximately forty percent. The current proposal would extend the roof of the property over the rear flat roof extensions, thereby creating one large roof over the whole extended dwelling. This would extend the ridge height from the existing 2.5 metres to 3.7 metres.

Warwick District Local Plan 1995 Policy (DW) H14 states that extensions to dwellings in the Green Belt should not substantially alter the scale or character of a dwelling, or constitute substantially new development. The first deposit version of the Warwick District Local Plan 1996-2011 Policy RAP3 states that extensions will not be permitted if they substantially alter the scale, design or character of the property and extend the visual impression of the building.

It is considered that the proposed roof extension clearly constitute significant new development in the Green Belt, that would result in a materially larger, visually more dominant and different character of dwelling that would harm and intrude upon the open nature of the surrounding rural area.



## **RECOMMENDATION**

REFUSE for the following reason :

- 1 The property, subject of the application, is within the Green Belt, wherein the Planning Authority is concerned to ensure that the rural character of the area will be retained and protected in accordance with national policy guidance contained in PPG2 "Green Belts" and policy (DW) ENV1 of the Warwick District Local Plan and emerging policy DAP1 of the first deposit version of the Local Plan (1996-2011). The PPG states that the limited extension of existing dwellings in green belt areas may be appropriate provided that it does not result in a disproportionate addition over and above the size of the original dwelling, whilst Policy H14 of the Warwick District Local Plan and emerging policy RAP3 of the first deposit version of the Local Plan (1996-2011) seek to restrict the amount of extension to existing dwellings in the rural area.

It is considered that the proposed development would radically alter the scale, ridge height and character of the original dwelling, thus constituting an undesirable extension and consolidation of a residential property likely to affect detrimentally the character of this rural locality, thereby constituting inappropriate development conflicting with the aims of Green Belt and Local Plan policy.

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**Planning Committee:** 24 January 2005  
**Application No:** W 04 / 2266 TC

**Part 2 Item Number: 17**

**Town/Parish Council:** Kenilworth  
**Case Officer:** Will Charlton  
01926 456528 planning\_west@warwickdc.gov.uk

**Registration Date:** 15/12/2004  
**Expiry Date:** 08/02/2005

**Telecommunications Mast, Crewe Lane, Kenilworth, CV8 2LA**

Erection of a 12m telegraph design monopole telecommunications mast and associated equipment and meter cabinets. FOR O2 (UK) Ltd

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The site notice on this application does not expire until the 26th January 2005. Therefore the decision notice will not be issued until after this date. The 56 day period for determination expires on 8th February.

**SUMMARY OF REPRESENTATIONS**

Town Council: Objection on the following grounds :

- a) It is visually distractive intrusion on the highest and most exposed point of the junction. The linear aspect of the drawings does not fully respect the true visual situation with the copse, as the largest tree is a substantial distance from the mast;
- b) It is situated too close to both the highway and residential properties (some within 30 metres);
- c) An inappropriate site could become host to a rash of further antennae on, or in the immediate proximity of the proposed mast;
- d) Given the existence of other telecoms facilities in the Crewe Lane area the mast would be better situated closer to the existing equipment, where it would be both less intrusive and able to be situated further away from residential properties.

Councillor Shilton: Objects to the proposal.

Kenilworth Society: Object as the site lies within the Green Belt and Special Landscape Area and would be located in a conspicuous location where it would affect the openness of this attractive area.

Neighbours: Eleven letters of objection have been received as the proposal is located near a residential area, with properties within 30 metres of the proposal. The site is set on a high point which would cause widespread visual impact, where there is little screening by the lower trees to the rear of the mast. There are existing alternative sites, including a Television Aerial rather than the site which is at a dangerous junction thereby causing a potential traffic hazard. There are no conclusive evidence that radiation from the proposed installation will not cause health effects nor interference with Analogue or Digital television signals. One letter refers to the area being susceptible to high winds.

**RELEVANT POLICIES**

(DW) ENV3 - Development Principles (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)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
SC8 - Telecommunications (Warwick District Local Plan 1996 - 2011 First Deposit Version)

## **HEAD OF PLANNING & ENGINEERING**

The proposed mast would be approximately 12 metres in height and would be designed so as to have the appearance similar to that of a telegraph pole. A similar mast, although 8 metres in height, was allowed on appeal opposite properties in Beehive Hill in 2000. The position proposed would mean that the mast would have a backdrop of an existing tree belt and small copse, although lower than the height of the mast proposed. Although located on a high point, to help with the coverage area, the vegetation to the rear would help limit the proposals visual intrusion into the area, and due to the nature of the mast its impact into long views would be limited. Although located relatively near residential properties, the nearest dwelling being approximately 35 metres away, other suitable locations further away from dwellings could have a greater impact upon the general amenities of the area.

The Courts have held that health considerations and public concern about harm to health can be material considerations in determining applications. The view of the Government (PPG8) is, however, that *"if a proposed base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them"*.

A fundamental part of the precautionary approach, recommended in the Stewart Report (2000) was the adoption of the ICNIRP guidelines for public exposure. The applicant has confirmed that the proposed apparatus would operate within the ICNIRP guidelines and therefore comply with the requirement of PPG8. I have considered the technical information relating to health risk, but I attach greater weight to the guidelines of national and international bodies, particularly as these were subject to recent detailed consideration by the Stewart Group and that of PPG8 (2001). Whilst I can appreciate that the presence of the mast would remind local residents of their fears and concerns, and taking into account all the circumstances relating to the proposal, I conclude that the perceived health risks do not justify refusal.

The equipment proposed would be located outside the main visibility splays of the junction and would be set back from the road kerb by approximately 5 metres. It is therefore not considered that the proposal, although on highway land, would create a traffic hazard. It is also considered that any potential interference upon television signals is likely to be limited, and if there is an issue it would be a private matter, as determined in a recent case regarding an MM02 antenna in Farmer Ward Road.

The operators have considered alternative sites, including Princes Drive, the existing 15 metre CCI site at Tisdale Rise and the CCI tower at Kenilworth Golf Club. The golf club site was identified but dismissed as inappropriate for the following reason :  
*"... however O2 is unable to make use of it as there already 2 other operators in place at the top of the tower. The site is surrounded on all sides by trees. If O2 were to use the next available aperture on the tower, the signal would be firing into the trees, thus making it ineffective."*

**REASON FOR RECOMMENDATION**

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

**RECOMMENDATION**

No objection be raised.

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**Planning Committee:** 24 January 2005  
**Application No:** W 04 / 2276 TC

**Part 2 Item Number: 18**

**Town/Parish Council:** Shrewley  
**Case Officer:** Steven Wallsgrove  
01926 456527 planning\_west@warwickdc.gov.uk

**Registration Date:** 21/12/2004  
**Expiry Date:** 14/02/2005

**Telecommunications Mast, Five Ways Road, Shrewley, Warwick, CV35 7HT**  
Installation of 12m 'transformer pole' telecommunications antenna with cabinet. FOR  
Orange PCS Limited

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### **SUMMARY OF REPRESENTATIONS**

Shrewley Parish Council: Raises objection on grounds of "visual amenity interference within the green belt".

Neighbours: Petition of 54 signatures, with covering letter, objects due to visual impact on busy road junction, green belt, and possible health effects. 29 neighbours object on similar grounds.

Councillor Mrs. Compton: Requested that this be put to the Planning Committee.

### **RELEVANT POLICIES**

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

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

SC8 - Telecommunications (Warwick District Local Plan 1996 - 2011 First Deposit Version)

### **HEAD OF PLANNING & ENGINEERING**

This is a 56 day consultation type application, not a full planning application, and, therefore, a decision must be issued by 14th February 2005 otherwise it will be deemed to have been approved.

The proposal is to erect a single pole, which would look like a telegraph pole, near the back of the verge on the north corner of the junction of the Old Warwick Road and Five Ways Road. This area has been landscaped and includes a number of saplings up to about 9.0 m high. The pole would be sited amongst this planting and close to the tallest of these saplings.

The mast is required to serve the settlement at Shrewley Common, where the applicants have identified a signal deficiency and have looked at four other sites, including the existing mast by the motorway. None of these sites proved to be useable, mainly due to signals being interrupted by trees and 'line of sight' is required for 3G Systems.

The chosen site, with its backdrop of saplings, is considered to be not so intrusive in the landscape as to justify a refusal, the applicants pointing out that there is an existing 13 m wooden telegraph pole on the opposite side of the crossroads.

In terms of health, the applicants have certified that their proposal is well within the ICNIRP limits and consideration of the wider health risks also indicates there is no reason to justify a refusal. This includes the perception of such risks, and in a very recently published case, the Court of Appeal concluded that health concerns should be considered only in "exceptional" circumstances. It was ruled that it was a Government matter to decide the measures necessary to protect public health.

**REASON FOR RECOMMENDATION**

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

**RECOMMENDATION**

No objection be raised.

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