

Planning Committee

Monday 26 April 2004

Friday 16 April 2004

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Monday 26 April 2004 at 6.00 p.m.

Membership:

Councillor B Evans (Chair)	
Councillor R C H Copping (Vice-Chair)	
Councillor M Ashford	Councillor E B MackKay
Councillor Mrs J Compton	Councillor R W Smith
Councillor Ms C K De-Lara-Bond	Councillor L G Windybank
Councillor G B Guest	

Declarations of Interest

Declarations should be entered on the form to be circulated with the attendance sheet and declared at item 2 below. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. In the event of an interest being prejudicial, members are reminded that they must withdraw from the room or chamber whenever it becomes apparent that the matter is being considered, unless a dispensation has been obtained from Standards Committee. **If members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.**

Agenda

1. Substitutes

To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. Declarations of Interest

Members to declare the existence and nature of personal and prejudicial interests in items on the agenda in accordance with the adopted Code of Conduct.

3. Minutes

To consider the minutes of the meetings held on 17 February, 9 & 31 March 2004. (Previously circulated)

*4. Report of the Head of Planning and Engineering

To consider the report from the Head of Planning and Engineering containing planning applications reported to the Committee for decision. (Enclosure)

[Please note:

(a) The background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.

(b) All items have a designated Case Officer and any queries concerning those items should be directed to that Officer.

(c) The agenda is organised into two main parts; Part I which includes Principal Items which have a full written report and Part II comprising other items which are being reported to the Planning Committee for decision and consist of those applications which the Head of Planning and Engineering is not able to determine under his delegated powers, but do not warrant a full Principal Item report being prepared.]

5. Development Control Statistics for Oct-Dec 2003

To consider the report from the Head of Planning and Engineering. (Enclosure)

(*Denotes those items upon which decisions will be made under delegated powers, as previously granted by the Council).

Planning Committee 26 April 2004

Index to Principal Items

Item Number	Page Number	Reference, Address, Description and Applicant
01	01-03	W20040206 61-63 Warwick Road, Kenilworth, CV8 1HN Conversion of 2 dwellings into bed and breakfast guest house, incorporating new rear kitchen extension and new block in rear garden, following demolition of redundant out-buildings. Mr. S. Insall
02	04-06	W20040207LB 61-63 Warwick Road, Kenilworth, CV8 1HN Conversion of 2 dwellings into bed and breakfast guest house, incorporating new rear kitchen extension and new bedroom block in rear garden, following demolition of redundant out-buildings. Mr. S. Insall
03	07-10	W20040295 66-70 Leamington Road, Kenilworth, CV8 2AA Erection of 6 dwellings and associated works. Cala Homes Midlands Limited
04	11-17	W20040258 18 Wychwood Close, Bishops Tachbrook, CV33 9QU Conversion and change of use from Class A1 (Newsagent) to Class A3 hot food take-away unit with external extradiation flue and Class A1 retail unit. Mr M.S. Mundi
05	18-21	W20040032 471 Tachbrook Road, Whitnash, Leamington Spa, CV313DQ Change of use of existing outbuildings to Class B1 Business use. Mr M Chambers
06	22-25	W20040312 471 Tachbrook Road, Whitnash, Leamington Spa, CV31 3DQ Proposed refurbishment and conversion of existing outbuildings (stables and workshop) to form 2 units of holiday let accommodation Mr. & Mrs. P. Kirkham
07	26-29	W20031966 Portobello Works, Emscote Road, Warwick, CV345QU A new road, footpath and cycleway, a new bridge across river Avon linking Rock Mill Lane to former Portobello Works, and associated landscaping works and including Flood Compensation Works on land north of Emscote Road/Rugby Road, Warwick/Leamington Spa. Gallagher Estates/Pettifer Estates

General Enquiries: Please contact Graham Leach - Members' Services, Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456102

Switchboard: 01926 450000

Facsimile: 01926 456121

E-Mail: theresa.mccool@warwickdc.gov.uk

For enquiries about specific reports, please contact the officers named in the reports.

You can e-mail the members of the Planning Committee at planningcommittee@warwickdc.gov.uk

Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk.

**THE AGENDA IS AVAILABLE IN LARGE PRINT
ON REQUEST, PRIOR TO THE MEETING, BY
TELEPHONING GRAHAM ON (01926) 456102**

Planning Committee: 26 April 2004

Principal Item Number: 01

Application No: W20040206

Registration Date: 05/02/2004

Town/Parish Council: Kenilworth

Expiry Date: 01/04/2004

Case Officer:

Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

61-63 Warwick Road, Kenilworth, CV8 1HN

Conversion of 2 dwellings into bed and breakfast guest house, incorporating new rear kitchen extension and new block in rear garden, following demolition of redundant out-buildings.

FOR Mr. S. Insall

This application was deferred at Planning Committee on 31 March, to enable a site visit to take place on 24 April 2004. The report which follows is that which was presented previously (including comments on the addendum), with the addition of the proposed conditions.

SUMMARY OF REPRESENTATIONS

Town Council: "Members were not averse to the change of use and conversion of the building provided that the interior modifications did not compromise the integrity of a listed building.

However they objected to the scale of the application. There is insufficient parking, whilst the proposed rear block constitutes overconcentration, is an overdevelopment of the site and adversely affects neighbours' amenities."

WCC(Ecology): no objection, subject to bat and bird notes.

Neighbours: a petition signed by 28 residents of Harger Court and Harger Mews has been received, objecting on grounds of inadequate parking provision, difficulty of access for emergency vehicles.

Nine neighbours and one local resident have written individual objections on grounds of impact on amenity of nearby residents and uses, noise from bed and breakfast clients, increase in traffic, access for emergency vehicles, concern over adequacy of arrangements for refuse, inadequate parking, lack of disabled parking, impact on listed building, particularly as the original use (for residential purposes) remains viable.

Four neighbours have written in support of the application, on grounds of an improvement to the visual appearance, it would invigorate this part of Kenilworth, and would preserve and maintain the listed building.

CAAF- although not in Conservation Area , there were some concerns about the proposed doors linking the buildings together.

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV15 - Encouragement of full use of Listed Buildings (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP8 - Directing New Visitor Accommodation (Warwick District 1996 - 2011 First Deposit Version)
UAP8 - Directing New Visitor Accommodation (Warwick District 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)
DAP7 - Changes of Use of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)
DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

The site does not have any significant planning history.

KEY ISSUES

The Site and its Location

The application site consists of two cottages fronting Warwick Road and backing onto Harger Court, both are listed, grade II. Number 63, the right-hand property (from Warwick Road) has a restricted rear garden, but number 61 has a long, thin curtilage which terminates with 4 double-banked parking spaces having access to Harger Court.

The adjoining properties in Warwick Road are residential (at no. 59) and retail on the ground floor, with residential above, at no. 65. Harger Court to the rear is an area of on-street parking, although it is heavily used and spaces are not generally available. On the south west side of Harger Court, new houses have been constructed in recent years, utilising the rear portions of the curtilages of properties in Warwick Road.

Details of the Development

It is proposed to convert the existing buildings into 5 letting bedrooms, together with private accommodation for the owners. A small extension would be constructed to enlarge the kitchen. This involves the removal of a modern bay window extension at ground floor.

The second part of the proposal is for the construction in the rear garden of a new block 6.5m by 6.5m, which would contain two additional en-suite bedrooms. This would be built of brick with a clay tile roof, having an eaves line of 2.2m and a ridge of 4.5m. There would be no windows from this building facing in the direction of Harger Court, where the nearest building would be 11.5m away to the main wall, and 8m to the conservatory.

Car parking would be provided in the existing 4 spaces fronting Harger Court and public car parks are available in the immediate vicinity.

Assessment

The principal issues are the impact of the proposals on the listed buildings, the impact on residential neighbours and the issue of parking.

The applicants have discussed the impact of the proposals on the listed buildings with the conservation officer before making the application and his suggestions have been taken into account. Internally, the impact would be minimal, but the building of a new block in the rear garden is more significant. The design of this aspect of the proposal has also been amended following advice of the conservation officer and the proposal as now made is considered satisfactory.

The impact on the residential neighbours takes two forms- the increased noise and disturbance for the attached residents and the disturbance from car users. The proposals show the private part of the accommodation adjoining neighbouring property. There could be some limited reception area, which would adjoin the neighbouring property. There could be some limited impact from this part of the proposal, but I do not consider this to be of sufficient weight to justify a refusal of permission. The other neighbouring residential property, at first floor over the adjoining shop would have a restricted boundary with one letting bedroom, and I do not consider that this would cause loss of amenity.

The issue of loss of amenity due to car parking may be considered together with the issue of parking itself. It is clear that the limited parking provision will not be sufficient to serve the property, but there are good public parking facilities in the area and the premises are in a sustainable location. In these circumstances, I do not consider that an objection to the proposal on parking grounds could be justified. Similarly, since the parking facilities are limited and are no greater than already exist, it would be difficult to argue that their use would have a seriously detrimental impact on residential amenities.

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 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.
 - 3 A landscaping scheme 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. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
 - 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.
-

Planning Committee: 26 April 2004

Principal Item Number: 02

Application No: W20040207LB

Registration Date: 05/02/2004

Town/Parish Council: Kenilworth

Expiry Date: 01/04/2004

Case Officer: Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

61-63 Warwick Road, Kenilworth, CV8 1HN

Conversion of 2 dwellings into bed and breakfast guest house, incorporating new rear kitchen extension and new bedroom block in rear garden, following demolition of redundant out-buildings.

FOR Mr. S Insall

This application was deferred at Planning Committee on 9 March 2004, to enable a site visit to take place on 24 April 2004.

SUMMARY OF REPRESENTATIONS

Town Council: "Members were not averse to the change of use and conversion of the building provided that the interior modifications did not compromise the integrity of a listed building.

However they objected to the scale of the application. There is insufficient parking, whilst the proposed rear block constitutes overconcentration, is an overdevelopment of the site and adversely affects neighbours' amenities."

WCC(Ecology): no objection, subject to bat and bird notes.

Neighbours: a petition signed by 28 residents of Harger Court and Harger Mews has been received, objecting on grounds of inadequate parking provision, difficulty of access for emergency vehicles.

Nine neighbours and one local resident have written individual objections on grounds of impact on amenity of nearby residents and uses, noise from bed and breakfast clients, increase in traffic, access for emergency vehicles, concern over adequacy of arrangements for refuse, inadequate parking, lack of disabled parking, impact on listed building, particularly as the original use (for residential purposes) remains viable.

Four neighbours have written in support of the application, on grounds of an improvement to the visual appearance, it would invigorate this part of Kenilworth, and would preserve and maintain the listed building.

CAAF- although not in Conservation Area , there were some concerns about the proposed doors linking the buildings together.

RELEVANT POLICIES

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

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

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

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

DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

There is no significant planning history.

KEY ISSUES

The Site and its Location

The application site consists of two cottages fronting Warwick Road and backing onto Harger Court, both are listed, grade II. Number 63, the right-hand property (from Warwick Road) has a restricted rear garden, but number 61 has a long, thin curtilage which terminates with 4 double-banked parking spaces having access to Harger Court.

The adjoining property in Warwick Road at no. 59 is also listed, but other properties in this part of the road are not listed. On the south west side of Harger Court, behind the application properties, new houses have been constructed in recent years, utilising the rear portions of the curtilages of properties in Warwick Road.

Details of the Development

It is proposed to convert the existing buildings into 5 letting bedrooms, together with private accommodation for the owners. A small extension would be constructed to enlarge the kitchen. This involves the removal of a modern bay window extension at ground floor.

The second part of the proposal is for the construction in the rear garden of a new block 6.5m by 6.5m, which would contain two additional en-suite bedrooms. This would be built of brick with a clay tile roof, having an eaves line of 2.2m and a ridge of 4.5m. There would be no windows from this building facing in the direction of Harger Court, where the nearest building would be 11.5m away to the main wall, and 8m to the conservatory.

Assessment

The applicants have discussed the impact of the proposals on the listed buildings with the conservation officer before making the application and his suggestions have been taken into account. Internally, the impact would be minimal, but the building of a new block in the rear garden is more significant. The design of this aspect of the proposal has also been amended following advice of the conservation officer and the proposal as now made is considered satisfactory.

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 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.

3

No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995. (LB).

Planning Committee: 26 April 2004

Principal Item Number: 03

Application No: W20040295

Registration Date: 09/03/2004

Town/Parish Council: Kenilworth

Expiry Date: 04/05/2004

Case Officer: Steven Wallsgrave
01926 456527 planning_west@warwickdc.gov.uk

66-70 Leamington Road, Kenilworth, CV8 2AA
Erection of 6 dwellings and associated works.
FOR Cala Homes Midlands Limited

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council

"Whilst noting the changes from the earlier application and that a response from Highways was awaited regarding the revised entrance provision, this Council recommends refusal on the following grounds:

1. It would make a disastrous intrusion into the semi rural street scene of this most important entrance into the Town.
2. It would start to destroy the character of this important entrance of the Town.
3. The type of houses envisaged are likely to have 2/3 cars each and would lead to the introduction of a further large number of traffic movements onto a narrow and congested roadway, where turning in either direction is already dangerous.
4. It would set a precedent for a development, which is out of character with the adjoining properties and could well lead to similar developments along Leamington Road."

Kenilworth Safety Committee advise that safe access should be carefully looked at as it is on a dangerous bend.

Leisure & Amenities have no objection in principle, subject to tree protection details.

W.C.C. (Ecology) consider bats may be present and recommend a survey prior to determination.

Environmental Health have no objection.

W.C.C. (Highways) have no objection subject to access and visibility conditions

Neighbours Letters of objection have been received from 9 local residents on grounds of increased traffic on busy road, noise and dust, overlooking, out of keeping with the area due to density, and surface water drainage.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
(DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING HISTORY

There has only been one previous, relevant, application on this site. This was for the erection of 6 dwellings and was refused in June 2003 as being out of character in terms of design and street scene, and being unneighbourly due to overlooking.

KEY ISSUES

The Site and its Location

The site consists of the site of No. 66 and the back garden of 70 Leamington Road, the gardens of both properties being large and including a number of ornamental trees and conifers. Each property has its own access.

Details of the Development

The proposal is to demolish the one dwelling, construct a single, central, access to serve both the new development and the retained house, and to erect 6 detached, 4 and 5 bedroomed, houses off a shared, 5 m wide, driveway. The houses backing onto the Bullimore Grove development would have 14 m or 17 m long back gardens, while loss of privacy into the back gardens of the existing Leamington Road houses (Nos. 70 and 72) is minimised by the positioning of the detached garage at the front of Plot 2.

The existing boundary screen planting, both on the road frontage and the other plot boundaries, is shown as to be retained while the proposed layout shows similar planting opportunities onto the shared drive. Side garden boundaries onto this driveway would have 1.8 m high walls, that for the retained house being in brick and that for plot 7 being labelled as to be in stone.

Amended plans have been negotiated in relation to garaging and an error on the elevation of one plot.

Assessment

The principal issues in this case are the affect of the proposal on this main approach into Kenilworth, in terms of design, its affect on the character of the area, and its affect on the amenities of the neighbours, particularly loss of privacy. The issues of access and traffic danger, and drainage, were not reasons for refusal on the previous application since the relevant consultees had no objection, and the Highway Authority has also confirmed they have no objection to the current application.

In terms of the street scene, the existing screen planting is to be retained, except where needed to be removed to widen the access, and the access to be closed will have new screen planting.

Only one of the existing houses is to be removed and the replacements (plots 6 and 7) are of individual designs with strong window and door detailing and are more in keeping with the existing houses (both the older houses and those on the Bullimore Grove estate) than the existing dwelling. The houses within the development are of a similar character, with dormer windows, gables and tiled canopies.

In terms of density, the scheme is slightly denser than that of Bullimore Grove but is still only 17.3 dwellings/hectare, which is significantly below the minimum recommended in PPG3: Housing. It is considered reasonable, however, due to the shape and dimensions of the site.

In terms of loss of privacy, the distance separation between the units and existing houses is greater than the minimum standard and, with the retained leylandii screening (which is 3 m or 4 m in height) on two boundaries, I consider that there is no unreasonable loss of privacy to the north-west and south-west side. On the south-east boundary, the existing planting is to be supplemented and there is only one new dwelling on this side. Views from the front of this dwelling into the back garden of 72 Leamington Road are severely limited by the detached double garage of this house, which is freestanding in front of it, and the fact that the only first floor side window is an obscure glazed bathroom window. I consider, therefore, that the proposal does satisfy the Council's policies and standards.

A bat survey was being carried out at the time of writing this report.

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 drawing nos. B3262/14C, 15, 16A, 18, 19A, 20, 21A, 22, 23A, 24A, 25, 26, 30 and 31, and specification contained therein, received on 9th March 2004 and 5th April 2004 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3** Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4** 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 With regard to the dwellings on plots 2-5 and 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 (Class A, B, E, G) of this Order where the development would front the private driveway, without the prior permission of the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

6 The vehicular access to the site shall not be used until visibility splays have been provided to the public highway carriageway with an 'x' distance of 2.0 metres and 'y' distances of 120 metres. No structure, erection, trees or shrubs exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

7 The vehicular access to the site shall not be less than 5 metres wide for a distance of 15 metres into the site, as measured from the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

8 The vehicular access to the site from Leamington Road shall not be used until it has been provided with 6m kerbed radius turnouts on each side. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

9 The vehicular access shall be provided with 2 metre wide footways on both sides of the bellmouth. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

Planning Committee: 26 April 2004
Application No: W20040258

Principal Item Number: 04

Town/Parish Council: Bishops Tachbrook
Registration Date: 12/02/2004
Expiry Date: 08/04/2004

Case Officer: Alan Coleman
01926 456535 planning_east@warwickdc.gov.uk

18 Wychwood Close, Bishops Tachbrook, CV33 9QU

Conversion and change of use from Class A1 (Newsagent) to Class A3 hot food take-away unit with external extradiation flue and Class A1 retail unit.
FOR Mr M.S. Mundi

SUMMARY OF REPRESENTATIONS

Parish Council: "We object to this revised application on the basis that it does not address any of the concerns we raised with regard to the previous application W20031017.

We therefore object on the grounds that;

1. *There will be increased traffic entering Wychwood Close which is likely at times to cause congestion, associated annoyance and frustration to local residents and obstruction to vehicles on Mallory Road, close to a dangerous bend. The problem could occur late into the evening, depending on opening hours. These problems will be exacerbated if the business is successful as additional traffic will be attracted in from outside the village area.*

There will be the potential for nuisance noise very often associated with Take-Away business which operate late into the night."

WDC Environmental Health: "In view of the proximity of the exposed extract ducting to residential accommodation and the potential loss of amenity from noise nuisance arising from this source I recommend the District Planning Authority refuse this application as presented".

WCC Highway Authority: "The proposed hot food take away, located within the village, is to serve the local villagers. While some of the customers are within walking distance of the shop I would anticipate an increase in traffic to that of the previous use.

When the small layby, intended to serve the shop, is occupied drivers would park 'on street'. Wychwood Close is a narrow cul de sac and 'on street' parking would be inconvenient. However there are no waiting restrictions in force within Church Hill in the vicinity of Wychwood Close. In the circumstances there are no highway objections as there are insufficient grounds on which to do so".

Neighbours: The residents of 1, 1a, 3, 5, 6, 10, 12, 15, 16, 17 Wychwood Close, 2, 3, 6, 7, 8 and 9 Personage Close, 15 Church Lees and 19 Mallory Road (together with a resident from an unknown address) object to the proposals on grounds summarised as follows:

harm to neighbouring residents' amenities from litter, nuisance from anti-social behaviour of youths congregating around premises, odours from cooking smells, dispersal of air pollutants, visual impact of extraction flue, and noise and disturbance from

extraction/ventilation equipment, vehicle movements and customer activities at unsociable hours; harm to highway safety and convenience caused by an increase in the volume of traffic/demand for parking/congestion/manoeuvring in Wychwood Close and hazardous parking/obstruction in proximity to the junction with Mallory Road and, for these reasons, harm to the character of area by the introduction of an inappropriate use within predominantly residential area that would be exacerbated by the potential for expansion into adjoining unit.

The previous applicant has also objected to the proposals.

A petition with 461 signatories has been submitted by the current applicant in support of a hot food take-away rather than an empty shop.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) S8 - Village Shops (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)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP9 - Pollution Control (Warwick District 1996 - 2011 First Deposit Version)
RAP11 - Rural Shops and Services (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

As noted above, planning permission was granted for a single storey extension to the premises in 1972 under planning application 5079/5. More recently, planning permission was refused under delegated powers on 9 September 2003 for the change of use of the whole premises to a Class A3 hot food take-away for the following reason:

"The premises comprise one of a terrace of three ground floor retail shop units that are located on the western side of Wychwood Close, a cul-de-sac which is predominantly residential in character consisting of a detached and semi-detached houses and self-contained flats above the shop units. Policy (DW)ENV3 of the Local Plan requires all development proposals to harmonise with their surroundings in terms of design and land use. In the opinion of the District Planning Authority, the proposed change of use of the premises would be harmful to the amenities of neighbouring residents by reason of the noise and disturbance resulting from the increased number of vehicles attracted to the premises, the danger and inconvenience caused by the likely associated increase in demand for on-road parking in this narrow cul-de-sac and by the likely residual odours from catering smells and noise emanating from the extraction system in close proximity to residential properties. The proposed would thereby fail to harmonise with its surroundings, resulting in a poor living environment for neighbouring residents, contrary to Policy (DW)ENV3 of the Warwick District Local Plan."

KEY ISSUES

The Site and its Location

The premises comprise one of a terrace of three ground floor retail shop units located on the western side of Wychwood Close, adjacent to the junction with Church Hill. Wychwood Close is a residential cul-de-sac comprising mainly two-storey semi-detached houses with off-road driveway and garage car parking. On-street car parking is unrestricted but is limited by the driveway openings.

The upper floors of the retail units are occupied as self-contained flats, which have separate and independent access from the rear via the service yard. There is also an internal access staircase from within the unit. The service yard contains four lock-up garages with access from Wychwood Close alongside the northern boundary of the neighbouring dwelling at No. 17. The application property includes a single storey extension to the southern side elevation that was granted planning permission in 1972 under application 5079/5.

The applicant owns all the retail units and upper floor flats. The application property is currently vacant and was previously occupied as a newsagent. This function has now been incorporated into the applicants convenience store at 20 Wychwood Close. 19 Wychwood Close is occupied as an hairdressing salon. There is car parking for three vehicles in a lay-by adjacent to the premises.

Details of the Development

The proposal is for the change of use of the original premises to a Class A3 hot-food takeaway. The single-storey extension is proposed to remain in Class A1 retail use as a separate unit with access via a new door opening. No occupier for this unit has been confirmed. The scheme therefore differs from the previous application that related to the unit as a whole. The kitchen area would be located at the rear of the premises and would be served by an extraction flue terminating above ridge height on the southern side elevation of the property. No provision for off-road parking is proposed to serve the development.

Assessment

I consider the main issues to be:

1. The principle of development;
 2. The impact on neighbouring residents' amenities, and;
 3. The impact on highway safety.
1. The Principle of Development

Policy (DW) ENV3 of the adopted Local Plan and Policy DP1 of the First Deposit Draft require all development proposals to, amongst other matters, harmonise with their surroundings in terms of design and land use. In terms of land use, Policy (DW) S8 of the adopted Local Plan encourages the retention of village shops and presumes against changes of use to non-retail uses. Proposals to establish additional retail or service facilities will be considered in the light of the extent to which the proposed facility would meet local retail or service needs.

This is repeated by Policy RAP11 of the First Deposit Draft which also states that proposals that result in the loss of retail units to other uses will not be permitted unless it can be demonstrated that:- a) the unit is no longer financially viable; b) the unit has been actively marketed for a period of 12 months without success, and; c) all reasonable other options to find a new user for the unit have been pursued.

A report regarding the weight to be attached to policies of the First Deposit Draft was presented to this 'Committee on 9 December 2003. On a scale of 1 to 3 (with 1 = limited weight) a rating of 3 was given by Members to Policy RAP11.

Whilst I note that the extension to the premises would remain in retail use, nevertheless the viability of a retail unit of this size has not been confirmed by a named user. The proposals also relate to the larger original unit. I therefore consider it is relevant to consider the principle of the proposed development in relation to these policies.

In relation to need, a petition with 461 signatories has been submitted in support of a hot food take-away rather than an empty shop. The majority of signatories give addresses within Bishops Tachbrook and include residents of 2, 4, 12 and 20a Wychwood Close. (N.B. The signatory from 12 Wychwood Close is different to the names signed on the letter of objection from the same address). Whilst the wording of the petition is not insignificant, nevertheless it does demonstrate that a degree of local support exists for the provision of the proposals which, in my opinion, should not be ignored. However, I do not consider that the petition alone provides overwhelming evidence of need or support for the proposals either.

Thus, I consider it is appropriate to assess the proposals against the criteria contained in Policy RAP11 of the First Deposit Draft. In the first instance, no evidence has been submitted to demonstrate that the unit is no longer financially viable. In response to the second criterion, the applicants' agent states that '*The application property has been vacant for a substantial period without interest in retail use.*' However, no evidence of active marketing has been submitted to support this statement. With regard to the third criterion, the agent states that the applicant '*did, in fact, apply to take over the Post Office facility and provide it in part of No 18 but his application was not accepted.*' However, no further details have been submitted to demonstrate that other options have also been pursued to find a new user for the unit. I do not therefore consider that this criterion has been satisfied either.

As submitted, I do not consider that the proposals are acceptable in principle when assessed against the above policy criteria. Although draft PPS6 identifies the provision of a hot food take-away as one of the uses that may be present within local centres serving small catchments, nevertheless I do not consider that this, in itself, justifies the proposal or outweighs the above policy considerations.

I also acknowledge that the proposals would reduce the need for residents of Bishops Tachbrook wishing to have a take-away meal driving to outlets in Warwick Gates, Whitnash or Leamington Spa. As such, I agree that the proposal would thereby be consistent with the sustainability objectives of PPG3, the Development Plan and the First Deposit Draft of the Local Plan. However, I do not consider this is of sufficient benefit to outweigh the above policy considerations either.

2. The Impact on Neighbouring Residents' Amenities

Policy DP2 of the emerging Local Plan presumes against proposals that would have an unacceptable adverse impact on the amenity of nearby uses and residents. The majority of objections on these grounds are from residents of Wychwood Close who are concerned about the impact of the proposals on their living conditions, principally with regard to:- noise and disturbance from vehicle movements and customer activities at unsociable hours; noise from extraction/ventilation equipment, odours from cooking smells/dispersal of air pollutants, the visual impact of the extraction flue; litter, and; nuisance from anti-social behaviour of youths congregating around premises.

The property is located in close proximity to neighbouring dwellings in the flats above the shops and in Wychwood Close itself that, in my opinion, is predominantly residential in character. There are no planning restrictions on opening hours on any of the retail units, including the shop extension to be retained in retail use. The existing shop at 20 Wychwood Close currently closes after the hairdressing salon at 8.30 p.m. After this time there is currently no potential for disturbance from shop customers and neighbouring residents currently enjoy an evening period of relative peace and quiet.

The proposed take-away would open between 5.00 p.m. and 10.30 p.m. Monday to Thursday and between 5.00 p.m. and 11.00 p.m. on Fridays and Saturdays with no Sunday

opening. As proposed, both 18 and 20 Wychwood Close would therefore be open between 5.00 p.m. and 8.30 p.m. The concentration of activity around these premises would therefore increase during this period, which may not be unreasonable in comparison with existing levels of activity that occur up until this time. However, in my opinion, there would be an increase in the potential for disturbance from this time until after the premises close at 10.30 p.m./11.00 p.m. I consider this increase in commercial operations and associated activity would detract from the residential character and amenities of the area to an unacceptable degree.

In particular, noise created by customers of the premises is a principal concern. Whilst I accept the premises are in easy walking distance of many of the neighbouring properties I consider it is equally likely that many customers would also drive to the premises. The applicant has requested that objections on traffic grounds be dealt with on the basis of likely traffic generation. I consider this is also relevant to the impact on residents' amenities. There are no parking restrictions on Wychwood Close and I consider it would be reasonable to assume that both staff and customers would seek to park as close to the premises as possible, either in the adjacent lay-by, Wychwood Close itself or on Church Hill. This view is shared by the Highway Authority who anticipate a likely increase in demand for on-street car parking during the proposed hours of operation.

The applicant anticipates that the take-away would operate on the basis of around 100 visits over the complete week, equating to approximately 16/17 visits per day while open or, on average, 3 per hour. Equally, however, there could be more or, indeed, less visits. Nevertheless, I consider that the noise from doors slamming, cars manoeuvring and raised voices could disturb neighbouring residents, particularly after 8.30 p.m. when residents currently enjoy a period of relative peace and quiet after the existing shop has closed. Given the limitations on roadside parking in Wychwood Close by the presence of driveway crossings and the width of the carriageway I consider customer parking on Wychwood Close could also inconvenience neighbouring residents to the further detriment of their amenities.

With regard to the impact of noise and cooking smells from the proposed extraction system, I note the objection from the Council's Environmental Health Officer. However, in the event that Members are minded to grant planning permission a number of conditions have been suggested. These relate to minimising noise levels from fixed plant and equipment associated with the extraction system, details of the extraction system and the requirement for the flue to discharge above roof level. The details submitted indicate that the proposed flue would discharge above roof level. The applicant has also referred to these conditions in his submission and has stated that he would be taking specialist advice to comply with the requirements of these conditions. In the absence of such details, the Environmental Health Officer is unable to comment further but remains of the opinion that even an efficient and well maintained fume extraction system can give rise to problems of noise and residual odours likely to cause a nuisance. In my opinion, the objection to the proposal on these grounds therefore remains valid, particularly given the proximity of neighbouring properties to the extraction system and the hours of operation when residents might reasonably expect to maintain their current levels of amenity.

I am also of the opinion that the extraction flue itself would, by reason of its size, siting, design and material finish, be a visually prominent and intrusive addition to the south facing side elevation of the premises that would unacceptably detract from the visual amenities of neighbouring residents. No objection was raised in respect of this aspect of the previous proposal as it was proposed to enclose the flue to give the appearance of a more conducive chimney stack. I see no reason why the same approach could not be adopted in this case and therefore suggest a condition to this effect should Members be minded to grant planning permission. However, as proposed, I consider the flue is unacceptable for the above reasons.

In my opinion, this combination of factors would unacceptably affect the living conditions of nearby residents, contrary to the provisions of Policy (DW)ENV3 of the adopted Local Plan and Policy DP2 of the First Deposit Draft.

Whilst some additional litter might be generated by the use, this is unlikely in itself, or in combination with the above matters, to unacceptably harm local residents' amenities. Concerns have also been expressed regarding the attraction of the premises as a point of congregation for youths and the potential for anti-social behaviour to occur in the immediate vicinity to the detriment of neighbouring residents. Whilst I fully understand these concerns, I consider it would be difficult to attribute such behaviour to the presence of the proposed use alone.

3. The impact on highway safety

Whilst the Highway Authority anticipate an increase in demand for on-street car parking by customers visiting the premises, nevertheless no objection is raised on grounds of harm to highway safety. I do not therefore consider there are sufficient grounds to refuse planning permission for this reason.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

REFUSE for the following reasons :

- 1 Policy (DW) S8 of the Warwick District Local Plan and emerging policy RAP11 of the first deposit version of the Local Plan (1996-2011) encourage the retention of village shops in order to meet the daily needs of local residents and presume against changes of use to non-retail uses to protect such facilities. Proposals to establish additional retail or service facilities will be considered in the light of the extent to which the proposed facility would meet local retail or service needs. Policy RAP11 of the First Deposit Draft also states that proposals that result in the loss of retail units to other uses will not be permitted unless it can be demonstrated that:- a) the unit is no longer financially viable; b) the unit has been actively marketed for a period of 12 months without success, and; c) all reasonable other options to find a new user for the unit have been pursued.

In the opinion of the District Planning Authority, a clearly established local need for the proposal has not been demonstrated and there is insufficient evidence to substantiate the lack of viability of the premises to justify the loss of the unit from retail use. The proposals would therefore be unacceptable in principle and would thereby prejudice the objectives underpinning the Local Plan policy.

- 2 The premises comprise one of a terrace of three ground floor retail shop units that are located on the western side of Wychwood Close, a cul-de-sac which is predominantly residential in character consisting of predominantly semi-detached houses and self-contained flats above the shop units. Policy (DW)ENV3 of the Local Plan and Policy DP1 of the First Deposit Draft 1996-2011 require all development proposals to, amongst other matters, harmonise with their surroundings in terms of design and land use. Policy DP2 of the First Deposit Draft 1996-2011 also presumes against proposals that would have an unacceptable

adverse impact on the amenity of nearby uses and residents.

In the opinion of the District Planning Authority, the proposed change of use of the premises would be harmful to the amenities of neighbouring residents by reason of the cumulative impact of noise and disturbance arising from an increase in the number of vehicles attracted to the premises, the inconvenience caused by the likely associated increase in demand for on-road parking in this narrow cul-de-sac and by the likely residual odours from cooking smells and noise emanating from the extraction system in close proximity to residential properties. The cumulative effect of this impact would be most pronounced after the existing shop at 20 Wychwood Close closes at 8.30 p.m. when there is currently no potential for disturbance from shop customers. The evening period of relative peace and quiet currently enjoyed by neighbouring residents would therefore be eroded by increased activity after this time. The proposal would thereby fail to harmonise with its surroundings, resulting in a poor living environment for neighbouring residents, contrary to Policy (DW)ENV3 of the Warwick District Local Plan and Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 First Deposit Draft.

3

Policy (DW)ENV3 of the Local Plan and Policy DP1 of the First Deposit Draft 1996-2011 require all development proposals to, amongst other matters, harmonise with their surroundings in terms of design and land use. Policy DP2 of the First Deposit Draft 1996-2011 also presumes against proposals that would have an unacceptable adverse impact on the amenity of nearby uses and residents.

In the opinion of the District Planning Authority the proposed extraction flue would appear as an incongruous addition to the south facing side elevation of the premises and would be seriously injurious to the visual amenities of the surrounding area by reason of its current design and appearance in a prominent position where it would be visible on approach from the neighbouring properties in Wychwood Close. The proposal would thereby also be contrary to Policy (DW)ENV3 of the Warwick District Local Plan and Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 First Deposit Draft.

Planning Committee: 26 April 2004
Application No: W20040032

Principal Item Number: 05

Registration Date: 07/01/2004
Expiry Date: 03/03/2004

Town/Parish Council: Whinash

Case Officer: John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

471 Tachbrook Road, Whinash, Leamington Spa, CV313DQ
Change of use of existing outbuildings to Class B1 Business use.
FOR Mr M Chambers

This item was considered by the Planning Committee at the meeting on 31st March 2004 but was deferred to enable a Members site visit to take place, scheduled for April 24th. In respect of neighbour representations, the report which follows is that presented to the Planning Committee on 31st March 2004; in addition, the addendum to that meeting recorded the receipt of one further letter of objection raising objection to non-conforming use in residential area, potential hazards associated with paint storage and noise from use of hand tools, effective enforcement would be difficult. Members are advised, however, that on 14th April, WCC as Highway Authority sent a revised highway response to this application, expressing concern about the inadequate forward visibility at the access. - 2m x 120 m is required on this 40 mph road but only 2m x 60 m can be achieved at the present time without crossing third party land. Given the application would intensify the use of the access, the proposal is recommended for refusal on grounds of detriment to highway safety.

SUMMARY OF REPRESENTATIONS

Neighbours 14 neighbour letters have been received raising objection on grounds of noise from vehicles (not just limited to normal working hours), noise from wood working machinery, pollution from wood dust/vehicle fumes, fire hazard, loss of privacy, detrimental to wildlife in the area, disruption during building works, highway danger, loss of privacy/security to adjacent houses, out of keeping with residential character of area; no need for such commercial premises; undesirable precedent for further development; unacceptable on-site storage.

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

- (a) Non conforming use in a residential area
- (b) Noise levels - business being transacted at unsociable hours
- (c) Close to residential building - fire hazard
- (d) Pollution from dust extraction machines
- (e) Traffic movement at the side and rear of properties
- (f) Setting precedence for future developments in residential areas."

WCC (Highways) Initial Response - No objection subject to access conditions, turning and service yard conditions.
Revised Response of 14th April - Recommend refusal on grounds of inadequate visibility detrimental to highway safety.

Head of Environmental Health "I believe noise to the detriment of the amenity of neighbouring properties may be controlled by an application of the B1, Business, Use restriction and conditions to ensure:-

- (a) The business activity shall take place within the two outbuildings shown on the application and these activities shall be inaudible at the boundary to neighbouring residential property.
- (b) The hours of operation of the business shall be restricted to 8.00 a.m. to 6.00 p.m. Monday to Friday with no operations on weekends and bank holidays.
- (c) The site use shall be limited to that specified.
- (d) The use of this site for the business activity specified shall be limited to the applicants only."

RELEVANT POLICIES

General advice on 'Industrial and Commercial Development and Small Firms' is given in PPG4; this states:-

"14. The characteristics of industry and commerce are evolving continuously, and many businesses can be carried on in rural and residential areas without causing unacceptable disturbance through increased traffic, noise pollution or other adverse effects. Individual planning decisions will of course depend on such factors as the scale of the development, the nature of the use of the site and its location.

15. It is now generally recognised that it may not be appropriate to separate industry and commerce - especially small-scale developments - from the residential communities for whom they are a source of employment and services. In areas which are primarily residential, development plan policies should not seek unreasonably to restrict commercial and industrial activities of an appropriate scale - particularly in existing buildings - which would not adversely affect residential amenity. Planning permission should normally be granted unless there are specific and significant objections, such as a relevant development plan policy, unacceptable noise, smell, safety, and health impacts or excessive traffic generation. The fact that an activity differs from the predominant land use in any locality is not a sufficient reason, in itself, for refusing planning permission.

17. Where they are disposed to permit industrial or commercial developments in residential and rural areas, planning authorities should bear in mind that subsequent intensification of the use may become unacceptably intrusive. Unless it amounts to a material change in the character of the use, intensification cannot be controlled if unconditional planning permission has been granted. Planning authorities should, therefore, consider the use of planning conditions or planning obligations to safeguard local amenity, where they would be an appropriate means of preventing foreseeable harm."

Within the existing Warwick District Local Plan, the following policies are considered of particular relevance: (DW) ENV3, Development Principles and (DAW) EMP5, Employment.

Within the Warwick District Local Plan, 1996-2011, First Deposit Version, the following policies are of particular relevance:- Core Strategy, Objective 1B - to support small business we will encourage the concept of home working by supporting appropriate proposals, Objective 4D - we recognise the importance of people being able to enjoy the use of their homes, places of work and public spaces. We will ensure all new development takes account of surrounding uses and is designed to protect standard of amenity;

DP1 (layout and design); DP2 (Amenity); DP6 (Access); DP7 (Traffic generation); DP8 (Parking); DP9 (Pollution Control) UAP2 (Directing New Employment Development).

PLANNING HISTORY

Planning permission was granted by the Planning Committee in 1991, W890753, following a site visit, for the conversion of the existing coach house to form a dwelling unit as a 'granny annex' to the main house, No. 471 Tachbrook Road, Whitnash. This was accompanied by a Section 106 Agreement to ensure it would be occupied solely as a residential annex and no part of the property should be used for commercial purposes. This permission was not implemented and has now expired; the Section 106 Agreement is, therefore, of no effect.

KEY ISSUES

The Site and its Location

No. 471 Tachbrook Road is a substantial two storey brick built/slate roof semi-detached property. It has a side access drive which leads to a rear garden area containing a concrete hardstanding with two outbuildings. One outbuilding is a stable/coachhouse building approximately 8 m by 4.5 m whilst the other is a garage/workshop approximately 5.1 m by 6.5 m; the latter building contains a number of musical instruments and has the appearance of a repair workshop. The property is presently vacant. To the rear of the site is a substantial boundary wall in excess of 2 m in height; No. 473 Tachbrook Road has a 2 m vertical boarded fence alongside the access drive and its rear boundary which adjoins the application site. The site is overlooked by the properties/gardens in both Tachbrook Road and Ashford Gardens.

Details of the Development

The proposal is to convert the rear stable/coachhouse and garage buildings to Class B1, Business use.

N.B. The Town and Country Planning (Use Classes) Order 1987 defines Class B1, Business Use, as:-

Use for all or any of the following purposes:-

- (a) as an office other than a use within Class A2 (financial and professional services),
 - (b) for research and development of products or processes, or
 - (c) for any industrial process,
- being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

The applicants have stated that the physical appearance of the site will not be altered, that areas of the existing hardstanding will be taken up and returned to garden, that there will be no external storage, that the applicants wish to live in No. 471 Tachbrook Road as a family home and operate their business from the building to the rear. With regard to the proposed business, it is stated that its main operations are the installation of window displays and exhibition graphics, entailing print finishing, collation, storage of archive materials, installation of displays and graphics on site around the UK. It is stated that the coachhouse/stable would be dry lined and used as an office with storage above, with the garage being dry lined and equipped with work benches and shelves with storage above; it is stated that on average there would only be 1 delivery per day visiting the site, the only full-time employees are the applicants and the workshop should be no noisier than an average DIY workshop. The applicants have submitted a further statement in support of the application describing their intentions, addressing the issues raised by objectors and submitting a schedule of activities undertaken by their company in November 2003 identifying the anticipated limited use which would have been made of the application site

premises if the company had been based there rather than at their current premises at Victoria Business Centre, Neilston Street, Leamington Spa.

Assessment

I consider that the key issues to be considered in this instance are the principle of commercial use in a residential area, impact on neighbours amenity and highway matters.

Government guidance in PPG4 accepts that small scale commercial developments, particularly in existing buildings, which would not adversely affect residential amenity can be acceptable in residential areas subject to appropriate planning conditions to safeguard local amenity; the principle of 'home working' is also supported by the core strategy of the Warwick District Council.

I consider it is necessary, therefore, to consider whether this specific proposal on this particular site would cause such harm to neighbour amenity or highway safety as to justify refusal. Having regard to the small scale of the business proposed, which is clearly restricted by the physical size of the buildings and the applicants statement that the business use would be restricted solely to within those buildings with no external storage, WCC (Highways) originally raised no highway objections to the proposals. They have now re-examined the case specifically in relation to visibility, however, and have recommended refusal on highway grounds due to the current lack of forward visibility at the access onto this principal road.

Clearly objections to this application have also been raised both by the Town Council and local residents on land use and amenity grounds. Given, however, that this is a proposal for B1 (Business) Use, which by definition is one that can be carried out in a residential area without causing unacceptable disturbance through increased traffic, noise, pollution and other adverse effects, and to the fact that the Head of Environmental Health has raised no objection (subject to the imposition of planning conditions to restrict the use), I consider a B1 use personal to the applicant is not unacceptable in principle.

The revised highway response has now resulted in a revised recommendation to refuse this application on highway safety grounds.

RECOMMENDATION

That permission is REFUSED for the following reason:-

Policy (DW) ENV3 of the Warwick District Local Plan 1995 requires all development proposals to provide a satisfactory vehicular access and not to compromise the safe movement or free flow of traffic or the safe use of roads by others. This is reflected by Policy DP6, Access, in the Warwick District Local Plan 1996 - 2011 which states development will not be permitted which causes harm to highway safety. In the opinion of the District Planning Authority the proposed Class B1 Business Use would result in an unacceptable increase in use of an access with restricted visibility, significantly below the minimum standard of 2 m by 90 m which it is considered should be achieved within a 40 m.p.h. speed limit. It is considered, therefore, that the proposal would be harmful to highway safety and would prejudice the objectives of the aforementioned policies.

Planning Committee: 26 April 2004
Application No: W20040312

Principal Item Number: 06

Town/Parish Council: Whitnash

Registration Date: 19/02/2004
Expiry Date: 15/04/2004

Case Officer: John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

471 Tachbrook Road, Whitnash, Leamington Spa, CV31 3DQ

Proposed refurbishment and conversion of existing outbuildings (stables and workshop) to form 2 units of holiday let accommodation
FOR Mr. & Mrs. P. Kirkham

SUMMARY OF REPRESENTATIONS

Town Council:- Non-conforming commercial use in adjacent garden areas of nearby properties, therefore detrimental to the amenity and character of surrounding area and difficulty of enforcement to prevent residential use as opposed to holiday use.

Neighbours:- 9 neighbours have raised objection on grounds of likely detriment to amenity of neighbours due to proximity of adjacent properties; loss of privacy; noise/disturbance; unruly guests could lead to unneighbourly behaviour; possible highway danger, inappropriate development in a residential area; drain on local amenities; unsuitable construction for conversion; possible precedent for full residential use; loss of security; inadequate drainage.

W.C.C. (Highways):- The plan submitted with application indicates visibility cannot be achieved in excess of 2m by 60m without crossing third party land. In the circumstances while a 40 mph speed limit is in force and as the application would intensify use of the access over that of the previous uses, the application is recommended for refusal as it would be detrimental to highway safety unless the applicant is able to provide vision splays of at least 2m by 90m.

W.C.C. (Ecology):- No objection subject to bird/bat notes.

Head of Environmental Health:- No objection subject to condition on air conditioning/fume extraction equipment.

RELEVANT POLICIES

Within the Warwick District Local Plan, 1995, the following policy is considered of particular relevance:- (DW) ENV3, Development Principles. There is no specific policy for the creation of self contained units of holiday let accommodation. Policy (DW) T04 for change of use to form hotels/guest houses states:-

- "1. The proposal should provide satisfactory access to the primary road network and not lead to adverse impacts upon traffic in the immediate area.
2. The appropriate car parking standard must be met without detriment to the character and setting of the existing buildings and the surrounding area;
3. The proposal should not detract from the local environment;

4. Conversion must be possible without the need for extensions or alterations which would significantly alter the scale and character of the building or have a detrimental impact upon the environment and amenity of the area; and

5. Within urban areas, the proposal should not be located within residential areas consisting predominantly of properties in single-family occupation.

The Council regards conversion of existing buildings to hotels as a suitable means of ensuring their use into the future. However, not all buildings are appropriate for conversion because of the detrimental impact of proposals upon either the environment or the building's form or character. Therefore proposals will be assessed against a number of criteria as set out in the policy."

Within the Warwick District Local Plan, 1996 to 2011, First Deposit Version, the following policies are considered of particular relevance, DP1 (layout and design); DP2 (amenity); DP6 (access); DP7 (traffic generation); DP8 (Parking); UAP8 (Directing New Visitor Accommodation). The latter policy states:-

"New visitor accommodation will be permitted where:-

- a) it is within or adjacent to the town centres; or
- b) it is adjacent to public transport interchanges or corridors.

Outside of these locations, only small scale extensions to existing visitor accommodation will be permitted.

It is important to have sufficient visitor accommodation in the towns in order to support the local economy, particularly tourism and leisure businesses. New visitor accommodation is therefore encouraged, particularly where it can contribute towards the vitality and viability of the town centres. It is also important that all new accommodation is accessible by public transport to ensure that people without access to a private car are not excluded from visiting the area. Existing establishments outside of the town centres and public transport corridors will, however, be supported and small scale extensions will be permitted recognising their role in meeting tourists demand.

Government guidance recognises the role of visitor accommodation in bringing economic and employment benefits and supporting a range of transport services and cultural activities. This guidance is reflected within the Structure Plan.

This policy is applicable to all proposals for new visitor accommodation including new build, redevelopments, change of use, intensifications and extensions. Visitor accommodation includes hotels and guest houses (Class C1). In relation to proposals within town centres, this policy needs to be read alongside the policies within the town centre chapter. Transport corridors are defined on the Proposals Map and adjacent is defined as that within reasonable walking distance, i.e. 500 metres."

Within the Warwickshire Structure Plan, 1996-2011, Policy 1.8, Tourism, Leisure and Recreation states Local Plan policies should support new tourist, leisure and recreational development where a) the facility will create new jobs meeting local needs for employment and provide community benefits; b) there is easy access to the main transport routes and urban areas; c) there is opportunity to maximise the use of alternatives to the private car; and d) the development would not undermine the intrinsic value of natural or cultural assets. The expansion of existing attractions and facilities should be supported in local plans where this would result in the retention or creation of jobs and environmental improvements.

General guidance and support for tourist development is contained in PPG21, Tourism.

PLANNING HISTORY

Planning permission was granted by the Planning Committee in 1991, W890753, following a site visit, for the conversion of the existing coach house to form a dwelling unit as a "granny annexe" to the main house, No 471 Tachbrook Road, Whitnash. This was accompanied by a Section 106 Agreement to ensure it would be occupied solely as a residential annexe and no part of the property should be used for commercial purposes. This permission was not implemented and has now expired; the Section 106 Agreement is, therefore, of no effect.

Planning application W20040032 for the proposed conversion of these outbuildings to Class B1 (Business Use) is reported elsewhere on this agenda.

KEY ISSUES

The Site and its Location

No 471 Tachbrook Road is a substantial two storey brick built/slate roof semi-detached property. It has a side access drive which leads to a rear garden area containing a concrete hardstanding with two buildings. One outbuilding is a stable/coachhouse building approximately 8 m by 4.5 m whilst the other is a garage/workshop approximately 5.1 m by 6.5 m; the latter building contains a number of musical instruments and has the appearance of a repair workshop. The property is presently vacant. To the rear of the site is a substantial boundary wall in excess of 2 m in height; No 473 Tachbrook Road has a 2 m vertical boarded fence alongside the access drive and its rear boundary which adjoins the application site. The site is overlooked by the properties/gardens in both Tachbrook Road and Ashford Gardens.

Details of the Development

This is an amended application for the conversion of the existing two outbuildings to form two units of holiday let accommodation. It is proposed that the former stables would be converted to provide a living/dining room, kitchen and bathroom on the ground floor with two bedrooms on the first floor; as amended these bedrooms would be lit by rooflights. The former rear "workshop" would be converted to form a living/dining room with kitchen area; one bedroom and en-suite bathroom; a rooflight is proposed to the en-suite bathroom. It is proposed to provide 4 car parking spaces for the 2 units of holiday lets and the main house, 471 Tachbrook Road, Whitnash; the balance of the site is shown as garden areas.

Assessment

I consider that the key issues to be considered in this instance are the principal of holiday let accommodation in a residential area, impact on neighbours amenity and highway matters.

There is no specific policy relating to the creation of self contained "holiday lets" in either the Warwick District Local Plan 1995 or 1996-2011 (First Deposit Version). The site is clearly within the urban area in a generally residential area and I note that policy (DW) T04 in the Warwick District Local Plan, 1995 (in respect of guest house/hotel proposals) states new proposals should not be located within residential areas consisting predominantly of properties in single family occupation. No 471 itself however will remain in residential use and as these units would be to the rear of No 471, the character/appearance of the streetscene will remain largely unchanged. In any event, Policy UAP8 in the Warwick District Local Plan 1996-2011, First Deposit Version, on locating new visitor accommodation does not include a presumption against locating in residential areas and the site is within 500

m of a "transport corridor" as defined in the Warwick District Local Plan, 1996-2011, which runs along Landor Road. Given the general support in the Local Plan to the provision of new visitor accommodation, I consider, therefore, that in policy terms no objection could be raised to this proposal.

I consider it necessary, therefore, to consider whether this specific proposal on this particular site would cause such harm to neighbour amenity or highway safety as to justify refusal. Clearly the proposal would introduce a change to both the appearance, character and pattern of use of these outbuildings and I note the objections raised by both the Town Council and neighbours. Having regard, however, to the restricted size of these units and to their amended design, I am not satisfied that sufficient harm to the amenity of neighbours could be demonstrated such as to warrant refusal. No objection, subject to conditions, has been raised by the Head of Environmental Health.

With regard to highway safety, I note that WCC (Highways) has raised objection on the basis that they consider the visibility at the entrance is inadequate given the likely increase in traffic generated by this proposal. On that basis, I consider I have no alternative but to recommend this application be refused on highway safety grounds.

RECOMMENDATION

That permission is REFUSED for the following reason:-

Policy (DW) ENV3 of the Warwick District Local Plan 1995 requires all development proposals to provide a satisfactory vehicular access and not to compromise the safe movement or free flow of traffic or the safe use of roads by others. This is reflected by Policy DP6, Access, in the Warwick District Local Plan 1996 - 2011 which states development will not be permitted which causes harm to highway safety. In the opinion of the District Planning Authority, the proposed two holiday units would result in an unacceptable increase in use of an access with restricted visibility, significantly below the minimum standard of 2 m by 90 m which it is considered should be achieved within a 40 m.p.h. speed limit. It is considered, therefore, that the proposal would be harmful to highway safety and would prejudice the objectives of the aforementioned policies.

Planning Committee: 26 April 2004

Application No: W20031966

Town/Parish Council: Warwick

Case Officer:

Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

Principal Item Number: 07

Registration Date: 23/12/2003

Expiry Date: 17/02/2004

Portobello Works, Emscote Road, Warwick, CV345QU

A new road, footpath and cycleway, a new bridge across river Avon linking Rock Mill Lane to former Portobello Works, and associated landscaping works and including Flood Compensation Works on land north of Emscote Road/Rugby Road, Warwick/Leamington Spa.

FOR Gallagher Estates/Pettifer Estates

This application was deferred at Planning Committee on the 9 March 2004, to enable negotiations regarding the scheme take place. Committee members were concerned that the bridge design, particularly that of the steel beam, was unsatisfactory and that this would have a detrimental impact on the setting of the adjoining listed buildings.

The applicants were informed of the Committee's concerns and have amended their design. It is now proposed that the bridge beam should be encased in vitreous enamel panels of a colour to be agreed subsequently. These panels are durable and are available in over 100 colours.

The bridge abutments would remain as brickwork but stone quoins are now proposed for the corners, with the precise type and colour of the materials being for subsequent decision. Other minor engineering changes have been made to the design of the overall scheme.

The applicants have written to explain the difficulties they have encountered and how their design has evolved. This letter, at their request, is appended to this report.

The report which follows has been amended from that made on 9 March to take account of these changes and gives details of the consultation replies on the amended plans.

SUMMARY OF REPRESENTATIONS

Leamington Town Council: no objection to amended scheme.

Warwick Town Council : No objection to original scheme, comments on amended proposals awaited.

Neighbours: *comments on original scheme*: two objections- design not in keeping with the historic environment of the area, concern over flood danger during construction, bridge is larger than originally envisaged. One neighbour supports the application, but is concerned about minimising the loss of trees, and considers that the clubhouse should be removed.

WCC(Archaeology): no objection.

WCC(Ecology):no objection.

WCC(Highways): *comments on original scheme*: no objection, subject to conditions on design features. Comments on amended proposals awaited.

Warwick Society: *comments on original scheme*: Recommend refusal, concern over impact of new bridge on riverside setting, excessive size of bridge especially when compared to the original design statement, excessive lighting, poor design. Scheme fails to take account of the special setting of the bridge.

Warwickshire Wildlife: concern about lack of provision for otters, use of unsuitable landscaping species, concern that flood compensation works should promote biodiversity.

RELEVANT POLICIES

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)
(DW) ENV2 - Areas of Restraint (Warwick District Local Plan 1995)
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP10 - Flooding (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)
DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)
DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

Although there is a considerable history connected to the use of the site by Pottertons, this is not particularly relevant to the current application.

On 21 May 2003 Committee agreed the grant of planning permission for residential development (with some office development) on the Warwick side of the River Avon, together with a new bridge in approximately the position shown on the current plan. Land on the Leamington side of the river was to be dedicated as public open space. The grant of permission was in outline and subject to a legal agreement to cover affordable housing, commuted sums for public open space, sports facilities and sustainable transport, and payments towards County Council services.

Work on that agreement is progressing but has not been completed and the current application has been made so that the bridge can be built in the near future, in advance of the rest of the development. A reserved matters application could only be made after the formal grant of outline permission which is still some weeks away, so the current application is made as a detailed application, simply for the bridge.

KEY ISSUES

The Site and its Location

The bridge would be constructed across the River Avon in a position immediately south of the disused clubhouse on Rock Mill Lane. This land is an important undeveloped area between Warwick and Leamington Spa, where the river banks support a considerable number of mature trees. The adjoining Rock Mill and Portobello Bridge are both listed buildings.

Details of the Development

The application includes the approach to the bridge from Rock Mill Lane, the bridge itself and a short section of road on the former factory site. The bridge design has been amended as described in the introduction to this report. The principal change is that the bridge beam would be clad in curved vitreous enamel panels, and the abutments would be finished in brickwork with stone quoins. As in the original scheme, the street furniture would be carefully chosen and not of a 'standard' design.

Assessment

The prominent location of site and its relation to the listed buildings and the river valley are the principal considerations in dealing with this application.

The Warwick Society are concerned over the excessive size of the bridge and the deviations from the design statement. The design of any bridge is inevitably a compromise between engineering and aesthetic considerations and the applicants' letter is helpful in explaining the decisions which have been made. The applicants have discussed the design with the Highway Authority and the Environment Agency and the scheme as now proposed takes into account the requirements of these two bodies. I am satisfied that the design as now submitted represents a reasonable compromise between the various conflicting priorities.

The highway aspects of the proposal have already been considered and agreed as part of the outline application.

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 No development shall be carried out on the site which is the subject of this permission, until details of the steps to Rock Mill Lane 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** : In the interests of Highway safety, in accordance with policy ENV3 of the Warwick District Local Plan, 1995.
- 3 The estate roads including verges and footpaths are to be designed and laid out in accordance with the principles set out in 'Transport and Roads for Development: The Warwickshire Guide 2001' and construed in accordance with the Highway Authority's standard specification. The applicant is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highways Act 1980 for the adoption of the roads. The approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980. An application to enter into a Section 38 Highway Works Agreement should be made to the Development Group, Warwickshire County Council, Planning and Transport Department, Shire Hall, Warwick, CV34 4SX. **REASON** : In the interests of Highway safety, in accordance with policy ENV3 of the Warwick District Local Plan, 1995.
- 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 A landscaping scheme (using indigenous species) 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. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

6 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved plan(s) numbers: 113616-00/PA-001/01 and /C-400P/02, 113616-30/GB-001P, and A3205/1.1/05C and specification contained therein, submitted on 26 March 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.

7 No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details. **REASON**: To prevent an increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

APPENDIX
TO P. ITEM

GALLAGHER

E S T A T E S

(7)

Gallagher House, 51 Bordesley Green, Birmingham, B9 4QS. Tel: 0121-766 6789. Fax: 0121-766 6767.
E-Mail: mail@jgallagher.co.uk

Our ref: AH/dt

Your ref:

26 March, 2004

Mr J Archer
Chief Planning Officer
Warwickshire County Council
Shire Hall
Warwick
CV34 4SX

Dear Mr Archer

Re: Proposed Bridge, Portobello Works, Leamington Spa

Further to our recent meeting, and noting the concerns of your Council Members, we have revisited the design of the proposed bridge, and believe that the enclosed drawings (Bridge layout GB-001P, Civils C-400P, Landscape A3205/1.1/05C) provide a solution that meets your concerns, wherever technically possible.

You will recall from my letter dated 19th Feb 2004 (copy attached) that the profile of the bridge has evolved by consideration of the following constraining factors :

- The existing elevated carriageway level of Rockmill Lane.
- The minimum permitted road levels either side of the proposed bridge, to be above the 1:100 year flood level of the River Avon.
- The need for any part of the bridge's structure, between spans, to be above the 1:100 year flood level of the River Avon.
- The requirement to meet Warwickshire County Council's Highways Dept. 'forward sight stopping distance' criteria.

In addition to the bridge's profile constraints, we have had to meet the requirements of the Environment Agency, in respect of span widths and flood volume compensation.

These are the main parameters which have controlled the proposed bridge's profile and prevented a more arched structure being possible.

J.J.G

At your request, we have very carefully reviewed whether or not it is possible to replace the originally proposed steel beams with concrete. It is unfortunately concluded that this is not possible for the following reasons:

- The depth of section required would not enable the bridge to meet the overall profile constraints noted above.
- The construction period necessary for an insitu concrete structure would be longer than the clear period allowed for construction, by the Environment Agency, in Food Plain, i.e. between possible Spring and Autumn floods.
- A prestressed concrete structure is undesirable on Health and Safety grounds, due to difficulties in future maintenance, and dangers related to ultimate demolition.

As the main support beams have to remain in steel, we have once again researched alternative materials for cladding the beam elevations. For all the reasons outlined in my letter of 19th February, Timber and GRP cladding are still deemed unsuitable. For ease of reference our concerns were :

Timber

- The difficulties of fixing and maintenance.
- Timber has to be fixed when young. Upon maturing the material would probably distort and shrink, opening up joints and presenting a poor appearance.
- Concerns of how to correct vandalism, and prevent arson.
- No guarantees are available of material life.

GRP

- Lack of suitable suppliers.
- No assurance of colour continuity.
- Concerns about fixing arrangements.
- Problems of guaranteeing panel replacements.

After meeting with the County Council and suppliers, we have determined that a way forward is by using Vitreous Enamel Panels as a cladding material. Currently this material is used to clad both interior and exterior structural members, and also as Tunnel lining. As such it is recognised as a very durable material (an expected life of over 40 years), which can be shaped over a supporting frame. It is available in over 100 colours, with either a gloss, satin or matt finish, which means it is used in situations where a high quality appearance is specified.

To ensure continuity of cladding shape it has been necessary to flatten the steel beams, however, the profile of the carriageway above, remains unaltered.

Warwickshire County Council's only comment on the cladding material is that it's supporting frame should permit access for maintenance when required.

In addition to the above we have also reviewed the cladding materials for the bridge's abutments. The County Council's preference is for brickwork, therefore to comply with this, and to be in keeping with the existing Rock Mill and the adjacent buildings, we suggest a red brick cladding with stone quoins on each corner.

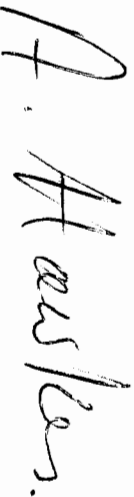
We are perfectly content for colour of the vitreous enamel cladding, and the material and colour, of the bridge abutment cladding to be matters of condition, to be agreed with yourselves prior to construction of the works.

Finally since the previous submission, we have found it necessary to steepen the embankments supporting the carriageway, either side of the new bridge. This is to meet the overriding need for flood volume compensation, as required by the Environment Agency. The embankments are to remain grassed; however they will now require soil reinforcement by use of a geogrid. As a consequence alternative access points from the new road, onto the public open space areas, are now to be located nearer to the existing Rockmill Lane.

We believe the revised engineering designs are comparable to the profile contained in the document, submitted with the Outline Application, which was only ever an architectural illustration, and we trust that your members find our new proposals acceptable.

I would ask that this letter, in full, is appended to your committee report so that your members can understand how our design has evolved, and the measures we have undertaken to meet their comments on the previous submission,

Yours sincerely



Andrew Hawkes BSc (Hons), C.Eng, MICE, MIHT
Associate Director – Engineering
e-mail: andy.hawkes@jigallagher.co.uk

PLANNING COMMITTEE APRIL 26TH LIST OF PART TWO ITEMS

No	Page No	Appn.Ref	Site Address
1	01	W20010872	87 Golf Lane, Whitnash
2	02-03	W20031939	18 Clarendon Avenue, L/Spa
3	04-05	W20031952	83 Heathcote Rd, Whitnash
4	06-07	W20040199	70 Malthouse Lane, Kenilworth
5	08-09	W20040200	16 Forfield Place, Leamington Spa
6	10-11	W20040209	36 Newbold Terrace East, L/Spa
7	12-13	W20040270	Sheriffs, Holly Walk, Baginton
8	14-16	W20040271	57 Crompton Street, Warwick
9	17-19	W20040274	Coach and Horses PH Bedford St, L/Spa
10	20-21	W20040276	20 St Andrews Road, L/Spa
11	22-23	W20040310	47Telford Avenue, Leamington Spa
12	24-25	W20040316	40 Lime Avenue, Lillington, Leamington Spa
13/14	26-29	W20040319/320LB	Quinton Lodge, Kenilworth Rd, L/Spa
15	30-31	W20040333	Land at Fernwood Fm, Rouncil Lane, KIlworth
16	32-33	W20040336	12 Beale Close, B/Tachbrook
17	34-35	W20040359	5 Park Road, Leamington Spa
18	36-37	W20040377	6 Barrow Road, Kenilworth
19	38-39	W20040382	35 Redfern Avenue, Kenilworth
20/21	40-43	W20040387/388LB	Antique Shop, West Rock/Saltisford, Warwick
22	44-45	W20040389LB	13 Milverton Crescent, Leamington Spa
23	46-47	W20040394	32 Coppice Road, Whitnash
24	48-49	W20040396	Mill House, Offchurch, Lane L/Spa
25	50-51	W20040402LB	Apartment 6, Rock Mill L/Spa
26	52-53	W20040417	238 Mylton Road, Warwick
27	54-55	W20040421	27 Cherry Lane, Hampton Magna
28	56	W20040425	Tournament Fields, Stratford Rd, Warwick
29	57-58	W20040452	2 St Chads Cottages, Old Wk Rd, Lapworth
30	59	W20040454	Tournament Fields, Stratford Rd, Warwick
31	60-61	W20040469	24 Common Lane, Kenilworth
32	62-63	W20040490	36 Villiers St, Leamington Spa
33	64-66	W20040561	Land adj. Warwick Pkwy Station, Budbrooke
34	67-68	W20040564	54 All Saints Rd, Warwick

Planning Committee: 26 April 2004

Part 2 Item Number: 01

Application No: W20010872

Date of Receipt: 10 March 2004

Town/Parish Council: Whitnash

Case Officer: John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

87 GOLF LANE, WHITNASH, LEAMINGTON SPA
Erection of a first floor side extension and ground floor rear extension (Minor Amendment)
FOR Mr. V.S. Virk

SUMMARY OF REPRESENTATIONS

Neighbours at 85 and 89 and Town Council notified on March 22nd. No representations received at time of agenda preparation.

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

Planning permission for a first floor side extension and ground floor rear extension at this property was granted on 10th September 2001 by the Planning Committee.

Subsequently the site became the subject of an enforcement investigation when it became apparent the rear extension was not being constructed in accordance with the approved plan. A minor amendment was then granted under delegated powers to enable the central section of the rear extension to be constructed 0.6 m longer into the garden; this section was set off the neighbours boundaries and would not breach the 45° Code. It was then found that this element of the building had been built 0.75 m long, and this current proposed amendment has been submitted to seek to regularize this discrepancy.

A further application, W20040471, has been submitted to alter part of this rear extension to form a conservatory but that application is not yet ready for determination.

I consider that this amendment to the extension as built at 0.75 m would not breach the 45° Code and in my opinion does not harm the amenities of the neighbour or the general character or appearance of this locality. I am conscious that an amendment to allow it to be built 0.6 m long has already been granted and I do not consider the difference of 0.15 m is such as to justify the raising of objection or the taking of enforcement action.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

APPROVE the amendment.

Planning Committee: 26 April 2004

Part 2 Item Number: 02

Application No: W20031939

Town/Parish Council: Leamington Spa

Registration Date: 19/12/2003
Expiry Date: 13/02/2004

Case Officer: John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

18, CLARENDON AVENUE, LEAMINGTON SPA.

Conversion of basement to a flat including provision of lightwells to front and rear, rear access doors and front railings (after demolition of existing front boundary wall).

FOR MR D.S. PUNIAN

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

C.A.A.F.: Conversion of basement acceptable only if a traditional wall was reinstated in front of the property, not railings. It was suggested that by reinstating a traditional wall with star insets like the adjoining house some light could be gained through the cast iron star insets. The retention/reinstatement of the traditional wall was considered an important feature of this part of the Conservation Area.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV11 - Retention 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)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The proposal entails the conversion of the basement to a bedsit flat with 'French doors' to the rear garden and the construction of two new front lightwells each 0.6 m square, 1.2 m deep; it is also proposed to replace the existing modern concrete block front garden wall with railings set into a plinth.

Planning permission for the excavation of the whole of this front garden to form a lightwell was refused, in May 2003, reference W20030388, and an appeal against that refusal was dismissed in February 2004. The Inspector considered the proposed lightwell would significantly alter the character and appearance of the property which would detract from and unbalance the general architectural unity of the terrace. The proposal also included the replacement of the existing boundary wall with railings. The Inspector commented on this aspect as follows:-

"On the proposed railings, I saw that several of the nearby properties have railings, and they are an established feature of the street scene hereabouts. Whereas a wall is probably more in keeping with the original presentation of this property, this is not a Listed Building and I do not consider that, subject to appropriate details, railings would be so unusual as to justify dismissing the appeal on these grounds alone. However, this does not override my

objections to the main element of the scheme; the formation of the light well and inserting basement windows. I consider this would detract from the character and appearance of the area, and would not serve to preserve or enhance the character or appearance of the Leamington Spa Conservation Area."

In my view, the two small lightwells now proposed would be acceptable features which would retain the majority of the frontage unchanged and would not harm either the character/appearance of this property or the streetscene generally. Whilst I am concerned regarding the loss of the front garden wall, I am conscious that in the recent appeal decision the Inspector quite clearly did not consider 'railings would be so unusual as to justify dismissing the appeal on these grounds alone'.

Having regard to the design of lightwells now proposed and to the appeal Inspector's comments regarding the railings, I consider it would not be possible to sustain an objection to this application.

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 amended plan, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
 - 3 Notwithstanding the details shown on the approved plan, no development shall be carried out on the site the subject of this permission until large scale details of the proposed rear French doors, the front windows (including a section to show the window reveal), the construction of the lightwells (including any covering grille) and the railings and plinth, at a scale of 1:5, have been submitted to and approved in writing by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON**: To ensure a high standard of design and appearance in the Conservation Area and to satisfy Policy ENV8 of the Warwick District Local Plan).
-

Planning Committee: 26 April 2004

Part 2 Item Number: 03

Application No: W20031952

Registration Date: 09/02/2004

Town/Parish Council: Whitnash

Expiry Date: 05/04/2004

Case Officer:

Alan Coleman
01926 456535 planning_east@warwickdc.gov.uk

83 Heathcote Road, Whitnash, Leamington Spa, CV312LX

Erection of a single and two-storey rear extension.
FOR Mr Glenn Wright

This application was deferred at Planning Committee on the 31st March 2004, to enable a site visit to take place on 24th April 2004. The report which follows is that which was presented previously.

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

Neighbours: The owner of 81 Heathcote Road objects on grounds that the extension breaches the 45° Code when measured from the 'original face of the adjoining property' as specified in the SPG and would have an overdominant, overbearing and overshadowing impact.

In the addendum to the previous agenda it was also reported that '*The neighbour at 81 has written further to express concern about consistency of 45 degree guideline, emphasising that kitchen window will be affected and the view obscured from it. Concern is also expressed about the impact of the two storey extension and a site visit is requested.*' A fax was also received from the neighbour at no. 81 showing the relationship of the proposal to the affected property, a copy of which was attached to the addendum.

RELEVANT POLICIES

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

HEAD OF PLANNING & ENGINEERING

The premises comprise one of a pair of semi-detached houses that is located on the southern side of Heathcote Road within an established residential area. The property is broadly similar in original design and appearance to the neighbouring properties on this side of Heathcote Road. There is a detached single garage to the rear of this and the neighbouring property that stand adjacent to the common side boundary. Both garages are served by driveways that run parallel to each other along this boundary and the side elevations of the dwellings.

The adjoining dwelling at 81 Heathcote Road has been extended by the addition of a single storey rear extension that was granted planning permission on 16 October 2001 under application W20011064. The extension was amended to comply with adopted Supplementary Planning Guidance: *The 45° Guideline* when measured from the nearest existing ground floor window in the rear elevation of 83 Heathcote Road.

The proposal comprises the erection of a single and two-storey rear extension. The single storey element of the extension would project 4 metres from the rear elevation of the property adjacent to the side boundary with the adjoining dwelling at 81 Heathcote Road for a width of approximately 2.5 metres before rising to two-storey in height across the remaining width of the dwelling to form a rear gable wing.

When measured from the nearest ground floor window in the rear elevation of the extension at 81 Heathcote Road I am satisfied that the proposed extension would satisfy the *The 45° Guideline* SPG. However, it would be in breach if measured from the position of the original window in the rear elevation, as directed by the 'Guideline. However, I do not consider it would be appropriate to apply the 'Guidance in this manner in this case. The extension built at the rear of No. 81 extends the existing lounge rather than providing an additional room. The extension is also of solid brick construction along the boundary with No. 83 thereby obscuring the outlook from the original window opening. The proposed two storey extension would also breach a 45 degree line from the first floor bedroom window of no.81. The breach is approx. 0.5 metre but at a distance of approx. 6 metres away from the affected window and the impact is considered to be not such that permission could reasonably be withheld.

For these reasons I consider the proposal is acceptable in terms of design and appearance and would not undermine the objectives of *The 45° Guideline* SPG when measured from both 81 and 85 Heathcote Road. Whilst I understand the concerns of the neighbouring resident, nevertheless I am satisfied that the proposal would not result in an unacceptable degree of harm to amenity.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990.
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved plans 346-01A and 346-02 and specification contained therein submitted on 9 February 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 Draft.
 - 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 Draft.
-

Planning Committee: 26 April 2004

Application No: W20040199

Town/Parish Council: Kenilworth

Part 2 Item Number: 04

Registration Date: 05/02/2004

Expiry Date: 01/04/2004

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

70 Malthouse Lane, Kenilworth, CV8 1AD
Erection of two storey front and rear extensions.
FOR Mr Greville-Smith

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object, especially to the rear extensions, as the application would constitute over development, be overbearing and detrimental to neighbouring amenity through loss of light to windows.

Neighbours: The neighbour at the rear has objected to the two storey rear extension as this would restrict light and reduce privacy on their property. The adjacent neighbour objects to the two storey rear extension as this would lead to loss of light and view from their property. They have no objection to the front extension or a single storey rear extension.
WDC Leisure and Amenities: No objections.

RELEVANT POLICIES

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

HEAD OF PLANNING & ENGINEERING

The application site consists of a detached dwelling with projecting integral garage, and open front garden onto Malthouse Lane. It is proposed to extend 1m forwards at ground floor in front of the existing garage, and to create a new first floor above this by forming a gable end. The two storey rear extension has now been omitted from this application, and a single storey rear extension is now proposed on the same foot print. The affected adjacent neighbour is a bungalow with side garage, which has one side bedroom window facing the applicants dwelling that is the only source of light into this room. This window faces the side elevation of the applicant's property, half of which is level with the rear of their own garage.

Both neighbours only object to a two storey rear extension, and as this has now been reduced to single storey, I consider that their concerns have been addressed, as there would be no increased overlooking and subsequent loss of privacy, no substantial loss of light to the adjacent property, and loss of view is not a planning matter. The proposal complies with 45 degree guidelines drawn from the adjacent neighbours front and rear windows. The front extension will be closer to the highway than the existing building, but not so much that it would have an adverse impact on the street scene or the general building line. As amended, I consider the application acceptable in terms of both visual and neighbouring amenity.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved plan(s) 2390/1 Revision B; 2390/2 Revision B, and specification contained therein, submitted on 29 March 2004 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 The first floor bedroom window in the side elevation of the extension hereby permitted shall be non-opening and obscure glazed and retained as such at all times thereafter. **REASON** : To protect the amenity of the occupiers of nearby properties.

Planning Committee: 26 April 2004

Part 2 Item Number: 05

Application No: W20040200

Registration Date: 04/02/2004

Town/Parish Council: Leamington Spa

Expiry Date: 31/03/2004

Case Officer: Fiona Blundell
01926 456545 planning_east@warwickdc.gov.uk

16 Forfield Place, Leamington Spa, CV31 1HG
Conversion of basement to form flat and first floor rear extension.
FOR Mrs J Pangli

SUMMARY OF REPRESENTATIONS

Town Council : No objections

Neighbours : No objections

Environmental Health: No objections

RELEVANT POLICIES

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

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

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

HEAD OF PLANNING & ENGINEERING

The application relates to a large mid terraced Victorian property, which is situated on the west side of Forfield Place. The street scene is predominantly residential, with properties of varying design and external appearance.

The application seeks to convert the basement into a flat through the formation of a lightwell to the front of the property with access to the rear via French doors, and a first floor rear extension to provide additional accommodation. The first floor rear extension will be over the existing ground floor bathroom and measures 4.1m in width and 1.9m in length. The existing rear wing breaches the Council's adopted Supplementary Planning Guidance 'The 45° Guideline' with regard to the adjoining neighbour, number 18 Forfield Place, however I do not consider a further extension of this wing to adversely exacerbate the outlook from the property, due to the distance of the extension away from the affected windows.

I am satisfied that the proposal would not have an adverse impact on the street scene, character of the residential area or the neighbouring amenities, in compliance with the objectives of Local Plan Policies.

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 plan number 1040-2B and specification contained therein, submitted on 14 April 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.

Planning Committee: 26 April 2004

Part 2 Item Number: 06

Application No: W20040209

Registration Date: 06/02/2004

Town/Parish Council: Leamington Spa

Expiry Date: 02/04/2004

Case Officer: Joanne Fitzsimons
01926 456534 planning_east@warwickdc.gov.uk

36 Newbold Terrace East, Leamington Spa, CV32 4EY

Insertion of dormer windows to front and rear roof slopes and erection of a single storey rear extension.

FOR Mr A Becconsall

SUMMARY OF REPRESENTATIONS

Town Council: raise objection and express concern at the proximity of the dormer window to the ridge line and consider the general design is unsympathetic to this important area.
CAAF: The dormer window is unacceptable for the area, no objection to ground floor extension.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
The 45 Degree Guideline (Supplementary Planning Guidance)

HEAD OF PLANNING & ENGINEERING

The application site relates to a two storey detached dwelling within the Conservation Area. It is located on the north side of Newbold Terrace East, opposite the public open space. The neighbouring properties are not similar in design and style and comprise of three and four storey buildings and another detached two storey dwelling.

The application seeks to extend the property through a single storey rear extension and conversion of the loft space incorporating front and rear facing dormer windows. The scheme has been the subject of negotiations and the front facing dormer window has been amended to reflect a more traditional flat roofed dormer which I consider does not adversely affect the character and appearance of the Conservation Area, thereby complying with Local Plan Policy (DW) ENV6 and ENV8 of the Warwick District Local Plan 1995 and DA10 of the first deposit version of the Local Plan 1996-2011.

I am satisfied that the proposed rear extension meets the Council's adopted Supplementary Planning Guidance 'The 45° Guideline' with regard to neighbouring windows and that the design is in keeping with the style of the property. I consider the proposal to be an acceptable addition to the property with no unreasonable harm to the street scene or wider Conservation 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 plan number 0353/03B, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
 - 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of the dormer windows (including a section showing the window reveal, heads and cill details) at a scale of 1:5 have been submitted to and approved by the District Planning Authority and all rainwater goods shall be constructed of metal. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
 - 4 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.
-

Planning Committee: 26 April 2004

Part 2 Item Number: 07

Application No: W20040270

Registration Date: 13/02/2004

Town/Parish Council: Baginton

Expiry Date: 09/04/2004

Case Officer:

Sarah Laythorpe
01926 456554 planning_east@warwickdc.gov.uk

Sheriffs, Holly Walk, Baginton, Coventry, CV8 3AE

Erection of a first floor extension.

FOR Mr Mrs Parfitt

This application was deferred at Planning Committee on the 31st March, 2004, for a visual presentation. The report which follows is that which was presented previously.

SUMMARY OF REPRESENTATIONS

Parish Council: Object on grounds relating to the visually dominant and intrusive impact of the extension on the visual amenities of neighbouring residents.

Neighbours: The residents at 11 Coventry Road object on the grounds that the extension would be too large and over-dominating on the grounds of loss of sunlight to the garden. The neighbour at 12 Coventry Road also has concerns regarding loss of light to their garden.

Coventry Airport: 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 proposals relate to a two-storey detached dwelling that stands on the western side of Holly Walk within an established residential area. The property is set back from the public highway carriageway by approximately 20 metres. In this position the dwelling stands adjacent to the rear garden boundaries of 3 Holly Walk to the south and existing bungalows at 11 and 12 Coventry Road to the north. Single-storey side extensions have been added to the northern side elevation of the property adjacent to the boundary with 11 and 12 Coventry Road (WDC Ref: W78/1467 and W901541). Planning permission was also granted for a two-storey side extension under application W78/371. However, this development was not implemented.

The proposed extension would extend the full depth of the property across the full width of the rear garden boundary of 12 Coventry Road. I therefore consider the main issue is the impact of the development on the amenities of the neighbouring bungalows in Coventry Road, particularly when viewed from the rear facing windows and garden areas, which have a south-western aspect.

When measured on site, the distance between the nearest conservatory window at the rear of 11 Coventry Road and the side boundary fence of the site would be 13 metres. The separation distance between the rear elevation of 12 Coventry Road and the side boundary fence of the site is 16.85 metres. I am therefore satisfied that the proposal would satisfy adopted Supplementary Planning Guidance: *Distance Separation*, which advises a minimum

distance of 12 metres. However, I appreciate that the application of these standards is not the only material consideration in determining the potential for loss of privacy, dominance, overshadowing or loss of light/sunlight.

The side elevation of the proposed extension would stand to the south-west of the neighbouring bungalows at a height of 4.6 metres at the eaves. Given the relative height and orientation of the properties, I consider the development would result in some overshadowing of the adjacent gardens and restriction of light/sunlight in the mornings/summertime. However, given the separation distance between them, I do not consider the impact would cause an unacceptable degree of harm to neighbouring residents' amenities.

In terms of its design and appearance I consider the proposals would be acceptable too.

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 plan(s) 03.301.3, and specification contained therein, submitted on 13th February, 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.
-

Planning Committee: 26 April 2004

Part 2 Item Number: 08

Application No: W20040271

Registration Date: 13/02/2004

Town/Parish Council: Warwick

Expiry Date: 09/04/2004

Case Officer:

Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

57 Crompton Street, Warwick, CV34

Erection of a dwelling (after demolition of existing building with access to Hampton Street).
FOR Sanderson Property Developments Ltd

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection.

Neighbours: Six neighbours have objected on the following grounds: Detrimental visual impact on surrounding dwellings and the whole vicinity which is close to the Conservation Area; Out of keeping design and size; Loss of light; Overbearing impact; Overdevelopment of the plot and the area as a whole; Loss of privacy from direct overlooking to gardens and windows; Noise disturbance from day to day activities, demolition and construction works; Loss of parking in an already overloaded area; Lack of parking provision, and inadequate access over a private car park for both pedestrians and emergency vehicles; Security risk to rear of properties during construction works. It is also queried whether access could be gained from Woodhouse Street across the car park of the public house, in which case a bungalow would be more in keeping with those on Woodhouse Street.

WCC Ecology: No comments.

WCC Archaeology: No objection subject to condition on notice of start of works.

WDC Environmental Health: 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)

Distance Separation (Supplementary Planning Guidance)

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

HEAD OF PLANNING & ENGINEERING

The application site is located at the rear of properties on Crompton Street and Hampton Street, accessed on foot through the private car park to the flats at Crompton Court, behind the fenced drying area. There is currently a single storey disused workshop on the site that adjoins the brick built boundary on three sides. The rear of the site adjoins the car park of the Forresters Arms public house, the north-east side adjoins the rear garden boundaries of numbers 49, 51 and 53 Crompton Street, and the south-west side adjoins the side garden boundary of number 1 Hampton Street. The walled boundaries adjoining these properties are 2.2m high, and the existing workshop on the site has a tall mono-pitch roof that is 4.1m at the highest point adjoining the pub car park. It is proposed to erect a two storey dwelling on this site that will adjoin the rear and side boundaries, but will be 1.5m deeper than the existing building, thereby extending 1.5m closer to the parking court and the rear of 1a and 1b Hampton Street, with a projecting front porch.

The design of the dwelling has been negotiated since originally submitted to give the dwelling a more vertical emphasis in keeping with the surrounding Victorian terraced houses (which are not in the Conservation Area). The roof of the building is hipped to reduce the height, with parapet gutters so the building can about the site boundaries without overhanging gutters. The dwelling is also single aspect, with the only windows facing the front car park access. The removal of all Permitted Development rights is justified as this will ensure that the building is not extended, or new windows are not inserted at a later date, which would have serious consequences in terms of loss of privacy and overdevelopment of the site. The size of the dwelling would not, in my opinion, be out of keeping with surrounding dwellings as 1a and 1b Hampton Street are of a similar size.

The position of the dwelling meets the relevant distance separation standard of 22m for a two storey dwelling to the rear of 1a and 1b Hampton Street, therefore, I do not consider a refusal on the grounds of overlooking or loss of amenity to be justified. The distance separation standard of 16m is also met at the side to the three storey Crompton Street terrace, therefore, I do not consider that the building would be a seriously overbearing structure, or represent an unacceptable loss of light or amenity. I am also of the opinion that the increase in noise and disturbance would be acceptable given that distance separation standards are complied with, and that the current building has no restrictions in terms of hours of use.

The dwelling does not have any parking provision, but I do not consider this to be adequate reason for refusal given that the site is close to the town centre, very near to bus routes, and there is some on street parking available. The positioning of the proposed dwelling in relation to the main road complies with the standards for access for emergency vehicles. The pedestrian access to the site is not considered inadequate, as the owners of the land have a right of access over the Crompton Court car park. Any security risk during construction works is a private matter, and noise during construction and demolition works is covered by other Environmental Health legislation.

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 plan(s) C03.135.11a, C03.135.12a, C03.135.13a, C03.135.14a, C03.135.15a, C03.135.16a, and specification contained therein, submitted on 7 April 2004 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the

requirements of Policy ENV3 of the Warwick District Local Plan.

4

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.

5

The development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works shall have been given to the Warwickshire Museum as the nominated representative of the District Planning Authority. During the construction period the developer shall afford access at all reasonable times to representatives of the Museum and shall allow them to observe the excavations and record items of interest and finds. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy ENV22 of the Warwick District Local Plan.

Planning Committee: 26 April 2004

Part 2 Item Number: 09

Application No: W20040274

Registration Date: 16/02/2004

Town/Parish Council: Leamington Spa

Expiry Date: 12/04/2004

Case Officer:

Alan Coleman
01926 456535 planning_east@warwickdc.gov.uk

Coach and Horses Public House, 4 Bedford Street, Leamington Spa, CV32 5DY

Installation of new folding timber doors to front elevation, installation of a new door to rear elevation, erection of new glazed roof to existing single storey rear extension and demolition of existing outbuildings and yard wall to enlarge beer garden.

FOR Mr M Kandola

SUMMARY OF REPRESENTATIONS

Town Council: "The extension of the drinking area is opposed. The Town Centre presently has more than adequate capacity for entertainment of this kind."

CAAF: "It was felt that the existing front elevation with the glazed doors and small paned windows at higher level fitted in well with the streetscene (sic) and the rest of the building. It was felt that the proposed tall glass folding doors were inappropriate in this location and to the building itself. It was felt that new glazed doors to the rear could be an improvement, there was some concern expressed that the rear is visible to the street particularly where the rubbish area is and this needs to be screened off."

Environmental Health: "The proposed alterations to the rear yard are noted. I am concerned that increased activity in this area could lead to more noise for local residents. However, I note that part of the existing area will be gated off and consequently the increased area will be small."

Therefore I would not oppose this proposal if the following controls are in place: -

- Access to customers to the unlicensed area of the rear yard should be effectively prevented.
- A lobby should be created with double doors at the exit from the bar to the rear yard.
- A condition of the Public Entertainments Licence requires that the rear yard must not be used after 11pm. This must be adhered to.
- Door staff will supervise the doors to ensure that at least one door will remain closed whilst amplified music is being played with in the public house.
- No live or amplified music will be played in the rear yard.

Proposals for a glazed roof over the rear bar area have the potential to allow the transmission of noise. Effective noise mitigation measures must be incorporated in the design of the structure. In particular the specification of materials must be capable of effectively reducing noise levels at the following 1/3rd Octave centre frequency bands: - 50-125 Hz.

The replacement French windows at the front of the building must remain closed during hours when public entertainment is being provided or if noise from the premises is likely to cause nuisance to neighbouring premises.

A noise limiting device should be provided such that there is a cut off to the sound system should acceptable levels of noise be exceeded."

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP9 - Pollution Control (Warwick District 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

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

The main body of the building is two-storey in height with single storey additions to the front and rear. There is a yard at the rear which is currently sub-divided by a wall. Access to the southern half of the yard is via Windsor Place and contains a free-standing bar, together with external seating. There are also out-buildings in the northern half of the yard, which is accessed via Bedford Street. The eastern side elevation of Yates Wine Lodge at 44 Warwick Street encloses the western boundary of the yard.

The proposals relate to the demolition of these out-buildings and the wall to enlarge the beer garden across the northern half of the rear yard. However, it would exclude the existing seating area in the southern half of the yard, which would be fenced off. The existing external bar would be retained and a new glazed roof would be added to an existing flat roofed extension providing access to the beer garden. A new door is also proposed within an existing window opening in the rear elevation.

The existing windows in the front elevation to the south of the main entrance are also proposed to be replaced by bi-folding doors. The existing front boundary railings would be retained and extended by matching gates to enclose the recess currently formed by the beer-drop. The existing ground level in-between would also be raised to match the internal floor level.

The scheme has now been amended by retaining the majority of the existing windows in the larger opening of the front elevation and by amending the design of the doors to more closely match the retained windows. A lobby has also been formed at the entrance to the beer garden from the bar. In this form I am satisfied that the proposals would now be acceptable in terms of design and appearance and would address the concerns of the CAAF.

Whilst I appreciate the concerns of the Town Council, nevertheless I consider the use of the yard as a beer garden remains ancillary to the permitted planning use of the premises as a public house within the meaning of Class A3 of The Town and Country Planning (Use

Classes) Order 1987 (as amended). However, the use of the yard for this purpose is subject to the terms of a Public Entertainments Licence and issues of noise in relation to adjacent residential properties could also be controlled under appropriate Environmental Health legislation. With regard to the comments of the Divisional Environmental Health Officer regarding the potential transmission of noise from the proposed glazed roof, I consider it would be appropriate to attach a condition regarding the submission of glazing details to ensure effective noise mitigation can be achieved in the design of the roof structure.

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 plans 1510/1A, 2B and 3 and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
 - 3 No development shall be carried out on the site which is the subject of this permission until large scale details of the doors and window hereby approved have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995 and Policies DAP10 and DAP11 of the Warwick District Local Plan 1996-2011 First Deposit Draft.
 - 4 The door and window frames hereby approved shall be constructed in timber, painted and not stained.
REASON : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995 and Policies DAP10 and DAP11 of the Warwick District Local Plan 1996-2011 First Deposit Draft.
 - 5 Notwithstanding any details shown on the submitted plans regarding the proposed glazed roof hereby approved, no development shall be carried out on the site which is the subject of this permission until details of the roof design and specification of the glazing materials 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 effective noise mitigation measures to reduce the potential for noise transmission are incorporated in the design of the structure in the interests of the amenities of surrounding properties.
-

Planning Committee: 26 April 2004

Application No: W20040276

Part 2 Item Number: 10

Registration Date: 16/02/2004

Expiry Date: 12/04/2004

Town/Parish Council: Leamington Spa

Case Officer: Sarah Laythorpe
01926 456554 planning_east@warwickdc.gov.uk

20 St. Andrew's Road, Lillington, Leamington Spa, CV32 7EU
Erection of a single storey rear and side extension and conservatory.
FOR Mr B Walker

SUMMARY OF REPRESENTATIONS

Town Council: The town council raises objection on the grounds that the proposal is considered to represent over-development of the site resulting in an extension that will encroach upon the boundary with the adjoining dwelling.
One neighbour raises objection concerning loss of light to the side facing window of their lounge.

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 one half of a semi-detached property and the attached neighbour has an existing single storey rear extension with high level side-facing windows to their lounge.

It is proposed to erect a single storey rear and side extension which would include the demolition of the existing garage. With regard to the Town Council's comments, I do not consider that this extension would create an over-development of the site as the proposal is single-storey and the property is set in a moderate sized plot therefore the extension would leave a considerable amount of space in the rear garden of the property.

With regard to No.22, I do not consider that this would cause unacceptable harm having regard to the position of the existing garage serving that property. With regard to no. 18, whilst taking account of their objections, I do not consider a refusal could be sustained on the basis of the loss of light to the existing high level side facing window to the existing lounge extension at no.18, given that the principal windows to that lounge are on the rear elevation and the proposed development would not breach the 45 degree code as measured from those rear facing windows.

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 plan(s) 292-02B, and specification contained therein, submitted on 14th April, 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.
-

Planning Committee: 26 April 2004

Part 2 Item Number: 11

Application No: W20040310

Registration Date: 16/02/2004

Town/Parish Council: Leamington Spa

Expiry Date: 12/04/2004

Case Officer:

Sarah Laythorpe
01926 456554 planning_east@warwickdc.gov.uk

47 Telford Avenue, Lillington, Leamington Spa, CV32 7HQ

Erection of a single storey rear extension with re-roofed and extended side extension.

FOR Mr & Mrs Loveday

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

2 neighbours object to the decking area on grounds that this will cause overlooking due to the slope of the garden. Also raises concerns regarding drainage, party wall, foundations and storm water.

RELEVANT POLICIES

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

HEAD OF PLANNING & ENGINEERING

The application site relates to one half of a pair of semi-detached properties of similar design and style as those which surround it. The proposal seeks to erect a single storey rear extension leading to a decking area with steps down to the garden, which is at a lower level. It is proposed to extend the pitched roof around the side of the property to replace the flat roof over the existing utility room.

The scheme has been amended to take into account the neighbours objection and it is now proposed to step down from the extension by two steps before reaching the decking and then a further two steps to access the garden area. This has reduced the height of the decking which will be 0.5m above ground level at its highest part, which in my opinion is not unreasonable. With regards to the issues of party wall, foundations, drainage and storm water, these are building control matters which will be addressed during the construction of the development.

As amended, I am of the opinion that the application is acceptable and will not cause unreasonable harm to neighbouring amenity or to the visual appearance of the property.

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 plans 0348/02 and 0348/03 and specification contained therein, submitted on 29 March 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.
-

Planning Committee: 26 April 2004

Application No: W20040316

Town/Parish Council: Leamington Spa

Part 2 Item Number: 12

Registration Date: 19/02/2004

Expiry Date: 15/04/2004

Case Officer:

Fiona Blundell
01926 456545 planning_east@warwickdc.gov.uk

40 Lime Avenue, Lillington, Leamington Spa, CV32 7DF
Erection of a single storey side extension and loft conversion.
FOR Mr & Mrs Haven

SUMMARY OF REPRESENTATIONS

Town Council: raise objection on the grounds that the development would result in building close to the boundary with the loss of segregation between the dwelling and the adjoining properties.

Neighbours: No objections.

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 proposal relates to one half of a pair of semi-detached properties, which is located on the east side of Lime Avenue. The property is situated in a well established residential area, where the rhythm of the street scene is characterised by properties of similar design and external appearance.

The application seeks permission to erect a single storey side and rear extension, together with a loft conversion. The extension would wrap round the building to the side and rear of the building, and a rear facing dormer window installed to convert the loft. To the rear of the property, the extension would extend as far back as the existing extension and run flush with the adjoining property's rear extension. The length of the extension would be approx. 10.5 metres along the side of the property, incorporating a mono-pitched roof which would slope away from the boundary.

It is considered that the proposal is acceptable in terms of design and appearance, using materials appropriate to the locality and the dwelling house. Whilst I note the comments of the Town Council, the proposal is for a single storey extension and a side isolation policy is not normally applied in a context where many similar single storey extensions can be (and have been) erected under permitted development rights.

I consider that the proposal would comply with the general development principles of the Warwick District Local Plan (1995) and the emerging Local Plan (1996-2011). I am of the opinion that the proposed works would not have a detrimental impact on the neighbouring amenities of the surrounding area, the street scene and the character of the residential area.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT subject to the following conditions :

- 1** The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
 - 2** The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved plan(s) (Ref Drawing Nos. 04030/002 and 04030/003 and specification contained therein, submitted on 19th February 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.
-

Planning Committee: 26 April 2004

Application No: W20040319

Town/Parish Council: Leamington Spa

Case Officer:

John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

Part 2 Item Number: 13

Registration Date: 20/02/2004

Expiry Date: 16/04/2004

Quinton Lodge, 8 Kenilworth Road, Leamington Spa, CV325TH

Conversion of building into 5 apartments and provision of car parking.

FOR Dr & Mrs R Ashford

SUMMARY OF REPRESENTATIONS

Town Council: Proposal would harm the setting of the Listed Building; considered inappropriate and unsympathetic.

C.A.A.F.: Internal alterations generally considered acceptable. External doors to flats inappropriate; it was felt more traditional replacement doors should be used.

English Heritage: No objections.

Head of Environmental Health: No objection.

W.C.C. (Highways): No objection subject to amended car park layout and widening of access to 5 m. (N.B. This will mean 6 car parking spaces provided).

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

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

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

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

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

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

DAP9 - Restoration 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

A previous planning and Listed Building application (W20030933/34LB) for the conversion of the building into 5 apartments and the erection of a detached dwelling was withdrawn following the receipt of objections from English Heritage. The present applications have been submitted to seek to address these objections.

The proposal entails the creation of one, two bedroomed and one, one bedroomed basement flats; the retention of the main front wing (incorporating the principal staircase) as a four bedroomed house; the formation of two, two bedroomed flats in the 'rear' wing.

Car parking is proposed in an enlarged car parking area accessed off Binswood Avenue.

The site has a lengthy planning history including use of part of basement as a dental surgery (1980), conversion of part of basement into a flat (1991) and erection of a garden annex (2001) subsequently granted permission for use as a separate house (2002).

As now amended, I consider that these proposals will not harm either the special architectural or historic character of this Grade II Listed Building or the character/appearance of the Conservation Area. The building will be put to wholly residential use and the main front wing with its principal reception rooms and staircase will remain as a single dwelling.

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 Drawing Nos. 1008/06b and 1008/08A deposited with the District Planning Authority on 20th February 2004 and Drawing No. 1008/07e deposited with the District Planning Authority on 9th March 2004, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

- 3 Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be commenced unless and until a revised plan detailing an amended car parking layout and the widening of the access to 5 m (to address the comments of Warwickshire County Council, Highways, contained in the letter received 4th March 2004) has been submitted to and approved in writing by the District Planning Authority. The approved details shall be wholly completed before any dwelling hereby permitted is first occupied. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

- 4 Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be commenced unless and until revised details of the external doors to the lower ground floor flats on the north and west elevations have been submitted to and approved in writing by the District Planning Authority. Such approved doors shall be installed before the flats they serve are first occupied. **REASON** : To ensure a high standard of design and appearance for this Listed Building and to satisfy Policy ENV11 of the Warwick District Local Plan, 1995.

- 5 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 means of subdividing the open land within the curtilage of this site shall be erected without the prior approval in writing of the District Planning Authority. **REASON** : To protect the setting of this Listed Building and to satisfy Policy ENV12 of the Warwick District Local Plan, 1995).

Planning Committee: 26 April 2004

Part 2 Item Number: 14

Application No: W20040320LB

Registration Date: 20/02/2004

Town/Parish Council: Leamington Spa

Expiry Date: 16/04/2004

Case Officer: John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

Quinton Lodge, 8 Kenilworth Road, Leamington Spa, CV325TH

Conversion of building into 5 apartments, alterations including demolition of internal walls, staircases, alterations to elevations and provision of car parking.

FOR Dr & Mrs R Ashford

SUMMARY OF REPRESENTATIONS

Town Council: Proposal would harm the setting of the Listed Building; considered inappropriate and unsympathetic.
C.A.A.F.: Internal alterations generally considered acceptable. External doors to flats inappropriate; it was felt more traditional replacement doors should be used.
English Heritage: No objections.
Head of Environmental Health: No objection.
W.C.C. (Highways): No objection subject to amended car park layout and widening of access to 5 m. (N.B. This will mean 6 car parking spaces provided).

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) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)
(DW) ENV15 - Encouragement of full use 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)
DAP9 - Restoration 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

A previous planning and Listed Building application (W20030933/34LB) for the conversion of the building into 5 apartments and the erection of a detached dwelling was withdrawn following the receipt of objections from English Heritage. The present applications have been submitted to seek to address these objections.

The proposal entails the creation of one, two bedroomed and one, one bedroomed basement flats; the retention of the main front wing (incorporating the principal staircase) as a four bedroomed house; the formation of two, two bedroomed flats in the 'rear' wing.

Car parking is proposed in an enlarged car parking area accessed off Binswood Avenue.

The site has a lengthy planning history including use of part of basement as a dental surgery (1980), conversion of part of basement into a flat (1991) and erection of a garden annex (2001) subsequently granted permission for use as a separate house (2002).

As now amended, I consider that these proposals will not harm either the special architectural or historic character of this Grade II Listed Building or the character/appearance of the Conservation Area. The building will be put to wholly residential use and the main front wing with its principal reception rooms and staircase will remain as a single dwelling.

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 Drawing Nos. 1008/06b and 1008/08A deposited with the District Planning Authority on 20th February 2004 and Drawing No. 1008/07e deposited with the District Planning Authority on 9th March 2004, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

3 Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be commenced unless and until revised details of the external doors to the lower ground floor flats on the north and west elevations have been submitted to and approved in writing by the District Planning Authority. Such approved doors shall be installed before the flats they serve are first occupied. **REASON** : To ensure a high standard of design and appearance for this Listed Building and to satisfy Policy ENV11 of the Warwick District Local Plan, 1995.

4 Before the development hereby permitted is first commenced a Schedule of Works and Method Statement for all proposed alterations to this Listed Building (including the reinstatement of cornice, skirting boards and plaster as specified in the applicants architects letter dated 20th February 2004) shall be submitted to and be approved in writing by the District Planning Authority. The works shall be carried out strictly in accordance with such approved details unless first agreed otherwise in writing by the District Planning Authority. **REASON** : To ensure a high standard of design and appearance for this Listed Building and to satisfy Policy ENV11 of the Warwick District Local Plan, 1995.

Planning Committee: 26 April 2004

Part 2 Item Number: 15

Application No: W20040333

Registration Date: 26/02/2004

Town/Parish Council: Beausale

Expiry Date: 27/05/2004

Case Officer: Will Charlton
01926 456528 planning_west@warwickdc.gov.uk

Land at Fernwood Farm, Rouncil Lane, Kenilworth, CV8 1NN
Erection of grain/potato store and machinery workshop/store. Construction of service road.
FOR Mr R. Freeman

SUMMARY OF REPRESENTATIONS

Parish Council : Have commented that "this land was sold separately to Fernwood Farm. This should not justify extensive new buildings unless the existing farm buildings are to be demolished. Provision of storage cannot be stopped but future development must be watched".

CPRE : Objects to the proposal as development should only be permitted in "very special" circumstances. The Council should confirm that the development should be required for the business of the farm and consideration be made to the location of the building, it would be preferable for them to be within the boundary of the existing buildings and whether it would be possible for these to be demolished.

RELEVANT POLICIES

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

It is proposed to erect a large agricultural building, which would measure approximately 32 metres by 36.5 metres (approximately 1166 sq metres), with a maximum ridge height of 8.8 metres. Part of the building would be used for as a potato and grain store (838 sq metres) with the remainder being a machinery store and workshop (328 sq metres).

The Planning Department have asked for the advice of the Rural Estates Services Manager (Warwickshire County Council) who has appraised the undertakings of farm holding and the need for the proposed building, having spoken to the applicants and inspected their holding. It is his professional opinion that the produce storage space and the machinery / chemical store and workshop area is required and well merited on a holding of approximately 127.88Ha (316 acres).

Whilst recognising the concerns of both the Parish Council and the CPRE that the existing buildings should be utilised, this is unfortunately not a viable option as the adjoining buildings are in separate ownership. The land was recently sold off separately to the farm house and buildings and it was not financially viable for the applicant to secure purchase of both. Therefore although the proposed construction of a new barn is not an ideal situation, the use of alternative buildings is not an option available.

As the proposed barn needs to be located on the applicants land holding, the situation is considered to be the most acceptable. The applicant has located the proposed building in close proximity to the existing large farm buildings, which are of a very similar size and bulk, with the nearest being approximately 49 metres by 34 metres in size. Although the site is

prominent and is open to long distance views, it is considered that the proposal would be seen together with the existing complex of farm buildings and farm house, whereas if the barn was located elsewhere on the land controlled by the applicant , it would sit as a standalone feature.

The applicant has also agreed to provide some landscaping in the form of a tree screen respecting the existing landscaping around the site, including two hedge boundaries which lie to the north and west of the building. It is considered that the need for the size of the proposed building has been adequately justified and that the site proposed is the most appropriate, with the least visual impact.

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 location, layout and elevation (FF.01) plans, and specification contained therein, submitted on 26 February 2004 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 Samples and colours of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting 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 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.

Planning Committee: 26 April 2004

Part 2 Item Number: 16

Application No: W20040336

Registration Date: 23/02/2004

Town/Parish Council: Bishops Tachbrook

Expiry Date: 19/04/2004

Case Officer:

Sarah Laythorpe
01926 456554 planning_east@warwickdc.gov.uk

12 Beale Close, Bishops Tachbrook, CV33 9QT

Erection of a first floor extension.
FOR Mr Mrs P Guest

SUMMARY OF REPRESENTATIONS

Parish Council: no objection

Neighbours: one objection concerning loss of sunlight and daylight due to the height of the proposed extension.

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 proposal relates to a semi-detached property that stands at the end of a cul-de-sac on the south side of Beale Close. The proposal is to erect a first floor over the existing side extension, which is set back from the front of the property by 4.7 metres and would provide additional space to the bedroom and an ensuite.

The main issue with this application is the impact on the neighbouring property, 13 Beale Close and more specifically on the property's dining room, kitchen and landing, all of which are south facing windows. However, all of these are side facing windows therefore the 45 degree guideline would not normally be applied from these. Therefore I do not consider the impact in terms of loss of light and amenity would be so severe as to warrant refusal, given the distance between the properties and that these windows already face the two storey gable end of the property, against which the extension would be viewed.

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 plan(s) 1667/6, and specification contained

therein, submitted on 23rd February, 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.

Planning Committee: 26 April 2004

Part 2 Item Number: 17

Application No: W20040359

Registration Date: 26/02/2004

Town/Parish Council: Leamington Spa

Expiry Date: 22/04/2004

Case Officer: Joanne Fitzsimons
01926 456534 planning_east@warwickdc.gov.uk

5 Park Road, Leamington Spa, CV32 6LG

Erection of extension to provide family room, sauna and changing room (revision of Planning application W20031694).
FOR Mr & Mrs N Button

SUMMARY OF REPRESENTATIONS

Town Council: No objection.
Environmental Health: No objection, however, recommend use restriction between 10pm and 8am and a noise condition to ensure no nuisance from pumps and motors.
CAAF: Concern at the overall scale of development and a 'mish-mash' of buildings created and the impact on the neighbouring amenity.
Leisure & Amenities: 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)
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
The 45 Degree Guideline (Supplementary Planning Guidance)

HEAD OF PLANNING & ENGINEERING

The application relates to a substantial property which forms part of a pair of semi-detached dwellings which are located in the newly extended Conservation Area (agreed 8 March 2004). The property benefits from planning permission (ref: W20031694) for a larger extension which incorporates a swimming pool. This was granted under delegated powers on 12 December 2003, prior to the Conservation Area extension.

Whilst I note the comments made by the Conservation Area Advisory Forum, I consider the scheme to be of a high architectural design, having regard to the scale and design of the main dwelling. The adjoining semi detached property has outbuildings along the boundary wall, thereby immediately obscuring the 45 degree line. The design of the extension which incorporates a sauna, conservatory and hot tub is set away from the boundary and will not therefore in my view cause any unreasonable harm to neighbours amenities.

In considering this application, I am of the opinion that it is inappropriate to apply such conditions as those which are recommended by Environmental Health on the grounds that hot tubs can be purchased and installed without planning permission and as such I consider it to be unreasonable to restrict the hours of use.

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 plan numbers 03.10-011 and 03.10-012 and specification contained therein, submitted on 25th February 2004 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
 - 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. All rainwater goods shall be metal. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
 - 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
-

Planning Committee: 26 April 2004

Part 2 Item Number: 18

Application No: W20040377

Registration Date: 01/03/2004

Town/Parish Council: Kenilworth

Expiry Date: 26/04/2004

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

6 Barrow Road, Kenilworth, CV8 1EH
Change of use to children's day nursery (Class D1).
FOR Mr M Taylor

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Members welcome additional nursery facilities but object to the inadequate front access to the building. Barrow Road is a severely congested area and additional vehicle movements will exacerbate this situation. If granted a condition should be imposed that there be no access from the front of the building, only from the proposed rear access onto the car park.

Neighbours: Eight letters of objection have been received. The increased traffic and parking requirements of customers and staff would seriously affect an already severely congested area, in which residents with permits often cannot find a parking space due to heavy use by shoppers and nearby employees of BT and The Post Office. It is unlikely that customers would use the rear car park when it would be quicker and easier to drop off on Barrow Road, and the safety of this access is also disputed. There is concern that existing vehicular accesses will be blocked. A site visit is recommended to view the traffic problems. Any change to a business use in this residential area should be rejected. One adjacent neighbour disputes the property boundary, claiming that this runs along one side of the building. They would not wish to raise the height of the boundary fence on their land due to loss of light, and the increase in noise and disturbance would be unreasonable due to the insufficient spacing between the buildings.

Environmental Health: No objection subject to an hours of use condition, and condition on number of children using garden.

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)

DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application property consists of a recently refurbished detached bungalow with front and rear gardens, and no off-street parking. The rear garden adjoins the Iceland stores car park, which adjoins the public car park at the rear of the shops on Warwick Road. The applicant is attempting to secure rights to pass over this land, so that a gate can be inserted in the rear garden fence enabling direct access for customers using the public car park. The side fences are intended to be raised to 2m in height in order to limit noise and disturbance created when children play outside. The change of use to a childrens day nursery would serve a maximum of twenty four children with a maximum of ten staff, and no evening working.

The principal issues in this case are the affects of the proposal on traffic, parking and residential amenities. In terms of traffic, any impact will generally be limited to a relatively short period in the morning and evening when parents drop off or collect children before or

after work. While there is limited on-street parking available, as most nearby properties do not have off-street parking spaces, the site is close to the town centre, BT premises and the Post Office depot on the corner of Warwick Road so spaces are also used by shoppers, workers in the town, and delivery vehicles. The road is effectively reduced to one lane with passing places when all parking spaces are utilised, so congestion is an existing problem. However, there is the nearby public car park within several minutes walk, and also access to major bus routes on Warwick Road. In this context it is considered that the proposal accords Local Plan Policy DP8 (Parking), which only permits development that does not encourage unnecessary car use, and has regard to the location and accessibility of the site by means other than the private car. I do not consider it reasonable to prevent access from Barrow Road, and the use of the rear access would be welcomed but I do not consider it necessary to require this by condition. If private accesses are blocked, or cars are double parked then this is a matter for the police to enforce.

The use of the premises as a nursery will result in increased noise generation but this can be minimised by limiting the number of children using the garden at any one time. This type of condition has been used in the past, and along with the new boundary fences should ensure noise does not reach an unacceptable level. Boundary disputes are not a matter in which planning can become involved, and a 2m high fence could be erected on the applicants land under 'Permitted Development' rights, without the need for 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 plan(s), and specification contained therein, submitted on 1 March 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 total number of children attending the nursery shall not at any time exceed twenty four and the nursery shall only be operated between the hours of 08.00 and 18.00 on Mondays to Fridays. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.
 - 4 The development hereby permitted shall not be brought into use until the proposed fencing has been constructed in full accordance with the approved details.
REASON: To protect the amenity of the occupiers of nearby properties, in accordance with Policy ENV3 of the Warwick District Local Plan (1995).
 - 5 The garden shall only be used between the hours of 10.00 and 16.00 and the maximum number of children using it at any one time shall be six, with those children being supervised by at least one suitably qualified adult. **REASON**: To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.
-

Planning Committee: 26 April 2004

Part 2 Item Number: 19

Application No: W20040382

Registration Date: 02/03/2004

Town/Parish Council: Kenilworth

Expiry Date: 27/04/2004

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

35 Redfern Avenue, Kenilworth, CV8 2NA

Erection of a single storey front lounge and porch extension.
FOR Mr Travers

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection.

Neighbours: The adjoining property objects to loss of day light, sun light and also since light from the street lamp outside number 37 Redfern Avenue would be reduced. The proposal would not be in keeping with the surroundings as none of the other properties in this terrace have similar extensions. Internal alterations should be made to increase living space rather than making external changes.

RELEVANT POLICIES

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

HEAD OF PLANNING & ENGINEERING

It is proposed to add a mono-pitch roof front porch onto this mid-terraced dwelling, that will project 1m from the front elevation, and will extend almost the width of the property (5.3m). Each dwelling in the terrace has the same arrangement of front doors and windows, with an unsupported flat roof canopy above the front door. The end dwelling in the adjacent terrace of properties has a similar front extension to that proposed, which is also 1m in depth, but this does not extend the full width of the frontage.

Loss of light to the neighbouring property would not in my opinion be so substantial as to warrant refusal, given that the extension only projects 1m from the front elevation, and it is adjacent to the objecting neighbours small high level hall window, and partially glazed front door. A 45 degree guideline is not breached.

In addition, I consider it unreasonable to refuse permission on the grounds of impact on street scene, since although this would be the only dwelling in this terrace to have a front extension, which would break the uniformity and rhythm of the terrace, the extension is well designed and the planning system is unable to insist on uniformity of appearance, in a location outside a Conservation Area, and also since similar alterations have been made to houses in the nearby terraces. This is also the central property in this terrace of five, so any change would not disrupt the symmetry of the row.

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 plan(s) 2402, and specification contained therein, submitted on 1 March 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.
-

Planning Committee: 26 April 2004

Application No: W20040387

Town/Parish Council: Warwick

Part 2 Item Number: 20

Registration Date: 01/03/2004

Expiry Date: 26/04/2004

Case Officer: Steven Wallsgrove

01926 456527 planning_west@warwickdc.gov.uk

20 West Rock, 31-35 Saltsford, Warwick, CV34 4TD

Conversion of buildings to 8 apartments and 1 house; provision of parking for 4 vehicles.
FOR Mr J Mynott

SUMMARY OF REPRESENTATIONS

Warwick Town Council : "The Town Council considers that the proposal represents an overdevelopment of the site and that the development density proposed can only be achieved by the provision of inadequate car parking for the development.

There is an existing shortage of both on and off highway parking in Warwick and the grant of permission with only four spaces for 9 units will exacerbate such lack of car parking to the detriment of residents and visitors to the Town alike, therefore in common with other development on the periphery of the Town Centre, development should only be approved if additional spaces, sufficient for one car space per dwelling. Government guidelines do not waive parking provision but rather advise the circumstances when parking provision MAY NOT be required in Town Centre areas, and which would reflect parking provision at the recent development of a block of flats in Linen Street and the Abbotsford."

Environmental Health : Recommend a contaminated land condition.

Warwick Society: accept change of use and consider, on balance, that replacing shop window with matching, domestic, window is acceptable.

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) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

(DW) H1 - Level of New Housing Provision 1989-2001 (Warwick District Local Plan 1995)

HEAD OF PLANNING & ENGINEERING

The proposal is for the conversion of the present antiques shop premises into residential units, two of the buildings being listed. The units would be of varying sizes, from 1 to 3 bedrooms, and part of a single storey rear range of outbuildings (not listed) would be removed to provide a total of 4 parking spaces in the rear yard. This is accessed off Commainge Close. The amount of work needed for the conversion is small, and would involve the retention of some features.

The premises are identified in the Local Plan as being primarily for residential purposes and it is considered that the number of units is not unreasonable. In terms of parking, the site lies within the town centre designated in the Local Plan, is immediately adjoining a public car park, and has good access to public transport. Under these circumstances, central

government advice contained in PPG3 Housing and PPG 13 Transport is that planning authorities should accept development with low parking, or even no parking, and I consider that the presence of the public car park supports the case for limited parking on the site.

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 nos. 1909.01, 02, 03, 04, and specification contained therein, received on 1st March 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 proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in accordance with details which have previously been approved by the District Planning Authority. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
 - 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design for the listed building and its setting in accordance with Policies ENV11 and ENV12 of the Warwick District Local Plan 1995.
 - 5 Development shall not be commenced until there has been submitted to the District Planning Authority a survey report on the extent to which any part or the whole of the application site is contaminated by toxic or other noxious materials and on the remedial measures required to deal with the hazards. No development shall be commenced until all toxic or obnoxious materials have been removed or otherwise treated in accordance with details which have been approved in writing by the District Planning Authority. **REASON** : To protect the health and safety of future occupiers.
-

Planning Committee: 26 April 2004

Application No: W20040388LB

Town/Parish Council: Warwick

Part 2 Item Number: 21

Registration Date: 01/03/2004

Expiry Date: 26/04/2004

Case Officer: Steven Wallsgrove

01926 456527 planning_west@warwickdc.gov.uk

33-35 Saltisford, Warwick, CV34 4TD
Alterations to form 1 house and 3 flats.
FOR Mr J Mynott

SUMMARY OF REPRESENTATIONS

Warwick Town Council : "The Town Council considers that the proposal represents an overdevelopment of the site and that the development density proposed can only be achieved by the provision of inadequate car parking for the development.

There is an existing shortage of both on and off highway parking in Warwick and the grant of permission with only four spaces for 9 units will exacerbate such lack of car parking to the detriment of residents and visitors to the Town alike, therefore in common with other development on the periphery of the Town Centre, development should only be approved if additional spaces, sufficient for one car space per dwelling. Government guidelines do not waive parking provision but rather advise the circumstances when parking provision MAY NOT be required in Town Centre areas, and which would reflect parking provision at the recent development of a block of flats in Linen Street and the Abbotsford."

Environmental Health : Recommend a contaminated land condition.

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) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

(DW) H1 - Level of New Housing Provision 1989-2001 (Warwick District Local Plan 1995)

HEAD OF PLANNING & ENGINEERING

This application only relates to part of the development site since only numbers 33 and 35 Saltisford are listed. The proposed alterations are minimal, in order to provide the dwellings, but an amendment has been negotiated to replace the existing concrete interlocking tiles on part of the building with reclaimed slate to match the existing.

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 drawings 1909.01, 02, 03, 04, and specification contained therein, received on 1st March 2004 (as amended by letter dated 1st April 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 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.
-

Planning Committee: 26 April 2004

Part 2 Item Number: 22

Application No: W20040389LB

Registration Date: 02/03/2004

Town/Parish Council: Leamington Spa

Expiry Date: 27/04/2004

Case Officer: Sarah Laythorpe

01926 456554 planning_east@warwickdc.gov.uk

13 Milverton Crescent, Leamington Spa, CV325NG

Replace existing window in basement with french doors and addition of window in first floor.

FOR Mr & Mrs P J Clements

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

CAAF: No objection to the first floor level window, however consider the French doors to have too strong a horizontal emphasis and a more simpler design would be appropriate.

1 Letter of objection on the grounds that these are important Grade II Listed Buildings and as such the proposed French doors would detract from the setting, character and appearance of the listed building.

RELEVANT POLICIES

(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) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

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

The application site relates to a Grade II Listed Building located within the Leamington Spa Conservation Area and forms part of a terrace of rendered three storey buildings. The proposal involves the creation of a window opening in the elevation fronting onto Strathearn Road, to match that at number 14 Milverton Crescent. There are no objections to this feature and as such I consider this to be acceptable.

It is proposed to replace the existing window in the basement (which serves a study) to French doors, in order to create an access to the garden area. The design of the doors is similar to those which were approved for the basement at number 14 Milverton Crescent in 2002 (ref: W2002151LB) and as such I do not consider there to be any harm to the Listed Building or the wider Conservation Area so as to justify a refusal decision.

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 No development shall be carried out on the site which is the subject of this permission, until large scale details of the proposed window (including a section showing the window reveal, heads and cill details), 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 satisfy Policy ENV11 of the Warwick District Local Plan 1995.

3 The door and window frames hereby permitted shall be constructed in timber, painted and not stained in a colour first agreed with the District Planning Authority. **REASON**: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.

Planning Committee: 26 April 2004

Part 2 Item Number: 23

Application No: W20040394

Town/Parish Council: Whinash

Registration Date: 03/03/2004
Expiry Date: 28/04/2004

Case Officer:

Sarah Laythorpe
01926 456554 planning_east@warwickdc.gov.uk

32 Coppice Road, Whinash, Leamington Spa, CV31 2JF
Erection of a single storey front and rear extension.
FOR Mr Cancilla

SUMMARY OF REPRESENTATIONS

Town Council: Further clarification on the boundary line is required.

2 Neighbour letters have been received which raise objection on grounds that the extension will have an unsightly visual effect and the overhang of the guttering.

RELEVANT POLICIES

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

HEAD OF PLANNING & ENGINEERING

The application site relates to a semi-detached dwelling located on the west side of Coppice Road and is similar in design and character as those surrounding it. There is an existing garage, utility and store running along the side of the property to the boundary and the application seeks to construct a pitched roof over this, wrapping around the front, over the porch area. To the rear, it is proposed to erect a single storey extension across the width of the property, marrying the roof slope into that which is proposed along the side of the property.

The scheme has addressed the Council's adopted Supplementary Planning Guidance on 'The 45° Guideline' and meets this criteria. I consider the design of the extension to be in keeping with the style of the property and I am satisfied that the proposal does not cause harm to neighbouring amenities or to wider visual amenity. Whilst I note the concerns of the neighbour with regards to the guttering, it is my understanding from the architect that notice has been served as this is a matter to be agreed by both parties.

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 plan number 2003/FMC/01 and specification contained therein, submitted on 3 March 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 ENV/3.

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 ENV/3 of the Warwick District Local Plan.

Planning Committee: 26 April 2004

Part 2 Item Number: 24

Application No: W20040396

Registration Date: 01/03/2004

Town/Parish Council: Offchurch

Expiry Date: 26/04/2004

Case Officer:

Alan Coleman
01926 456535 planning_east@warwickdc.gov.uk

Mill House, Offchurch Lane, Offchurch, Leamington Spa, CV33 9AB

Conversion and extension of garage.

FOR Mr & Mrs Wagstaff

SUMMARY OF REPRESENTATIONS

Parish Council: No objection

British Waterways: No objection

RELEVANT POLICIES

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)
DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
RAP1 - Development within Rural Areas (Warwick District 1996 - 2011 First Deposit Version)
RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The premises comprise a two-storey detached dwelling that stands towards the rear of the site that is in use as a poultry farm. The site is located within the Green Belt and occupies an area of approximately 2 hectares on the south-eastern side of Offchurch Lane on the southern outskirts of Offchurch. Planning permission for a two-storey extension that has been erected at the rear of the property was granted on 25th March 1975 under application W75/222. The planning history of the site also includes two applications for the erection of poultry sheds (WDC Ref: W20021336 and W20031502).

The proposal relates to the conversion and extension of the existing original linked detached garage. The garage itself would be converted to an office and boiler room/log store and the passageway alongside would be incorporated into the lounge. A pitched roof would be added above to provide an en-suite bathroom that would be served by a dormer window in the front roof slope.

Policy (DW) ENV1 of the Local Plan relates to development proposals within the Green Belt and allows for the limited extension of existing dwellings. In accordance with Policy (DW) H14 there is a presumption against extensions that would 'substantially alter the scale and character of a dwelling house in a rural area, or which would constitute substantially new development, ie which represent an increase of more than 50% of the floor area of the original dwelling'. The limited extension of dwellings in the Green Belt is also deemed as appropriate development by Policy DAP1 of the First Deposit Draft Local Plan, in accordance with Policy RAP3. Under the terms of this policy extensions will be permitted unless they result in disproportionate additions to the original dwelling which:- a) do not

respect the character of the original dwelling by retaining its visual dominance; b) do not retain the openness of the rural area by significantly extending the visual impression of built development, or; c) substantially alter the scale, design and character of the original dwelling. The supporting text to this policy states that whilst each case will be assessed on its merits, nevertheless as a guide extensions which represent an increase of more than 30% of the floor space of the original dwelling are likely to be considered disproportionate.

A report regarding the weight to be attached to policies of the First Deposit Draft was presented to this 'Committee on 9 December 2003. On a scale of 1 to 3 (with 1 = limited weight) a rating of 3 was given by Members to Policies DAP1 and RAP3.

The existing two-storey extension has an area of approximately 73 sq. m. which equates to 42% of the floor space of the original dwelling. The proposed development would have an area of approximately 12 sq. m. equating to approximately 8% of the floor space of the original dwelling. The combined area of the existing and proposed extensions would therefore equate to approximately 50% of the floor space of the original dwelling. In these terms the proposal would thereby comply with Policy (DW) ENV1 of the Local Plan but would exceed the guidance figure given in support Policy DAP1 of the First Deposit Draft Local Plan. However, when assessed in terms of its size, scale and design I consider it would be a modest extension, both in itself and incrementally, that would not unduly diminish the character, appearance and architectural integrity of the original dwellinghouse. For these reasons I do not consider the proposal would undermine the interests which the above policies seek to protect and would be acceptable in all other respects.

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 plans 4504/2/5 and 4504/2/3A and specification contained therein, submitted on 1 March 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 Draft.
 - 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 Draft.
-

Planning Committee: 26 April 2004

Part 2 Item Number: 25

Application No: W20040402LB

Registration Date: 03/03/2004

Town/Parish Council: Leamington Spa

Expiry Date: 28/04/2004

Case Officer: Joanne Fitzsimons
01926 456534 planning_east@warwickdc.gov.uk

Apartment 6, The Rock Mill, Rock Mill Lane, Leamington Spa, CV32 6AZ

Replacement of garage doors with glazed doors/panels, insertion of window in side elevation and installation of a retractable awning above balcony.

FOR Mr & Mrs Wild

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

Environment Agency: No objection.

1 Neighbour raises objection to the awning and the loss of appearance of the garage doors as they blend in with the architectural features of the building.

RELEVANT POLICIES

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

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

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

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application site relates to an apartment within a Grade II Listed Building which was converted in 1999 from a mill to form 7 residential units. The site is not within a Conservation Area. The proposal has been amended to remove the awning feature over the balcony at first floor as this was considered inappropriate on a Listed Building. This proposal was the subject of pre-application discussions with the council's Conservation Architect and following this guidance the scheme has been amended to alter the design of the glazed doors and panels to incorporate vertical wooden boarding which is more in keeping with the building.

Whilst I note the comments received from a neighbour, I am of the opinion that the alterations to the garage doors will not detract from the character or the appearance of this Listed Building so as to warrant a refusal.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT subject to the following conditions :

1 The 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 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, panels and reinstated window (including a section through showing the window reveal, heads and cill details) 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 satisfy Policy ENV11 of the Warwick District Local Plan 1995.

Planning Committee: 26 April 2004

Application No: W20040417

Town/Parish Council: Warwick

Part 2 Item Number: 26

Registration Date: 04/03/2004

Expiry Date: 29/04/2004

Case Officer:

Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

238 Myton Road, Warwick, CV34 6PT

Erection of 2 storey side and rear extensions and extension to roof.
FOR Mr & Mrs G Davies

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection.

Neighbours: One neighbour has the following concerns. The resulting building will be twice the size of the existing. Unless a 1m gap is provided to the boundary they will be unable to maintain their wall, there would be total loss of light to the side windows, and the flue should not discharge over their property. The increase in height is also not in keeping with surrounding properties and will cause loss of light to their garden, while the rear balcony would overlook their garden and result in loss of privacy.

RELEVANT POLICIES

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

HEAD OF PLANNING & ENGINEERING

It is proposed to erect a two storey side and rear extension, and a single storey rear extension to this detached dwelling with side garage. Both neighbouring detached properties have been extended at ground and first floor at the side and rear. The rear extensions comply with 45 degree guidelines from both neighbours, therefore, I do not consider that the rear extensions would have a severe impact on neighbouring amenity. The side extension has been set 0.7m off the side boundary at first floor with the neighbour at 240 in order to prevent the creation of a terracing effect, as the adjacent neighbour on this side has been set at least 1m off this side boundary at first floor. This neighbour has a first floor obscure glazed window into a shower room, and two ground floor windows and two glazed doors into a WC, utility room and garage that would be affected on this side of the dwelling.

I do not consider that it would be reasonable to refuse the application for building up to the side boundary at ground floor level as the existing garage is in this position. The gap of 0.7m at first floor level is considered reasonable given that the neighbour on this side has already provided a gap of at least 1 metre. The two storey side extension approved at the other neighbour at 236 has a gap of 0.8m off the applicants existing side wall (as built however they have provided 0.6m and this matter is currently being followed up by our Planning Enforcement team). In these circumstances, where a gap of 1.7m would be retained between 238 and 240, I do not consider that a terracing effect would result, and while a minimum of 1m to the boundary is normally requested, given the specific site circumstances it would be unreasonable to refuse this application for this reason alone. The

issue of property maintenance is not a matter that can be considered as a valid planning reason for refusal, while the discharge of the flue is an Environmental Health matter.

As the dwelling is detached, I do not consider it necessary to request that the roof of the extension be set down from the original, and as the whole dwelling is rendered, it is not necessary to set the extension back as there would not be a problem matching the bricks. There are a range of differently sized dwellings with various extensions along Myton Road, and I do not consider that the proposed alterations would result in a dwelling that would be seriously out of character with the area, or harmful to visual amenity. There would be some loss of light to the adjacent neighbour, but this would not be so substantial as to warrant refusal, given that the affected side windows are not to habitable rooms, where long periods of time would be spent. The rear balcony referred to is in fact a 'Juliet' style balcony (with safety railings across the face of the window) which could not be stood out on, therefore, I do not consider it would lead to a serious loss of privacy, subject to a condition that this could not be altered at any point in the future.

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 plan(s) 0379/01b, and specification contained therein, submitted on 14 April 2004 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 The railings to the 'Juliet' style balcony shown on the approved plans shall be retained as such at all times hereafter and not extended to include the flat roof adjacent.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission, shall be placed at any time in the side elevation of the extension. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected.

Planning Committee: 26 April 2004

Application No: W20040421

Town/Parish Council: Budbrooke

Case Officer: Will Charlton

01926 456528 planning_west@warwickdc.gov.uk

Part 2 Item Number: 27

Registration Date: 08/03/2004

Expiry Date: 03/05/2004

27 Cherry Lane, Hampton Magna, Warwick, CV35 8SL

Erection of a rear conservatory. FOR Mr Long

SUMMARY OF REPRESENTATIONS

Parish Council : No representation has been received to date.

Neighbours : The neighbour adjoining the property where the conservatory is proposed has written commenting that the proposal would be nearer the boundary line and the proposed clear windows will look directly into their lounge, thus affecting privacy and possibly creating noise nearer to their boundary and property.

RELEVANT POLICIES

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

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

HEAD OF PLANNING & ENGINEERING

It is proposed to erect a small conservatory measuring approximately 2.5 metres by 2.5 metres, 6.25 sq metres in floorspace with a maximum height of 3 metres. It would be positioned adjacent to an existing single storey rear extension and would be approximately 1 metre off the dividing boundary with No 29.

Whilst understanding the neighbours concerns that the proposal would be positioned adjacent to the dividing boundary, it is not considered that there would be an unreasonable affect on the privacy and amenities enjoyed by the neighbours. The entrance door into the conservatory would face to the rear, while only top opening windows are proposed on the side elevation. There is also a standard 1.8 metre high fence along the dividing boundary therefore obscuring most views from the proposed conservatory towards the neighbours lounge window, which itself is situated away from the boundary. It is therefore not considered that the potential for an increase in noise and overlooking would be sufficient to warrant refusal.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT subject to the following conditions :

- 1** The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.

2

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.

Planning Committee: 26 April 2004

Application No: W20040425

Town/Parish Council: Warwick

Part 2 Item Number: 28

Registration Date: 10/03/2004

Expiry Date: 05/05/2004

Case Officer: Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

Tournament Fields, Land off, Stratford Road, Warwick, CV34 6BS

Part submission under condition 2 of Outline planning permission W92/0291 for landscaping of lakes and access road (phase 2), FOR Severn Trent Property Ltd

SUMMARY OF REPRESENTATIONS

Warwick Town Council: no objection.
WCC(Highways) no objection received.
Warwick Society: object- oppose part submission as it is not possible to judge the effect of the combined proposals on the maintenance of the rural character on this approach to the town. Setting of the town could be damaged by traffic signs, street lights and industrial impedimenta.

RELEVANT POLICIES

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

HEAD OF PLANNING & ENGINEERING

The proposal is simply for the landscaping the first section of road to serve the new Tournament Fields development, and the adjoining lakes, which were formed by the mineral extraction. Outline planning permission for this was granted under permission W920291 by the Secretary of State in 2000. The landscaping would provide a very soft frontage to this major development area and is in accordance with the master plan prepared by Severn Trent Properties (in conjunction with council officers) and approved by the Committee in November 2002. The proposals include a tree-lined avenue along the main road into the site.

The proposals form a small part of the employment allocation in the South West Warwick development, and as such, have been anticipated for some years. I am therefore unable to agree with the comments of the Warwick Society. It is inevitable that the development will mean considerable change along this stretch of Stratford Road, but this site has been chosen through the local planning process and through the Secretary of State's decision on the outline planning application. A developer is entitled to make applications for part of the site and these must be judged on their merits. In this case the proposals are welcomed in that they will help to provide a comparatively 'green' approach to the town.

This application needs to be considered in conjunction with W20040454, which is for the road construction details of this same site.

REASON FOR RECOMMENDATION

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

RECOMMENDATION
GRANT.

Planning Committee: 26 April 2004

Part 2 Item Number: 29

Application No: W20040452

Registration Date: 12/03/2004

Town/Parish Council: Lapworth

Expiry Date: 07/05/2004

Case Officer: Will Charlton
01926 456528 planning_west@warwickdc.gov.uk

2 St Chads Cottage, Old Warwick Road, Lapworth, Solihull, B94 6LH
Erection of 2 storey side extension (amendment to p.p. W20031606).
FOR Mr F Molttram

SUMMARY OF REPRESENTATIONS

Parish Council : Object as "overdevelopment altering the scale and character of the original dwelling. It does not harmonise with its surroundings and this extension would present an unbalanced appearance with the other half of this semi-detached property."

Inland Waterways Association : No objections.

British Waterways : No objections.

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)
DP2 - Amenity (Warwick District Local Plan 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 property is one half of a pair of semi detached properties, with the other having been extended with an additional front gable set back from the main elements of the houses. Due to the substantial differences between the two halves of the semi detached property , the overall appearance is of one large house set in the centre of large gardens.

The proposed two-storey side extension would be set back from the main front elevation of the property by approximately 4 metres and 1.5 metres from the existing set back element, with the floor area constituting approximately 50% of the original property. Although this is greater than the proposed policy in the emerging local plan (1996-2011), it is in line with the policy of extending rural properties in the current local plan (April 1995).

Although the policy of the emerging local plan, states in the supporting information that extensions over 30% are likely to be disproportionate, it is considered that the proposal would not constitute overdevelopment. It is considered that the proposal does comply with the key objectives of the policy, as it respects the character of the original dwelling and retains the original scale and character of the property.

I cannot agree that the proposal would unbalance the appearance of the semi-detached properties, as the properties already appear unbalanced and this together with the proposal being set well back from the main front gable of the property means that the visual dominance of the existing property is retained.

As the property is located within the centre of Lapworth (Kingswood) and within the village envelope the proposal would not impact upon the openness of the surrounding Green Belt and Special Landscape Area and would not conflict with the objectives of Green Belt policy.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 800-315-2 R8B and 800-315-4 R2, and specification contained therein, submitted on 12 March 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.

Planning Committee: 26 April 2004

Application No: W20040454

Town/Parish Council: Warwick

Part 2 Item Number: 30

Registration Date: 10/03/2004

Expiry Date: 05/05/2004

Case Officer: Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

Tournament Fields, Land off, Stratford Road, Warwick, CV34 6BS

Part submission under condition 2 of Outline planning permission W92/0291 for phase 1 access. FOR Severn Trent Property Ltd

SUMMARY OF REPRESENTATIONS

Warwick Town Council: no objection.

WCC(Highways) no objection received.

Warwick Society: object- oppose part submission as it is not possible to judge the effect of the combined proposals in the maintenance of the rural character on this approach to the town. Setting of the town could be damaged by traffic signs, street lights and industrial impedimenta.

RELEVANT POLICIES

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

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

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

HEAD OF PLANNING & ENGINEERING

The proposal is simply for the first section of road to serve the new Tournament Fields development, outline planning permission for which was granted under permission W920291. This was granted by the Secretary of State in 2000. The road would be taken from a new roundabout on Stratford Road and would consist of a short section of road, with footpaths and an additional roundabout.

The proposals form a small part of the employment allocation in the South West Warwick development, and as such, have been anticipated for some years. I am therefore unable to agree with the comments of the Warwick Society. It is inevitable that the development will mean considerable change along this stretch of Stratford Road, but this site has been chosen through the local planning process and through the Secretary of State's decision on the outline planning application. A developer is entitled to make applications for part of the site and these must be judged on their merits.

This application needs to be considered in conjunction with W20040425, which is for the landscaping of part of this same site.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT subject to highway note.

Planning Committee: 26 April 2004

Application No: W20040469

Town/Parish Council: Kenilworth

Case Officer:

Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

Part 2 Item Number: 31

Registration Date: 12/03/2004

Expiry Date: 07/05/2004

24 Common Lane, Kenilworth, CV8 2ER
Erection of a rear conservatory.
FOR Mr & Mrs Nandra

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No comments received to date.

Neighbour: Object on the grounds of loss of day and sun light, and un-neighbourly visual impact from their patio and rear windows. In addition to the recently completed outbuilding this would be another eyesore in this garden, a much smaller conservatory with a considerably lower roof line may wish to be considered by the applicant, and a Councillors site visit would be welcomed. The garden boundaries run at an angle to the dwellings, so that the applicants garden is highly visible from the rear of their property. The shed on the plans appears to have been incorrectly drawn, and is in fact much closer to the proposal.

WDC Leisure and Amenities: 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)

The 45 Degree Guideline (Supplementary Planning Guidance)

HEAD OF PLANNING & ENGINEERING

The application property is a semi-detached dwelling, which has already been substantially extended at ground and first floor level, as has the adjoining neighbour. It is proposed to add a rear conservatory onto an existing single storey rear extension, which due to the orientation of the boundary would not breach a 45 degree guideline from the adjoining dwelling. The adjacent neighbour is set off 1m off the boundary and has a detached outhouse linked to that of the applicant lying between the house and the proposed conservatory. The conservatory would remain 1.5m off this boundary at the closest point.

The angle of the gardens means that the adjacent neighbour has better views of the applicants garden than if the boundaries ran in line with the dwellings. However, the extension does not extend any closer to the neighbour than the existing side wall of the house, a 45 degree guideline from this neighbour is not breached as the nearest rear window is to a non-habitable utility room, and the detached shed obscures most of the conservatory. The roof of the conservatory would be visible above the shed but as this is to be polycarbonate, set off the boundary, and pitched away from this neighbour, I do not consider there would be so substantial a loss of light or amenity as to warrant refusal in these circumstances. I am satisfied that the shed shown on the plans has been shown accurately, while planning permission would not be required to demolish this.

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 plan(s) 5069-01, and specification contained therein, submitted on 12 March 2004 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
-

Planning Committee: 26 April 2004

Part 2 Item Number: 32

Application No: W20040490

Registration Date: 15/03/2004

Town/Parish Council: Leamington Spa

Expiry Date: 10/05/2004

Case Officer:

Fiona Blundell
01926 456545 planning_east@warwickdc.gov.uk

36 Villiers Street, Leamington Spa, CV32 5YF

Erection of a two storey side extension.

FOR Mr & Mrs K Want

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

1 Neighbour objects on grounds of parking. The removal of the garage to allow for the extension will increase highway danger and pressure due to increased on-street parking.

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 forms one half of a pair of semi-detached properties similar in design and character as those which immediately surround it. The proposal seeks to erect a two storey side extension following the demolition of the existing garage. The design is such that it is set back from the front face of the building by 0.6m, set in from the boundary by 1m and set down from the original roof slope. Whilst I note the neighbour's concerns regarding the removal of the garage, I do not consider this to justify a refusal of permission as there will be sufficient space to park a vehicle in front of the proposed extension.

I am satisfied that the proposal will not cause any unreasonable harm to neighbouring amenities or to the wider street scene and meets the objectives of Policy (DW) ENV3 of the Warwick District Local Plan 1995 and the emerging Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 (first deposit version) which require all development proposals to achieve a high standard of design, having regard to the character of the surroundings, with no adverse impact on the amenity of nearby residents/uses.

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 plan and specification contained therein, submitted on 15 March 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.

Planning Committee: 26 April 2004

Application No: W20040561

Town/Parish Council: Budbrooke

Part 2 Item Number: 33

Registration Date: 22/03/2004

Expiry Date: 17/05/2004

Case Officer: Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

**Land Adjacent to Warwick Parkway Station, Old Budbrooke Road, Budbrooke,
Warwick, CV35 8RH**

Construction of temporary overflow car park adjacent to the existing overflow car park to
west of Budbrooke Road. FOR Chiltern Railways

SUMMARY OF REPRESENTATIONS

Budbrooke Parish Council: raise objection as there is no justification for the application and they would like this to be provided. The application is encroachment on green belt area. Inland Waterways Assoc: no objection, but suggest screening to canal boundary. WCC(Highways): no objection subject to condition ensuring highway is kept clean during construction and highway note. Ramblers' Association: no objection, subject to diversion of footpath and return of land to agriculture when permission expires.

RELEVANT POLICIES

(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) TR13 - Improvement of Car Parking Facilities at Rail Stations (Warwick District Local Plan 1995)
(DW) TR14 - Provision of Cycleways within New Development Areas (Warwick District Local Plan 1995)
(DW) TR12 - Provision of Additional Railway Stations (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)
(DW) ENV30 - Protection of Canal Corridors (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP3 - Natural Environment (Warwick District Local Plan 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

A temporary extension to the car park is proposed adjoining the existing car park on the western side of Budbrooke Road, between the railway line and the Grand Union Canal. The site, presently farmland, measures about 64m by 29m and would accommodate about 100 cars. Access would be formed from the existing car park and some additional lighting would be installed, using existing columns.

The car parks at Warwick Parkway have been successful and are often near capacity. Major works are due to be carried out on the West Coast Main Line over the next year which will result in its complete closure for periods of up to 9 days and during these periods the Birmingham Snow Hill to London Marylebone line will be the only rail connection between the two cities. Chiltern Railways anticipate being extremely busy during these periods (one

of which will coincide with the Motor Show) and want to have arrangements in place to make best use of their facilities to meet the increased demand.

The proposal is temporary for a period of 3 years and it is intended that the land will be returned to agriculture afterwards. The surfacing would be of a temporary nature, capable of removal and the topsoil would be stored by forming a low bund about 2m high, separating the car park from the adjoining farmland. The applicants are aware of the public footprint which will need to be diverted.

A car park is not one of the categories of development normally acceptable in the Green Belt, but given the close proximity to the existing station car park and the *very special circumstances* put forward by the applicants, I consider that the proposal is acceptable, although it will need to be treated as a departure from the development plan and referred to the Secretary of State.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above, or to be a departure from them which is justified by the *very special circumstances* put forward by the applicant.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 This permission shall be limited to a period of time expiring on 30 April 2007. At or before the expiration of the period specified in this permission, the land shall be restored to the former condition and use. **REASON** : The development hereby permitted is one which would not normally be permitted other than in the very special circumstances put forward by the applicants.

- 2 No development shall be carried out on the site which is the subject of this permission, until details of the surface finish of the car park 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. The form of surface finish shall be one which is capable of being fully removed when the use of the land as a car park is ceased. **REASON** : To protect the character and appearance of the Green Belt in accordance with policy ENV1 of the Warwick District Plan 1995.

- 3 The development shall be screened from the canal and from the immediately adjoining farmland by a hedge or shrubs, details of which shall previously have been 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. In the event of any failures or loss through damage, the screen planting shall be replaced at the next appropriate season. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 4 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved plan, number WARWICK-P-01/2reva, and specification contained therein, submitted on 22 March 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.

5

The development hereby permitted shall not commence or continue until and unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of construction vehicles using the site and to clean the public highway of such material, all in accordance with details which have been approved in writing by the District Planning Authority. **REASON:** In the interests of highway safety, in accordance with policy ENV3 of the Warwick District Local Plan, 1995.

Planning Committee: 26 April 2004

Part 2 Item Number: 34

Application No: W20040564

Registration Date: 25/03/2004

Town/Parish Council: Warwick

Expiry Date: 20/05/2004

Case Officer:

Will Charlton
01926 456528 planning_west@warwickdc.gov.uk

54 All Saints Road, Warwick, CV34 5NN

Erection of single storey rear extension, after demolition of existing conservatory and erection of 2 storey side extension.

FOR Mr D Saul

SUMMARY OF REPRESENTATIONS

Town Council : No representation has been received to date.

Neighbours : The adjoining neighbour has objected to the proposed rear extension as it would block out light to the lounge at the rear of the property and would not match the existing roof or building line of their extension. Objection is also raised regarding the potential impact upon the stability of the houses and their rear extension.

RELEVANT POLICIES

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

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

HEAD OF PLANNING & ENGINEERING

The application property is the right hand of a pair of semi detached houses and currently has a rear lean-to style conservatory. The proposed rear single storey extension would protrude 0.8 metres into the rear garden beyond the attached neighbours existing extension. This therefore would result in the two rear extensions having a different roof line, which would not run flush between the properties. It is considered that this difference would be relatively minor and would not be so detrimental to the appearance of the properties as to warrant refusal.

The proposed rear extension protrudes past the neighbours extension, which has a rear oriel bay window. This would therefore mean that the protruding element, where above the existing 6 foot fence / trellis would be visible from the neighbours rear bay window. However, the extension complies with the Council's adopted 45 degree code and would in my opinion have a limited adverse impact upon the amount of light entering the window. Whilst being visible above the fence line it, is not considered that this would unreasonably impact upon the amenities enjoyed by the neighbouring residents.

The proposed side extension would provide alternative access to the existing loft conversion, thereby allowing the existing staircase to be removed and the bedroom enlarged. The side extension is set off the boundary by 1 metre, thereby not potentially creating a terrace and would be set back from the front elevation by over 2 metres. This 1.1 metre side extension would therefore appear as very much a subservient element to the pair of semi detached houses and would retain the original house as the dominant element, whilst also retaining the character of the property and the street scene.

The comments regarding the potential impact upon the stability of both houses and the rear extension of No 56 is not a planning consideration as it is covered by Building Regulations and The Party Wall Act, and as such cannot be considered as a reason for refusal.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT subject to the following conditions and no further objections being received (Site Notice expires 27.04.04) :

- 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 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.
-

WARWICK DISTRICT COUNCIL

TO: PLANNING COMMITTEE - 26TH APRIL 2004

SUBJECT: DEVELOPMENT CONTROL STATISTICS FOR OCT-DEC 2003

FROM: HEAD OF PLANNING AND ENGINEERING

1. Notification has been received from the ODPM of the Development Control Statistics for the above quarter.
2. The figures for Warwick District and the remaining Warwickshire Districts are attached.

JOHN ARCHER

HEAD OF PLANNING AND ENGINEERING

These statistics are available online at the following address:

<http://www.planning.odpm.gov.uk/stats.htm>

Summary by Main Classes of Development

West Midlands

Name of County area	Local Planning Authority	Class of Development	Applications on hand at start and end of quarter		Applications received in	Total	Applications granted		Decisions within 8		Decisions within 13	
			Start	End	Quarter	in Quarter	in Quarter	Number	Percent	Number	Percent	Number
Worcestershire	Rugby	Major Development				8	8	100	0	0	1	13
	Minor Development				61	53	87	38	62	49	80	
	Other Development				161	147	92	134	83	153	95	
	All Classes	303	355	287	230	208	91	172	75	203	88	
	Stratford-on-Avon	Major Development				17	11	65	4	24	7	41
	Minor Development				100	73	73	56	56	76	76	
	Other Development				477	393	89	362	76	425	89	
	All Classes	692	671	644	594	477	85	422	71	508	86	
	Warwick	Major Development				8	5	63	1	13	5	63
	Minor Development				79	63	80	47	59	64	81	
	Other Development				331	257	81	248	75	300	91	
	All Classes	293	234	397	418	325	80	296	71	369	88	
	Bromsgrove	Major Development				8	6	75	1	13	3	38
	Minor Development				77	48	62	35	45	51	66	
	Other Development				239	176	81	198	83	229	96	
	All Classes	320	299	331	324	230	76	234	72	283	87	
	Redditch	Major Development										
	Minor Development											
	Other Development											
	All Classes			No PS1 return				No PS2 return				
Worcester	Major Development				6	6	100	2	33	6	100	
Minor Development					43	37	86	41	95	42	98	
Other Development					146	136	93	144	99	146	100	
All Classes	82	91	215	195	179	92	187	96	194	99		

* Number and percentages granted based on rows 1-17 of PS2 form.

* Figures marked '+' are for applications outside National Park only.

Summary by Main Classes of Development

West Midlands

Name of County area	Local Planning Authority	Class of Development	Applications on hand at start and end of quarter		Applications received in	Total decisions	Applications granted		Decisions within 8 weeks		Decisions within 13 weeks	
			Start	End	Quarter Number	in Quarter Number	in Quarter Number	Percent	Number	Percent	Number	Percent
Warwickshire	South Staffordshire											
		Major Development				2	2	100	1	50	1	50
		Minor Development				74	62	84	28	38	49	66
		Other Development				240	211	91	104	43	204	85
		All Classes	629	661	361	316	275	90	133	42	254	80
	Staffordshire Moorlands +											
		Major Development				4	3	75	0	0	2	50
		Minor Development				91	62	68	59	65	76	84
		Other Development				198	168	86	159	80	182	92
		All Classes	377	562	486	293	233	80	218	74	260	89
	Tamworth											
		Major Development				2	1	50	1	50	1	50
		Minor Development				27	21	78	20	74	25	93
		Other Development				181	166	94	167	92	177	98
		All Classes	131	105	191	210	188	91	188	90	203	97
	Stoke on Trent UA											
		Major Development				13	12	92	1	8	8	62
		Minor Development				52	46	88	33	63	45	87
		Other Development				286	221	91	247	86	273	95
		All Classes	457	457	365	351	279	91	281	80	326	93
	North Warwickshire											
		Major Development				1	1	100	1	100	1	100
		Minor Development				50	40	80	35	70	47	94
		Other Development				135	115	88	120	89	129	96
	All Classes	160	117	175	186	156	86	156	84	177	95	
Nuneaton and Bedworth												
	Major Development				11	5	45	1	9	3	27	
	Minor Development				50	41	82	25	50	36	72	
	Other Development				167	134	85	105	63	140	84	
	All Classes	218	206	219	228	180	82	131	57	179	79	

* Number and percentages granted based on rows 1-17 of PS2 form.

* Figures marked '+' are for applications outside National Park only.