

**Planning Committee:** 14 December 2005

**Item Number:** 02

**Application No:** W 05 / 1513

**Registration Date:** 08/09/05

**Town/Parish Council:** Warwick

**Expiry Date:** 03/11/05

**Case Officer:** Steven Wallsgrove

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**4 Church Street, Warwick, CV34 4AB**

Installation of 2no galvanised steel ducts to flat roof, 2no satellite dishes to rear wings and 3no. air conditioning condenser units to rear wing (retrospective application)  
FOR Stanley Racing

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This application was deferred (in part) at the last meeting to investigate whether there are other ways of receiving the signal for the betting office. For the sake of completeness, the whole of the previous report is given below. (NB. Since only part of the decision was made, no decision notice has been issued.)

This application is being presented to Committee due to an objection from the Town Council and need for enforcement action.

**SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Objection. *"The dishes are situated above the roofline on this Listed Building and the town centre conservation area and the Town Council considers that in this location the connection should be by cable. The Air conditioning units will also present a loss of amenity by reason of noise if operating other than normal office hours, i.e. 9.00am - 5.00pm Monday to Friday".*

**Neighbours:** Objections have been received by/on behalf of two residents who object to the noise from the steel ducts and the air conditioning equipment and the visual appearance of the satellite dishes. They both refer to cable having been provided in the street. One of the residents recommends a timing device on the air conditioning units.

**The Warwick Society:** Objection. *"We wish to object to the proposed locating of satellite dishes above the roof line on a listed building in the conservation area. We are also concerned over the noise nuisance and heat dissipation arising from the proposed air conditioning units operating in a confined yard".*

**Environmental Health:** *"Having experienced significant intrusion at the neighbouring property from air movement plant situated at 4 Church St, I believe that protecting the amenity of neighbours from these installations may be very difficult to achieve. In view of this I recommend the applicant be required to submit a noise insulation scheme designed to protect residential amenity from annoyance and disturbance from noise emissions due to the operation of any and all combinations of plant associated with this application".*

**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)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
- DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)
- (DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

## **PLANNING HISTORY**

The premises have been used as a betting office on the ground floor since 1961, with planning permission being given for offices above in 1987. Alterations and a rear extension were approved in 1991.

## **KEY ISSUES**

### **The Site and its Location**

The property lies on the east side of Church Street in a generally commercial area with only limited residential accommodation on some of the upper floors. It is a listed building and lies in the Conservation Area.

### **Details of the Development**

The works that have been carried out are in two parts, namely the installation of 2 satellite dishes on the single storey rear outbuildings, and the installation of 3 air conditioning units and two inlet/outlet ducts through the rooflight, all on the single storey rear outbuildings.

### **Assessment**

The principal issues in this case are the impact of the fittings on the character of the listed building and their impact on the amenities of local residents.

In the case of their visual impact, they are all temporary structures and are sited where they are not generally visible to the public and have limited impact on the character of the listed building due to their hidden location in a walled yard at the back of the building.

In the case of the satellite dishes, these have become an essential part of any betting office operation as they use an independent, dedicated, system not available by normal cable installation, a situation now confirmed by the agent. It is considered, therefore, that to grant a temporary consent for them would not be unreasonable.

The air conditioning equipment, however, has other problems, namely noise generation, and this is where Environmental Health have concerns. Some of the problems could be minimised by a time restriction but others, apparently, may be difficult to resolve. It is considered, therefore, that this element should be refused, with action continuing to be taken by Environmental Health (and supported by Planning Enforcement) to either have the equipment removed or altered/replaced if the problems can be resolved. If this is the case, a further application would then need to be submitted for separate consideration.

## **RECOMMENDATION**

**(A) GRANT** planning permission for the installation of two satellite dishes subject to the below conditions.

(1) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing, and specification contained therein, submitted on 8th September 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

(2) This permission shall be limited to a period of time expiring on 31st October 2010 or on the cessation of use of the property by Stanley Racing, whichever is the sooner. At or before the expiration of this period or cessation of use the equipment shall be removed and the building restored to its former condition. **REASON:** Since permission would not normally be given except under the special circumstances of this case.

**(B) REFUSE** planning permission for the installation of three air conditioning units and inlet/outlet ducts for the below reason.

(1) Policy (DW) ENV3 of the Warwick District Local Plan and emerging policy DP1 of the first deposit version of the Local Plan (1996-2011) requires all development proposals to harmonise with their surroundings in terms of design and land use. In the opinion of the District Planning Authority, the equipment constitutes an unneighbourly form of development in relation to the adjoining property/properties by reason of the impact of the noise generated on the residential amenities of the nearby residents.

**(C) AUTHORISE** enforcement action to have the equipment removed if an acceptable alternative scheme is not submitted within 2 months.

## **INFORMATIVES**

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

Part of the development would not have an unreasonable affect on the listed building, or nearby residents, and would therefore be in accordance with the policies of the Development Plan, while the other part does have an unacceptable impact on residents and to grant consent for this part would be contrary to policy.

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