

**Planning Committee:** 11 October 2005

**Item Number:** 18

**Application No:** W 05 / 1489

**Registration Date:** 02/09/05

**Town/Parish Council:** Cubbington

**Expiry Date:** 28/10/05

**Case Officer:** Joanne Fitzsimons

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**83 Rugby Road, Cubbington, Leamington Spa, CV32 7JH**

Proposed demolition and rebuilding of workshop (Class B1). FOR Mr M Hope

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This application is being presented to Committee due to an objection from the Parish Council having been received.

**SUMMARY OF REPRESENTATIONS**

**Parish Council:** Object on grounds that: (a) the development would be entirely inappropriate in a residential area; (b) the site is located at a very busy junction and would create traffic hazards; (c) the development would be excessive for a site of this size; and (d) the development would have an adverse effect on the adjoining bungalow in Kenilworth Road through loss of light.

**Environmental Health:** To be reported in the addendum.

**WCC Highways:** The existing vehicular access serving the site would not meet current highway safety standard for new development. However if the planning application for a replacement workshop and future use does not generate additional traffic, it is unlikely this Authority would have highway objections to the scheme. If the future use of the site, post development, resulted in additional traffic movements a revised access position would be a requirement.

**3 Neighbours:** Object on grounds that the new building is on the same line as the existing to the front and as such cars will still park dangerously on the kerb; no drainage for the building; represents a nuisance and appears a 'back door' attempt to build a house; no parking facilities. The plan is not accurate as workshop 1 which is shown as existing has already been demolished. The building is closer to no. 2 Kenilworth Road and would block out light and is higher than the existing building. Furthermore the proposal would cause hazards to both pedestrians and other road users and request that its use is restricted to non-manufacturing purposes with limits on number of hours per day and days per week.

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

## **PLANNING HISTORY**

Whilst the site has had a checkered planning history, the established use falls within Class B1 (Business). Since November 2003 the site has been used for the sale of goods to members of the public with no manufacturing of stone products although some of these items were for sale. No planning permission exists for this Class A1 (retail) use although I believe there was some ancillary retail associated with the previous stone masonry use. Prior to the stone products the known previous use was associated with the service and repair of lawn mowers, but there is no planning record or specific planning permission relating to this use. This use would fall within Class B1 within the Town and Country Planning (Use Classes) Order 1987.

The site is currently used for the following:

- manufacture and sale of signs 'Cubbington Signs'
- retail of plants
- retail of trailers, mowers, quad bikes 'Cubbington Trailers'
- retail of cars
- garden maintenance service 'Garden Budget'

The above uses do not benefit from planning permission but are addressed below.

## **KEY ISSUES**

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

The site is located on the corner of Rugby Road, near to the roundabout junction with Kenilworth Road and Windmill Lane. The site comprises of two buildings, (originally 3, however one was demolished earlier this year) one larger one (known as workshop 3) measuring 50 sq.m and sited 6.6 metres back from the highway and a smaller one (known as workshop 2) measuring 15 sq.m which is located close to the boundary with No. 85 Rugby Road.

The area is predominantly residential with a petrol station on the opposite corner of Kenilworth Road/Rugby Road. No. 85 Rugby Road has recently been granted planning permission to erect a two storey side extension (ref:W04/1874) which is currently under construction.

### **Details of the Development**

The proposal relates to the demolition and the rebuilding of workshop 3 to the front of the site which is presently constructed of brick, corrugated iron and plain tiles. The proposed building measures 58 sq.m together with 24 sq.m on the first floor, creating a total of 82 sq.m floor area. The building 'line' to the

front (Rugby Road) is largely on the same footprint, however to the rear it would be nearer to No. 2 Kenilworth Road, reducing the gap from 4 metres to 2.2 metres.

## **Assessment**

The design of the building is such that it would be 0.5 metres higher than the existing (total height 5.4 metres) incorporating two roof lights in the front roof slope and a first floor window in the gable fronting Rugby Road. There are no first floor side or rear windows where it would share a boundary with No. 2 Kenilworth Road or No. 85 Rugby Road. The applicant argues that the difference in floor area (which is 32 sq.m) is minimal and takes into account the demolished floor area of workshop 1 (15 sq.m)

In terms of land use, the implementation of this scheme would result in a specific use for the site falling within the remit of Class B1 of the Use Classes Order and would also remove the retail activity. I consider the addition of a condition to restrict outside storage and ancillary sales to be appropriate and enforceable in these circumstances.

Whilst I am mindful of the objections received, I consider the replacement building to represent an improvement for the site in visual terms removing the storage from the frontage. In terms of traffic effects, I note that the Highway Authority do not raise objection to the proposals and I am of the view that the increase in floorspace from 65 sq.m to 82 sq.m is unlikely to result in significant additional traffic generation. The proposals also have some benefit in that the applicant has indicated that the demolition of workshop 1 allows the parking of up 3 cars with one of these spaces large enough for a van together with the provision to allow a vehicle to enter and leave in a forward gear. The frontage is not highway land and therefore this area is adequate for delivery vehicles.

No. 2 Kenilworth Road has a side dormer window which faces the application site. Whilst I note their concern about an increase in height, I am of the view that an additional 0.5 metres would not unreasonably harm their outlook or amenity to justify a refusal on these grounds.

## **Enforcement Action**

Given that the site has been the subject of an ongoing enforcement investigation and that the applicant/owner has been given until 7 October 2005 to comply with the request to cease the unauthorized activities (see list in planning history) I consider it to be appropriate in this instance to begin enforcement proceedings after this date to ensure that the site is used for Class B1.

## **REASON FOR RECOMMENDATION**

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

## **RECOMMENDATION**

1. GRANT subject to the following conditions and
2. AUTHORISE enforcement action to secure the cessation of the uses as listed above.

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 2005-1239-3 and 2005-1239-4a and specification contained therein, submitted on 2 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.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 No materials, plant or equipment of any description including skips or containers, shall be stacked, stored, deposited or displayed for sale on any open area of the site. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

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