

Planning Committee: 23 May 2006

Item Number: 12

Application No: W 06 / 0509

Registration Date: 07/04/06

Town/Parish Council: Warwick

Expiry Date: 02/06/06

Case Officer: Steven Wallsgrove

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19 Church Street, Warwick, CV34 4AB

Installation of eight air conditioning units FOR DCA Design Int. Ltd

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

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objects (no reason given).

CAAF: Considers hours of use should be conditioned, request clarification on when temperature demands require plant to be running, and consider main issue is noise pollution and nuisance to neighbours.

Warwick Society: Are concerned about confinement of units in a restricted space which may lead to amplification of the noise and recommend conditions and monitoring.

Environmental Health: Recommend noise and working hours conditions.

Neighbours: One neighbour (17 Church Street) objects due to noise, and points out that one unit already exists.

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

PLANNING HISTORY

The property has been used as offices for many years, with various applications for alterations and extensions. Consent was given for conversion into residential under W2002/1631 (decision notice only issued recently due to delays in S106 Agreement). There have been two previous proposals for multiple air conditioning units, one being withdrawn and the other refused on grounds of impact on neighbouring property and harm to the character of the listed building. On the refused application, some of the units were mounted on the wall of the listed building.

KEY ISSUES

The Site and its Location

The property lies in a mixed use area with offices on one side and a dwelling on the other. The complex has vehicle access off Swan Street and lies in the Conservation Area. The part of the property fronting Church Street is a listed building.

Details of the Development

The proposal is to install 4 air conditioning units on the ground in a narrow side yard adjoining 21 Church Street, 3 units on a flat roof behind a brick screen wall adjoining 17 Church Street and one unit on a flat roof towards the Swan Street end of the property. The units are relatively small and are described in the literature as being "extremely quiet in operation both indoors and outdoors".

Assessment

The principal issues are the impact on the neighbours and on the Listed Building.

In the case of the neighbours, only one is in residential occupation and the units would be free-standing on the first floor flat roof and would be screened from the neighbours garden by an existing screen wall. It is considered that the impact on their amenities would be small and would be minimised by restricting their hours of use to 8.00 a.m. to 6.00 p.m. Monday to Friday, as specified by the applicant in an explanatory statement and also by imposing the noise level condition required by Environmental Health.

The impact on the Listed Building is considered in the related application W06/0511LB.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 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 level of noise from the air conditioning units measured one metre from boundary with 17 Church Street shall not increase the background level. **REASON** : To protect the amenity of the occupiers of nearby properties and

guard against a creeping background level.

- 3 None of the air conditioning units shall be operated on the premises between the hours of 6.00 p.m. and 8.00 a.m. on Monday to Friday (inclusive) and not at any time on Saturdays, Sundays, or Bank Holidays. **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 be carried out strictly in accordance with the details shown on the approved drawing, and specification contained therein, received on 27th March 2006 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.

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:

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of noise or visual impact which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.
