

Planning Committee: 23 November 2005

Item Number: 02

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

This application is being presented to Committee due to an objection from the Parish Council having been received and was deferred at the last meeting on 11 October 2005 for comments from Environmental Health and clarification from Highways. In the addendum to that meeting there was a neighbour letter concerning the land ownership to the front of the building and drainage. The report which follows includes these requested items.

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. (Original Plans)

Environmental Health: No comment to make on this application as the site already has permission for B1 use and the amenity of adjacent residential properties is already protected.

WCC Highways: (Original Plans) The application as proposed would be likely to generate additional traffic movements. Access to the site is informal with drivers both entering the yard and crossing the footway to park on land between the back of the footway and workshop. Recommend refusal as it would interrupt free flow traffic where drivers are exiting the roundabout which is a source of danger and is detrimental to highway safety.

However, if the application were amended which located sole access to the site at the north eastern extremity of the site there would be no highway objections subject to the following:

- turning within the site to enable drivers to enter and leave the highway in a forward direction,
- apart from the dropped crossing to serve the access, the kerb to be at full height along the frontage of the application.

WCC Ecology: Bat notes.

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. The land between the highway and the workshop does not appear to be in the applicant's ownership.

Applicant's solicitor: The gravel area between the building and the kerb is not registered and therefore no other person who cannot demonstrate ownership of the land has the right to object to the applicant exercising a right of way over it with or without vehicles.

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 chequered 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. The amended proposal now includes the demolition of workshop 2.

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.

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. The applicant has indicated that a new connection will be made from the building to the sewer in Rugby Road.

In terms of traffic effects, as amended, I consider the proposal to address the original objections from Highways as there is now one access on the north eastern boundary and the plans provide adequate turning space to enable vehicles to enter and leave the site in a forward gear. As such, I am of the opinion that from a highway point of view the application is acceptable.

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.

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 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 2005-1239-3a and 2005-1239-4a and specification contained therein, submitted on 2 September 2005 and 1 November 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.
- 5 The development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so that vehicles are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 6 Prior to the first occupation of the building hereby permitted, the kerb shall be reinstated in accordance with drawing number 2005-1239-3a deposited with the District Planning Authority on 1 November 2005. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
