

Application No: W 10 / 0107

Registration Date: 02/02/10
Whitnash

Town/Parish Council:

Case Officer: Rob Young
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Land to the rear of, 427 - 433 Tachbrook Road, Whitnash, Leamington Spa, CV31 3DQ

Erection of two additional semi-detached dwellings together with associated garages, car parking and landscaping (making 10 new dwellings in total) FOR Castle Homes of Warwick Ltd

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

SUMMARY OF REPRESENTATIONS

Town Council: Object. Inappropriate development by reason of increase in traffic, overshadowing of neighbouring properties and because the development would be unsightly.

Public response: One neighbour has objected to the proposals on the following grounds:

- traffic in the area at peak school and work times;
- the site is virtually on a very busy crossroads;
- wear and tear on roads from the additional traffic - who will pay for this?;
- schools are already struggling to meet local resident's needs;
- impact on GP services, dentists, hospitals, police & fire services;
- the Council should consider areas where there are vacant commercial buildings; and
- brownfield sites should be used.

One neighbour has submitted comments requesting that the proposals include parking access for existing residents in Heathcote Road.

WCC (Highways): have indicated no objections, subject to conditions, with their formal written response awaited.

WCC (Ecology): The site has no nature conservation designation. No records of protected species within application site. Records of protected species, namely great crested newts and common frog, in the surrounding area.

It appears from aerial photography that the proposal will impact on an existing unused garden area with mature trees and shrubs. I note that a number of existing trees are to be removed as part of the proposals. Trees and shrubs are likely to provide suitable habitat for a range of species, including nesting birds and possibly bats. I therefore recommend that any removal of trees is carried out outside the bird nesting season where possible. Where this is not feasible, trees should be checked by a suitably qualified ecologist immediately prior to removal. Also, any mature trees with suitable bat roosting opportunities (e.g. rot-holes, cracks, fissures, split limbs, loose or peeling bark or dense ivy cover) should be assessed for bats prior to any works commencing.

Also, the site could provide suitable terrestrial habitat for great crested newts and other species of reptile and amphibian. We have two great crested newt records in the surrounding area (although one record is from 1985). There doesn't appear to be a pond on site, therefore great crested newts are unlikely to be breeding on site. However, they may use the site for foraging or shelter and their presence can't be ruled out. I therefore recommend that a note relating to great crested newts is attached to any approval granted. If great crested newts are found on site at any point prior to or during works, work should stop immediately and the Ecology Unit or Natural England should be consulted on the best way to proceed.

I welcome the proposal to plant up the southern boundary with native deciduous trees and shrubs, and recommend that new planting uses locally sourced native species where possible, which will help prevent a net loss of biodiversity as a result of the development.

Also, please note that in my response for W08/0481 I recommended that a pre-determinative bat survey was carried out on the existing buildings to be demolished.

Cultural Services (Trees): No objection, subject to the tree protection in the tree report.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

PLANNING HISTORY

There is no planning history relating to the application site, but there have been previous planning applications relating to the adjacent builders yard site and the rear part of the garden to No. 431 Tachbrook Road, as detailed below.

In 2005 planning permission was granted for "Erection of a block of 6 terraced houses with access road and car parking after demolition of No. 427 and existing buildings" (Ref. W05/1008). This related to the builders yard site.

In 2008 planning permission was granted for "Proposed demolition of builders merchants and office premises and erection of six dwellings with five garages and associated road access" (Ref. W08/0481). This related to the builders yard site.

In 2009 planning permission was granted for "Erection of two additional semi-detached dwellings together with associated garages, car parking and landscaping" (Ref. W09/0555). This related to the rear part of the garden to No. 431 Tachbrook Road.

There have been a number of other previous planning applications relating to the former use of the builders yard and associated buildings, but none of these are relevant to the consideration of the current proposals.

KEY ISSUES

The Site and its Location

The site comprises the rear part of the garden of the dwelling at No. 433 Tachbrook Road. This is intended to form an enlargement of the adjacent former building supplies yard site, which has already been enlarged once by incorporating the rear part of the garden to No. 431 Tachbrook Road. The builders yard site has a frontage to Tachbrook Road and is presently occupied by a two storey building on the site frontage with outbuildings to the rear.

The site formerly comprised a building supplies yard with ancillary offices and retail display area. The rear of the builders yard site has now been largely cleared and surface material has been removed off the site. The current application site is fenced off from the larger site and remains laid out as a garden.

The enlarged site (including the current application site) extends to the rear of properties fronting onto Tachbrook Road, Heathcote Road and St. Catherines Crescent. To the rear (east) of the site is a footpath/accessway which links Heathcote Road to St. Catherines Crescent, beyond which are rear gardens of properties fronting Landor Road. To the south of the site are the rear gardens of dwellings in St. Catherine's Crescent. There are a number of trees on the application site.

Details of the Development

The application proposes the erection of 2 additional dwellings and a block of 2 garages that would sit alongside the residential development that has previously been approved on the site of No. 427 Tachbrook Road and the rear garden of No. 431 Tachbrook Road. The additional dwellings would be 4 bedroom, semi-detached dwellings of a similar design to those previously approved. Vehicular access would be provided from Tachbrook Road through the approved development, and each dwelling would be provided with 2 parking spaces and a garage. The proposed dwellings would back onto the public footpath that runs along the rear of the site.

Assessment

The main issues relevant to the consideration of this application are as follows:

- the principle of permitting residential development on this site;
- the impact on the living conditions of neighbouring dwellings;
- the living conditions of future occupants;
- the impact on the character and appearance of the area;

- highway safety; and
- affordable housing.

The principle of permitting residential development on this site

I am satisfied that the construction of new dwellings on this site would be acceptable in principle. The site comprises previously developed land within the urban area and therefore it is an appropriate site for new residential development, in accordance with Local Plan Policy UAP1. The planning permissions that were granted for the adjoining site have established the principle of permitting residential development in this backland location.

Impact on the living conditions of neighbouring dwellings

I note the concerns of the Town Council, but in view of the separation distances that would be achieved, I do not consider that the proposals would have a significant impact on the living conditions of neighbouring dwellings. The separation distances between the dwellings now proposed and the existing dwellings adjacent to the site would be well in excess of the minimum standards set out in the Council's Supplementary Planning Guidance on Distance Separation. Therefore, I am satisfied that the proposals would not cause undue loss of light, loss of outlook or loss of privacy for neighbours.

Living conditions of future occupants

I am satisfied that the proposals would provide a satisfactory living environment for future occupants of the proposed dwellings. The proposals include rear pedestrian access to each dwelling so that bins could be stored in the rear gardens. A land contamination report was submitted in relation to one of the previous applications for the development of the adjacent site, which was last used as a builders yard. The current application site is garden land and therefore I do not consider that there are any further contamination issues for the current proposals.

Impact on the character and appearance of the area

I am satisfied that the proposals would have an acceptable impact on the character and appearance of the area. The design of the additional dwellings now proposed would be in keeping with the design of the approved dwellings. I note that the Town Council is concerned that the development would be unsightly, but the two dwellings that are now proposed would not be visible in the street scene.

Highway safety

The final comments of the Highway Authority will be included in the addendum report to Committee. I note that the Highway Authority did not object to the previous proposals for residential development. The proposals include adequate parking facilities, with 2 parking spaces and a garage for each of the proposed dwellings.

I note the concerns of the Town Council and the neighbour regarding increased traffic from the development. However, I do not consider that the erection of 2 additional dwellings in this location would result in a material increase in traffic on surrounding roads.

Affordable housing

Whilst the current proposals are for the erection of 2 dwellings, when combined with the previous planning permissions on the adjacent site this would form a larger site of 10 dwellings. This would be above the minimum threshold that would normally trigger a requirement for affordable housing in accordance with Local Plan Policy SC11. However, in this case, the current application site is in separate ownership to the adjacent site where planning permission was previously granted. A fence separates the current application site from that adjacent site. Therefore, taking into account the advice in Paragraph 5.4 of the Council's Affordable Housing SPD, I am satisfied that it would not be appropriate to require affordable housing in this case because these represent 2 distinct sites in different ownerships.

Other matters

With regard to the comments of the County Ecologist, a bat survey was carried out in May 2007 in relation to a previous planning application on this site. That found no evidence of bats and indeed a number of outbuildings have as a consequence already been demolished. The only building on the current application site is a garden shed, although there are also some trees that may provide habitat for bats. Therefore I consider that it would be appropriate to repeat Condition 9 of planning permission no. W08/0481 to require the submission of a scheme to encourage bats in this locality.

The applicant has confirmed that a sustainable drainage scheme will be implemented for the site. A condition is recommended to require the submission of details.

The proposed dwellings would each be provided with a solar panel to meet at least 10% of the predicted energy requirements of the development. A condition is recommended to ensure that these are installed.

The proposals would involve the removal of a number of existing trees and shrubs from the site. None of these are worthy of retention and there has been no objection from the Council's arboricultural officer. Therefore, I am satisfied that the proposals would be acceptable in this respect, subject to a condition to require the submission of a landscaping scheme to secure replacement planting. An arboricultural report has been submitted which contains proposals for the protection of retained trees during construction. A condition is recommended to require these protection measures to be implemented.

I note the concerns of the neighbour regarding the impact on local services. However, I do not consider that the erection of 2 additional dwellings in this established urban location would have a material impact on the capacity of local services.

With regard to the request for parking access to be provided for the adjacent dwellings in Heathcote Road, it would not be reasonable to require such private access as part of this planning application. The proposals would not impact upon the existing access arrangements for those dwellings.

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 development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 1012-04B, 05, 17B and 32, and specification contained therein, submitted on 2 February 2010, 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Notwithstanding the details contained in the submitted application, the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety.
- 5 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 development to a high standard of design and appearance in accordance with the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 6 A landscaping scheme, incorporating boundary treatment, 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 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, the tree protection measures specified in the Higginson Associates report submitted on 2 February 2010 shall be implemented in strict accordance with the approved details. Such protection measures 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 7 No vehicular access shall be formed at any time to the land to the east of the site and before any dwelling hereby permitted is first occupied, all existing vehicular accesses onto this land shall be closed in accordance with a scheme first submitted to and approved in writing by the District Planning Authority. **REASON** : In the interests of pedestrian and highway safety in accordance with the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 8 No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 9 Before any dwelling hereby permitted is first occupied, a scheme to encourage the use of this site by bats shall be submitted to and be approved in writing by the District Planning Authority. Such scheme shall be fully implemented before any dwelling is first occupied and shall thereafter be retained as approved at all times. **REASON** : To protect the biodiversity of this site in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 10 In the event that during the construction or ground works associated with the development hereby permitted any toxic or other noxious materials are encountered, details of these materials and a scheme for their remediation shall be submitted to and approved in writing by the District Planning Authority. Such approved scheme shall thereafter be completed in all respects before the occupation of any dwelling hereby approved. **REASON** : To protect the amenity of future occupiers in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
- 11 Before any dwelling hereby permitted is first occupied, a scheme of sustainable drainage and water conservation shall have been completed and implemented in accordance with details that shall have been submitted to and approved in writing by the District Planning Authority. **REASON** : To ensure the use of sustainable drainage systems to comply with the requirements of Policy DP11 of the Warwick District Local Plan 1996-2011.
- 12 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 13 The development shall not be occupied until the existing vehicular access to No. 429 Tachbrook Road has been remodelled so as to provide an access of 3.0 metres, as measured from the near edge of the public highway carriageway in accordance with plan no. 1012-06B. All parts of the existing access within the public highway not included in the permitted means of access shall be closed and the kerb and footway reinstated in accordance with the standard specification of the Highway Authority. **REASON** : In the interests of highway safety and to comply with the provisions of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 14 The development shall not be occupied until an access for vehicles has been provided to the site not less than 5 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. **REASON** : In the interests of highway safety and to comply with the provisions of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 15 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a suitable bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority. **REASON** : In the interests of highway safety and to comply with the provisions of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 16 The access to the site for vehicles shall not be used until it has been provided with 6 metre kerbed radiused turnouts on each side. **REASON** : In the interests of highway safety and to comply with the provisions of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 17 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON** : In the interests of highway safety and to comply with the provisions of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 18 The access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **REASON** : In the interests of highway safety and to comply with the provisions of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 19 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 70 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON** : In the interests of highway safety and to comply with the provisions of Policy DP6 of the Warwick District Local Plan 1996-2011.

- 20 Gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 10 metres of the near edge of the public highway carriageway. **REASON** : In the interests of highway safety and to comply with the provisions of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 21 The development shall not be occupied until a turning area has been provided within the site so as to enable the largest expected vehicle to leave and re-enter the public highway in a forward gear. **REASON** : In the interests of highway safety and to comply with the provisions of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 22 The gable windows to the dwellings hereby permitted shall be glazed with obscure glass and retained as such at all times thereafter. **REASON** : To protect the amenity of adjacent residents in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

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 does not adversely impact on the character and appearance of the area. The proposal is therefore considered to comply with the policies listed.
