

Planning Committee: 31 March 2004
Application No: W20040032

Principal Item Number: 06

Town/Parish Council: Whitnash

Registration Date: 07/01/2004

Expiry Date: 03/03/2004

Case Officer: John Beaumont
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471 Tachbrook Road, Whitnash, Leamington Spa, CV313DQ
Change of use of existing outbuildings to Class B1 Business use.
FOR Mr M Chambers

SUMMARY OF REPRESENTATIONS

Neighbours : 13 neighbour letters have been received raising objection on grounds of noise from vehicles (not just limited to normal working hours), noise from wood working machinery, pollution from wood dust/vehicle fumes, fire hazard, loss of privacy, detrimental to wildlife in the area, disruption during building works, highway danger, loss of privacy/security to adjacent houses, out of keeping with residential character of area; no need for such commercial premises; undesirable precedent for further development; unacceptable on-site storage.

Town Council : "The Town Council raises objection on the following grounds:-

- (a) Non conforming use in a residential area
- (b) Noise levels - business being transacted at unsociable hours
- (c) Close to residential building - fire hazard
- (d) Pollution from dust extraction machines
- (e) Traffic movement at the side and rear of properties
- (f) Setting precedence for future developments in residential areas."

WCC (Highways) : No objection subject to access conditions, turning and service yard conditions.

Environmental Health : "I believe noise to the detriment of the amenity of neighbouring properties may be controlled by an application of the B1, Business, Use restriction and conditions to ensure:-

- (a) The business activity shall take place within the two outbuildings shown on the application and these activities shall be inaudible at the boundary to neighbouring residential property.
- (b) The hours of operation of the business shall be restricted to 8.00 a.m. to 6.00 p.m. Monday to Friday with no operations on weekends and bank holidays.
- (c) The site use shall be limited to that specified.
- (d) The use of this site for the business activity specified shall be limited to the applicants only."

RELEVANT POLICIES

General advice on 'Industrial and Commercial Development and Small Firms' is given in PPG4; this states:-

"14. The characteristics of industry and commerce are evolving continuously, and many businesses can be carried on in rural and residential areas without causing

unacceptable disturbance through increased traffic, noise pollution or other adverse effects. Individual planning decisions will of course depend on such factors as the scale of the development, the nature of the use of the site and its location.

15. It is now generally recognised that it may not be appropriate to separate industry and commerce - especially small-scale developments - from the residential communities for whom they are a source of employment and services. In areas which are primarily residential, development plan policies should not seek unreasonably to restrict commercial and industrial activities of an appropriate scale - particularly in existing buildings - which would not adversely affect residential amenity. Planning permission should normally be granted unless there are specific and significant objections, such as a relevant development plan policy, unacceptable noise, smell, safety, and health impacts or excessive traffic generation. The fact that an activity differs from the predominant land use in any locality is not a sufficient reason, in itself, for refusing planning permission.

17. Where they are disposed to permit industrial or commercial developments in residential and rural areas, planning authorities should bear in mind that subsequent intensification of the use may become unacceptably intrusive. Unless it amounts to a material change in the character of the use, intensification cannot be controlled if unconditional planning permission has been granted. Planning authorities should, therefore, consider the use of planning conditions or planning obligations to safeguard local amenity, where they would be an appropriate means of preventing foreseeable harm."

Within the existing Warwick District Local Plan, the following policies are considered of particular relevance: (DW) ENV3, Development Principles and (DAW) EMP5, Employment.

Within the Warwick District Local Plan, 1996-2011, First Deposit Version, the following policies are of particular relevance:- Core Strategy, Objective 1B - to support small business we will encourage the concept of home working by supporting appropriate proposals, Objective 4D - we recognise the importance of people being able to enjoy the use of their homes, places of work and public spaces. We will ensure all new development takes account of surrounding uses and is designed to protect standard of amenity;

DP1 (layout and design); DP2 (Amenity); DP6 (Access); DP7 (Traffic generation); DP8 (Parking); DP9 (Pollution Control) UAP2 (Directing New Employment Development).

PLANNING HISTORY

Planning permission was granted by the Planning Committee in 1991, W890753, following a site visit, for the conversion of the existing coach house to form a dwelling unit as a 'granny annex' to the main house, No. 471 Tachbrook Road, Whitnash. This was accompanied by a Section 106 Agreement to ensure it would be occupied solely as a residential annex and no part of the property should be used for commercial purposes. This permission was not implemented and has now expired; the Section 106 Agreement is, therefore, of no effect.

KEY ISSUES

The Site and its Location

No. 471 Tachbrook Road is a substantial two storey brick built/slate roof semi-detached property. It has a side access drive which leads to a rear garden area containing a concrete hardstanding with two outbuildings. One outbuilding is a stable/coachhouse building approximately 8 m by 4.5 m whilst the other is a garage/workshop approximately 5.1 m by 6.5 m; the latter building contains a number of musical instruments and has the appearance of a repair workshop. The property is presently vacant. To the rear of the site is a substantial boundary wall in excess of 2 m in height; No. 473 Tachbrook Road has a 2 m vertical boarded fence alongside the access drive and its rear boundary which adjoins the application site. The site is overlooked by the properties/gardens in both Tachbrook Road and Ashford Gardens.

Details of the Development

The proposal is to convert the rear stable/coachhouse and garage buildings to Class B1, Business use.

N.B. The Town and Country Planning (Use Classes) Order 1987 defines Class B1, Business Use, as:-

Use for all or any of the following purposes:-

- (a) as an office other than a use within Class A2 (financial and professional services),
- (b) for research and development of products or processes, or
- (c) for any industrial process,

being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

The applicants have stated that the physical appearance of the site will not be altered, that areas of the existing hardstanding will be taken up and returned to garden, that there will be no external storage, that the applicants wish to live in No. 471 Tachbrook Road as a family home and operate their business from the building to the rear. With regard to the proposed business, it is stated that its main operations are the installation of window displays and exhibition graphics, entailing print finishing, collation, storage of archive materials, installation of displays and graphics on site around the UK. It is stated that the coachhouse/stable would be dry lined and used as an office with storage above, with the garage being dry lined and equipped with work benches and shelves with storage above; it is stated that on average there would only be 1 delivery per day visiting the site, the only full-time employees are the applicants and the workshop should be no noisier than an average DIY workshop. The applicants have submitted a further statement in support of the application describing their intentions, addressing the issues raised by objectors and submitting a schedule of activities undertaken by their company in November 2003 identifying the anticipated limited use which would have been made of the application site premises if the company had been based there rather than at their current premises at Victoria Business Centre, Neilston Street, Leamington Spa.

Assessment

I consider that the key issues to be considered in this instance are the principle of commercial use in a residential area, impact on neighbours amenity and highway matters.

Government guidance in PPG4 accepts that small scale commercial developments, particularly in existing buildings, which would not adversely affect residential amenity can be acceptable in residential areas subject to appropriate planning conditions to safeguard local amenity; the principle of 'home working' is also supported by the core strategy of the Warwick District Council.

I consider it is necessary, therefore, to consider whether this specific proposal on this particular site would cause such harm to neighbour amenity or highway safety as to justify refusal. Having regard to the small scale of the business proposed, which is clearly restricted by the physical size of the buildings and the applicants statement that the business use would be restricted solely to within those buildings with no external storage, WCC (Highways) has raised no highway objections to the proposals as set out in the consultations section of this report. Clearly objections to this application have been raised both by the Town Council and local residents. Given, however, that this is a proposal for B1 (Business) Use, which by definition is one that can be carried out in a residential area without causing unacceptable disturbance through increased traffic, noise, pollution and other adverse effects, and to the fact that the Head of Environmental Health has raised no objection (subject to the imposition of planning conditions to restrict the use), I consider this scheme acceptable. It will be necessary, however, to impose conditions to restrict the activity and, in particular, I consider it should be a personal condition to the applicants for the use as described in their submitted statements of support, the permission to exist only while they live in No. 471 Tachbrook Road and occupy this business.

RECOMMENDATION

That planning permission be GRANTED subject to conditions to restrict the use solely to B1 (Business) Use as described in the applicants statements of support, that the permission be personal to Mr. & Mrs. Chambers and to exist only whilst they occupy No. 471 Tachbrook Road and occupy the business premises, that the business activity shall take place only within the two outbuildings shown on the application and these activities be inaudible at the site boundary with adjoining properties; the hours of operation be 8.00 a.m. to 6.00 p.m. Monday to Friday with no operations at weekends or Bank Holidays, no external storage, parts of existing hardstanding to be taken up and returned to garden use, external lighting restriction; no external alterations; parking loading/unloading and manoeuvring areas to be restricted to the areas identified on plan submitted by the applicants; access and refuse disposal.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:
General advice on 'Industrial and Commercial Development and Small Firms' given in PPG4; "

Within the existing Warwick District Local Plan, the following policies are considered of particular relevance: (DW) ENV3, Development Principles and (DAW) EMP5, Employment.

Within the Warwick District Local Plan, 1996-2011, First Deposit Version, Core Strategy, Objective 1B and Objective 4D .

DP1 (layout and design); DP2 (Amenity); DP6 (Access); DP7 (Traffic generation); DP8 (Parking); DP9 (Pollution Control) UAP2 (Directing New Employment Development).