

Planning Committee: 15 August 2017

Item Number: 16

Application No: [W 17 / 1068](#)

Town/Parish Council: Whitnash
Case Officer: Helena Obremski

Registration Date: 22/06/17
Expiry Date: 17/08/17

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3 Archers Row, Acre Close, Whitnash, Leamington Spa, CV31 2ND

The erection of a porta-cabin in the corner of the car park for extra storage and office space for Linleigh Electrical FOR Linleigh Electrical

This application is being presented to Committee as the Town Council supports the application and it is recommended for refusal.

RECOMMENDATION

Planning Committee is recommended to refuse planning permission.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the erection of a porta-cabin to the rear of Archers Row. The porta-cabin would be for use by Linleigh Electrical, an electrical company currently occupying 3 Archers Row who require the porta-cabin for additional storage space.

THE SITE AND ITS LOCATION

The application site is an existing service area to the rear of Acre Close and Archers Row, which is a row of small shops. The service area provides parking, garages and access for deliveries to the rear of the shops. There are residential properties to the north and south of the site and also flats above the shops.

PLANNING HISTORY

W/09/1363 - application refused for the erection of 2no. bungalows following the demolition of garages.

W/10/0572 - application refused for the erection of 2no. bungalows following the demolition of garages.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Whitnash Town Council: Support the application as long as it does not obstruct the footpath from the allotments.

WCC Highways: No objection as the development does not impact the public highway.

Health and Community Protection - Environmental Sustainability Section: No objection.

1 Public Response: One objection received as the proposed porta-cabin will result in a loss of parking which will lead to vehicles parking within Acre Close, causing congestion and danger to highway safety. The loss of the space taken up by the porta-cabin will result in difficulty for cars and delivery vehicles turning.

ASSESSMENT

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

- Impact on the character and appearance of the area
- Impact on living conditions of nearby dwellings

- Car Parking and Highway Safety
- Ecological Impact
- Health and Wellbeing

Impact on the character and appearance of the area

The National Planning Policy Framework (NPPF) states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 1996 - 2011 policy DP1 calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The proposed porta-cabin would be reasonably large, measuring 3 metres by 10 metres. Porta-cabins would only usually be approved where there is a justified need and on a temporary basis owing to their short-term lifespan and lack of design quality. The applicant states that they need additional storage space for their electrical business and that they could "*see the porta-cabin as a temporary measure*". However, the application was made for a permanent structure. This statement gives the Council little confidence that the porta-cabin would be used as a temporary structure as there is no justification presented as to why the structure is only required for this length of time or what would happen after the temporary period expired.

Approving a temporary structure on a permanent basis even in a location such as this service yard could set a precedent for similar development. The porta-cabin is not considered to improve the character of the area, its quality or the way it functions, and in fact would be detrimental to the way in which the service yard is utilised by the occupants of the shop and flats above which is discussed in more detail below.

The poor quality and temporary nature of the structure is considered to be detrimental to the wider area on a permanent basis and could set a precedent for similar development. Furthermore, the development is considered to be detrimental to the functioning of the site and is therefore considered to conflict with the NPPF and adopted Local Plan policy DP1.

Impact on living conditions of nearby dwellings

Warwick District Local Plan policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The proposed porta-cabin would be positioned at the end of the service yard and would be located next to the boundaries serving 92 and 94 Heathcote Road

which are residential dwellings. Currently, there is a high level boundary fence which would separate the porta-cabin from the residential properties, which would be 12 metres away at the closest point. As the porta-cabin would only be single storey and there is a high level boundary fence which would obscure most of the views of the porta-cabin at ground floor level, it is considered that there would be no harm caused to residential amenity as a result of the proposed development. It is also noted that Environmental Health Officers have no concern regarding any potential noise impacts as a result of the porta-cabin.

It is considered that the proposed development complies with the NPPF and adopted Local Plan policy DP2 in respect of this issue.

Car Parking and Highway Safety

The porta-cabin would be positioned in an existing service yard which is used for deliveries for the shops which front onto Acre Close. Furthermore, there are a number of garages which would be positioned opposite to the porta-cabin. It is acknowledged that these garages are somewhat dilapidated, however, it is clear that they are still in use. It should be noted that the garages are not under the ownership of the applicant.

WCC Highways have commented on the application and have no objection because they consider that there would be no impact on the public highway, which is noted. However, it is also the Council's obligation to assess what impact the proposed development could have amenity. The porta-cabin would leave a distance of 4.5 metres between the garages and the nearest elevation. A distance of 6 metres is however required in order to allow vehicle access in and out of the garages, meaning that their use for vehicle parking would no longer be viable. It is assumed that the garages are for the use of the occupants of the flats above the shops who would then be required to park vehicles elsewhere. It is also noted that parking to Acre Close is somewhat congested. Furthermore, there is also concern from Officers that the porta-cabin would hinder the ability of large delivery lorries to turn within the service yard. The applicant claims that no large deliveries lorries use the area, however, an objection has been received from a member of the public which shares the view of Officers regarding these vehicles.

It is considered that the proposed porta-cabin would reduce the number of vehicle parking spaces available for the occupiers of the flats above the nearby shops and could also reduce the ability for large vehicles to turn within the service yard, potentially posing danger to pedestrians. Therefore, the development is considered to conflict with the NPPF and adopted Local Plan policies DP2 and DP8.

Ecological Impact

No issues.

Health and Wellbeing

No health and wellbeing benefits are identified.

CONCLUSION

The proposed development is considered to be harmful to the appearance and character of the area, by virtue of its temporary nature and poor quality design which is applied for on a permanent basis. The proposed development would also be harmful to the functionality of the area by virtue that it would lead to the garages becoming inaccessible by vehicles and could lead to delivery vehicles being unable to turn around to exit the service area, which could lead to an increase in parking elsewhere and harm to pedestrian safety. For these reasons, the application should be refused.

REFUSAL REASONS

- 1 The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

Approving a temporary structure of poor quality and design on a permanent basis could set a precedent for similar development. The porta-cabin is not considered to improve the character of the area, its quality or the way it functions, and would be detrimental to the way in which the service yard is utilised by the occupants of the shop and flats above.

The development is thereby considered to be contrary to the aforementioned policies.

- 2 Policy DP2 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, Policy DP8 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will only be permitted that makes provision for car parking that does not result in on-street parking detrimental to highway safety.

The porta-cabin would leave a distance of 4.5 metres between the garages and the nearest elevation of the development, which is an inadequate distance to allow vehicular access to the existing garages; this could lead to an increase in on street parking to Acre Close which is already congested and could lead to an impact on highway safety. Furthermore, the porta-cabin will reduce the turning area for large

delivery vehicles, which may have to reverse out of the service yard, which could pose danger to pedestrian safety.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policies.
