

Planning Committee: 23 August 2005

Item Number: 18

Application No: W 05 / 1008

Registration Date: 22/06/05

Town/Parish Council: Whitnash

Expiry Date: 17/08/05

Case Officer: John Beaumont

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427 Tachbrook Road, Whitnash, Leamington Spa, CV31 3DQ

Erection of a block of 6 terraced and one detached dwelling with access road and car parking after demolition of No. 427 and existing buildings FOR Shakespeare Property Developments Ltd

This application is reported to the Planning Committee due to the objection from the Town Council and at the request of the Ward Member, Councillor Kirton.

SUMMARY OF REPRESENTATIONS

Town Council: Object. Access is too near a busy traffic light. Backland development out of character with other dwellings and sets a local precedent. WDC (Revised deposit) Local Plan is against backland development.

Neighbours: The occupants of 7 neighbouring properties have written to object on grounds of loss of privacy; general noise/disturbance; traffic danger due to location of access; no need for proposed dwellings; fails to harmonise with its surroundings; failure to incorporate rear access to properties fronting Heathcote Road; possible increase in security concerns due to possible anti-social activities of future residents; siting too close to garage and vets activities.

WCC (Highways): No objection subject to conditions on access arrangement.

WCC (Ecology): No objection subject to bat survey.

Head of Environmental Health: "I have a concern regarding the proximity of the single dwelling to the next door operating commercial garage (MOTs and Servicing). There was a noticeable whine from the garage inside the builders merchants office/show room). Removal of this dwelling from the scheme may be advisable or negotiation with the developer to see how they propose to overcome the problem.

There was also evidence of a leaking (or has leaked) oil tank in the rear garden/yard also there is no evidence as to the past use of the sheds etc. in the yard hence:

If planning permission is granted I would recommend that a condition be applied, requiring that a contaminated land survey be conducted. Initially a desk study should be conducted. If this indicates that there are risks which need to be quantified investigation work should be undertaken. Reports shall be submitted to the Planning Officer, with any recommendations as to remediation. No development works shall be commenced on the site until confirmation has been received from the Environmental Health Officer that a satisfactory assessment of the site has been conducted and that any proposed remediation strategy is suitable. In cases where contamination of controlled waters is a possibility the Environment Agency must be consulted."

(N.B. All above responses relate to the application as originally submitted which included a seventh dwelling adjacent to the existing garage business on Tachbrook Road).

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
PPG3 - Housing

PLANNING HISTORY

There is no recent planning history relevant to the consideration of this application.

KEY ISSUES

The Site and its Location

The site has a frontage to Tachbrook Road and is presently occupied by a two storey building used for office purposes together with a retail display area, outbuildings and an enclosed building suppliers yard to the rear with the majority of the rear portion of the site to the rear having the appearance of an overgrown garden to both No. 427 and 429 Tachbrook Road; there is a rear access to this garden area off the footpath/accessway to the east of the site albeit this access has been closed off. There is some storage within the rear garden area including a caravan. To the south of the site is the garden of No. 431 Tachbrook Road, to the east a footpath/accessway which links Heathcote Road to St. Catherines Crescent, to the north is a garage premises, gardens to properties fronting Heathcote Road and the rear outbuildings to the vets premises accessed off Heathcote Road.

Details of the Development

This is an amended application. As originally submitted the application included a new detached dwelling adjacent to the existing garage building on Tachbrook Road; this dwelling has now been deleted from the application and its site, garden and parking area is instead shown to be a landscaped area. The scheme as now amended includes the following elements:-

- The demolition of No. 427 Tachbrook Road together with its outbuildings and associated building supplies yard.
- The construction of a new access road into the site off Tachbrook Road with a turning head within the site.
- The erection of a terrace of 6 two bedroomed houses, each of which is shown to have two parking spaces.

(N.B. A detached house previously proposed to the north of the access road has been withdrawn from the application).

Assessment

I consider that this amended application raises the following key issues:-

The principle of residential development

The site is within the built-up area of Whitnash and would have a proper means of vehicular access to the Tachbrook Road constructed to 'adoptable' standards. Whilst it would be to the rear of other properties, I do not consider that this, in principle, would render the site unacceptable for development if it can be demonstrated that it is otherwise acceptable. I do not consider that the demolition of the existing buildings on the site could be resisted as they are not of any intrinsic merit and similarly I do not consider that the loss of use of part of the site from its present mixed use of retail, office and building supplies yard could be opposed. (N.B. The planning history of the present use is unclear and is presently the subject of investigation). I am of the opinion, therefore, that this site is appropriate for housing redevelopment.

Impact on the amenity of adjacent development

The proposed dwellings would be of a traditional two storey character with distance separation from existing housing around the site exceeding the adopted standards of the District Council. Whilst it would clearly introduce housing into an area presently with the appearance of an overgrown garden, and hence would change the outlook from properties around the site, I do not consider its scale, massing or the impact of overlooking would be such as would justify refusal. It would also secure the removal of the present building supplies use which closely

adjoins the rear garden of No. 429 Tachbrook Road and the rear garden of properties fronting Heathcote Road.

The amenity of future residents

The proposal has been designed as a traditional terrace of properties with rear gardens varying from 10 m to 17 m in length; no access is proposed from these gardens onto the pedestrian route running along the rear of the site. Each property would have two off-street car parking spaces. I note no objection to the amended scheme has been raised by the Environmental Health Officer and I consider that as amended this proposed development would achieve a satisfactory standard of amenity for the occupiers of the proposed dwellings.

Highway safety considerations

Clearly the issue of the access to the site has resulted in the receipt of objections from the Town Council and local residents. It must be remembered that the site is presently partly in commercial use with a 'reasonable prospect' that such use would continue in the event this proposed housing development did not take place. The access arrangements have been considered by the Highway Authority who have raised no highway objections and hence whilst being conscious of the location of the site and in particular its proximity to the Heathcote Lane/Tachbrook Road traffic lights, I consider there is no basis for raising an objection on highway grounds to this application.

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 five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 1155/03d, 04 and 07, and specification contained therein, 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 All existing buildings on the site shall be demolished before the commencement of the development hereby permitted. **REASON** : To

protect the amenity of future occupants of the site in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

- 4 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.
- 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 Policy ENV3 of the Warwick District Local Plan.
- 6 A landscaping scheme, incorporating 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 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing 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 Policy ENV3 of the Warwick District Local Plan.
- 7 No vehicular access shall be formed 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 Policy ENV3 of the Warwick District Local Plan.

- 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 Policy ENV3 of the Warwick District Local Plan.
- 9 Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON**: To ensure the protection of bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995.
- 10 Development shall not be commenced until there has been submitted to the District Planning Authority a survey report on the extent to which any part or the whole of the application site is contaminated by toxic or other noxious materials and on the remedial measures required to deal with the hazards. No development shall be commenced until all toxic or obnoxious materials have been removed or otherwise treated in accordance with details which have been approved in writing by the District Planning Authority. **REASON** : To protect the health and safety of future occupiers.
- 11 The development hereby permitted shall not be commenced until visibility splays have been provided to the vehicular/heavy goods vehicle/car access to the site with an 'x' distance of 2.4 metres and 'y' distances of 90 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 interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan.
- 12 Access for vehicles/heavy goods vehicles/cars/cycles/pedestrians to the site from the public highway B4087 Tachbrook Road shall not be made other than at a position whereby the visibility splay requirements stated in condition 11 will be satisfied. **REASON** : In the interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District

Local Plan.

- 13 The access to the site for vehicles/heavy goods vehicles/cars shall not be used until it has been provided with not less than 6.0 metre kerbed radiused turnouts on each side. **REASON** : In the interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan.
- 14 The access to the site for vehicles/heavy goods vehicles/cars shall not be used unless a public highway pedestrian crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON** : In the interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan.
- 15 The development hereby permitted shall not be commenced until space has been provided within the site for the parking and loading/unloading of all vehicle types in accordance with details to be approved in writing by the Local Planning Authority. **REASON** : In the interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan.
- 16 The development hereby permitted shall not be commenced until all accesses for cars have been provided to the plots not less than 3.0 metres in width for single property accesses and not less than 5.0 meters in width for accesses serving more than one property or parking areas at any point for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. **REASON** : In the interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan.
- 17 The access to the site shall not be constructed/reconstructed/widened 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 interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan.
- 18 The layout of the estate road serving the development including footways, verges, footpaths, private drives and means of accessing individual plots shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001'. **REASON** : In the interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan.
- 19 The construction of the estate road serving the development including footways and verges shall not be other than in accordance with the

standard specification of the Highway Authority. **REASON** : In the interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan.
