

Planning Committee: 31 March 2004
Application No: W20031813

Principal Item Number: 07

Town/Parish Council: Whitnash

Registration Date: 19/11/2003

Expiry Date: 14/01/2004

Case Officer: Alan Coleman
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South Leamington Allotment Site, Montgomery Road, Whitnash, Leamington Spa,
Erection of a detached 3 storey block of 12 no. Apartments
with associated parking for 14 no. vehicles
FOR A.C. Lloyd (Builders) Ltd

This application was deferred at Planning Committee on the 9th March 2004, to enable negotiations regarding the scheme take place. Members were particularly concerned about the inclusion of an area of Public Open Space within the curtilage of the site and the incongruous appearance of the development.

In response to these concerns amended plans have now been submitted, together with the following explanatory/supporting statement:

"We enclose 6 copies of revised drawing numbers 1004/054E and 055F which has been amended to take into account comments raised at the Planning Committee Meeting on 10 March 2004. We note the following:

- 1. The Car park to the north of the building has been removed and the boundary changed back to its original position in accordance with the 106 agreement. Two additional parking spaces have been added to the main parking area to provide 16 spaces for the 12 apartments. Plot 9 has now been changed to a one bedroom Unit which will help with the demand for parking. Mr A Clark of A C Lloyd has spoken to the Highways Engineer Mr D Lees regarding this and we understand Mr Lees has verbally agreed to this change.*
- 2. The roof to the southern elevation has been lowered to make a more gradual rise in roof levels. It should be noted that the previously approved Scheme had a building approximately 11 metres away from the existing bungalow to the south whereas the apartment block is approximately 21 metres away. There has been considerable design work and discussions to ensure the elevations are sympathetically designed in relation to the nearest neighbouring properties.*
- 3. We are very keen to ensure the future well being of the Walnut Tree to the South of the proposed building. Compared to the approved layout which had a side wall within 3.5 metres, we have now designed a layout with the Walnut Tree in the Car park area, with the nearest building wall 14 metres away. We intend to use a permeable surface in the vicinity of the tree to ensure the tree will continue to flourish*
- 4. We note the concerns of the residents in Tachbrook Road. Please note there is a back to back separation distance of 27m*

5. *Our Client has received a large number of requests from young persons very keen to purchase a new property in the Whitnash area, but unable to do so due to the escalating prices. We have designed an apartment block with units sized to provide mainly two bedroom affordable units to enable purchasers to get their first step on the property ladder.*

We would be grateful if you would substitute these drawings for those already in your possession and arrange for them to be considered at the earliest opportunity. We believe we have developed a scheme which is aesthetically pleasing, that will serve public demand and trust the application is now approved."

The report which follows is that which was presented previously, which has been amended in response to the revisions and now incorporates comments previously contained in the addendum to the previous agenda.

SUMMARY OF REPRESENTATIONS

Town Council: *"Out of scale and contents (sic) with current buildings."*

Highway Authority: *"Montgomery Road is a feeder road serving several cul de sacs. Provision of adequate 'off street' parking within the estate limits 'on street' overspill. The 14 parking bays intended to serve 12 x 2 bedroomed apartments would be likely to be taken up entirely by residents. I am concerned visitors parking 'on street' could compromise the free flow of vehicular traffic close to a sharp bend on Montgomery Road where traffic flow is significant. In order to overcome the above highway concern, a parking standard of not less than 1.5 bays per apartment is recommended."*

WDC (Leisure and Amenities): *"The spacing either side of the retained walnut, between it and adjacent parkingspaces, is just adequate. However the distance from the tree to the boundary wall and from the tree to the tarmac driveway is not. Root severance at this distance is unlikely to be tolerated by the tree.*

Thought needs to be given to

a) the construction of the driveway, particularly the edging

b) whether a wall is necessary, and if so can the root zone be bridged with a lintel of some sort."

Environment Agency: No objection.

Neighbours: The residents of 299, 305, 307, 311 Tachbrook Road, 41 and 43 Montgomery Road object on the grounds that the proposed 3 storey block of apartments would be out of character with the surrounding development and visually intrusive; infringe privacy through overlooking; diminish daylight and sunlight to overshadowed rear gardens; harm the continued health of the walnut tree to be retained, and; the increase the volume of traffic/under-provision of car parking would diminish highway safety through indiscriminate on-road parking in the vicinity of a sharp bend and junction.

Addendum

Town Council: (Amended Plans): no objection.

Neighbours: (Amended Plans): The residents of 305 Tachbrook Road, 23 and 41 Montgomery Road maintain their original objections to the amended plans.

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)

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Distance Separation (Supplementary Planning Guidance)

PLANNING HISTORY

Planning permission for the erection of 3 detached dwellings on plots 154-156 was originally granted by this 'Committee on 17 December 1996 under application W960999 as part of a comprehensive development of 286 dwellings.

KEY ISSUES

The Site and its Location

Plots 154-156 are located on the western side of Montgomery Road at the rear of 301-311 (odds) Tachbrook Road. The side garden boundary of 33 Montgomery Road adjoins the southern boundary of the site and an area of adopted public open space containing an electricity sub-station adjoins the site to the north. There is also an area of adopted public open space to the east of the site on the opposite side of Montgomery Road.

With the exception of the neighbouring pair of semi-detached bungalows at 31/33 Montgomery Road, the scale of development in the surrounding area is predominantly 2-storey comprising a mix of detached, linked/semi-detached and terraced houses. Planning permission was also granted by this 'Committee on 8 January 2003 for the redevelopment of plots 254-262 (inc) including the erection of a 3-storey block of 12 no. flats on plots 260/261, which have now been built and are occupied.

Details of the Development

As submitted, the proposals comprise the erection of a 3-storey block of 12 no. 2-bed apartments with provision for 14 parking spaces. The main body of the building would be broadly rectangular with projecting gable wings to the front and side elevations. The building would have a maximum depth of 19.5 m across virtually the full depth of the site and would have a maximum width of 18.5 metres. The building would stand 7.9 metres at the eaves and 14.6 metres at the main ridge of the principal front and rear gable elevations. The existing walnut tree adjacent to the garden boundary of 33 Montgomery Road would be retained within the parking court. Access would be via Montgomery Road. The boundary treatment of the site would comprise 1.8 metre high close boarded fencing to the west (rear) and north with 1.1 metre high railings across the site frontage and a 2 metre high wall along the eastern side boundary with 33 Montgomery Road. The rear elevation would contain 3 bedroom windows and 1 living room window at each floor, 2 oriel kitchen windows and 2 living room windows at each floor in the southern side elevation, 4 bedroom windows and a living/dining room window in the front

elevation and 2 living room windows, a bedroom window and a kitchen window at each floor in the northern side elevation.

In response to Members' concerns regarding the scale and impact of the development the scheme has now been amended to further reduce the height of the southern side elevation and part of the front and rear elevation of the building from 6.4 metres to 5.8 metres at the eaves and from 9.8 metres (min) / 10.3 metres (max) to 9.1 metres (min) / 9.5 metres (max) at the ridge. As a consequence, the number of bedrooms in one of the flats proposed within the roof space would be reduced from two to one. The fenestration of each elevation would remain unaltered with a mixture of rooflights, gable and dormer windows. The layout of the site has also been amended to omit an area of Public Open Space from the curtilage of the site. The submitted plans show a 1.8 metre high close-boarded timber fence would be erected along the northern boundary adjacent to the Public Open Space. However, this has now been amended to railings.

Assessment

In my opinion, the main issues are the impact of the development on:

1. the character of the area in terms of its height, size, scale and massing;
2. the amenities of neighbouring residents;
3. car parking/highway safety, and;

1. Character and Appearance

In order to assess the impact of the development on the character and appearance of the surrounding area, I consider it would be appropriate to compare it with the size and scale of the detached houses originally approved on the site. In terms of its footprint, the proposed apartment building would occupy a larger overall area of approximately 360 sq. m. The footprint of the approved dwellings has a combined area of approximately 200 sq. m. This is attributable to the depth of apartment building which, at 18.5 metres, exceeds that of the approved dwellings by approximately 10 metres. However, in terms of width, the approved houses exceed that of the proposed apartment building by approximately 7.5 metres (excluding the distance between them).

In terms of height, the apartment building would, as amended, now stand 5.8 metres at the eaves and between 9.1 metres and 9.5 metres at the ridge, whereas the approved dwellings would stand 4.9 metres at the eaves and 8.2 metres at the ridge. In comparison, the neighbouring dwellings to the rear in Tachbrook Road stand approximately 5 metres at the eaves and 9.4 metres at ridge height.

In terms of siting, the apartment building would stand closer to the rear boundary of the site and neighbouring dwellings at 301-311 (odds) Tachbrook Road. However, it would be sited over 13 metres further away from the neighbouring bungalows at 31/33 Montgomery Road than the nearest approved dwelling and over 10 metres further away from the walnut tree on the southern boundary of the site.

In these terms, the apartment building would undoubtedly be greater in overall size, scale and mass and would be more visually prominent in the street scene than the

approved dwellings. However, I do not consider this would, in itself, render the proposal unacceptable in the context of the site. In my opinion, the transition between the scale of the development and the neighbouring bungalows would be offset by the distance between them. The development would also be visible against the backdrop of the neighbouring dwellings in Tachbrook Road which have a broadly similar ridge height. The adopted areas of open space to the north and east of the site would also provide an appropriate setting for the scale of the development, particularly when viewed from the footpaths running through these areas, the adjacent dwellings and on approach from the east along Montgomery Road. As amended, I remain of the opinion that the development would be acceptable in terms of its scale and design in relation to the neighbouring dwellings and would also add variety and interest to the character and appearance of the street scene.

2. Impact on Neighbours

The principal concerns of neighbouring residents are that the development would be visually intrusive, particularly when viewed from overshadowed garden areas, would reduce day and sunlight and would diminish privacy through overlooking.

The apartment building would stand over 27 metres away from the rear elevations of the neighbouring houses in Tachbrook Road and over 8 metres away from the rear garden boundaries. The ground level between the properties is also broadly level. The layout of the site therefore complies with the Council's adopted Supplementary Planning Guidance: 'Distance Separation'. However, I appreciate that the application of these standards is not the only material consideration in determining the potential for loss of privacy, dominance, overshadowing or loss of light/sunlight.

The proposed building would stand due east of neighbouring dwellings in Tachbrook Road. In my opinion, the development would result in some overshadowing of the adjacent gardens and loss of light/sunlight in the mornings/summertime. Equally, the rear elevation of the apartment building and dwellings under construction to the east on the opposite side of Montgomery Road would be affected by a degree of overshadowing in the evenings/summertime. Given the relative height of the properties and separation distance between them, I do not consider the impact would cause an unacceptable degree of harm to neighbouring or future residents. In relation to the existing dwellings in Montgomery Road, the building would be sited to the north and south of them. Consequently, the extent of overshadowing would be less pronounced.

In response to concerns regarding the visual impact and loss of privacy the height of the building has been reduced from 14.6 metres as originally submitted to between 9.1 metres (min) and 9.5 metres (max) at the ridge. The third floor windows originally proposed in the rear elevation of the building have also been omitted and the number of ground and first floor windows has been reduced. These would solely serve bedrooms. I also note that there are garage buildings at the end of the rear gardens of the neighbouring dwellings in Tachbrook Road. I consider that these would afford a certain degree of privacy to the rear gardens from the ground floor windows of the apartment building. In relation to the upper floor bedroom windows, I consider that the separation distance between the properties would afford an acceptable degree of protection from overlooking and would secure a reasonable standard of amenity and outlook for the neighbouring residents.

The distance between the building and neighbouring bungalows at 31/33 Montgomery Road is over 17 metres, which also exceeds SPG standards. The walnut tree on the southern boundary also provides screening to the rear gardens, which would be supplemented by additional planting. The northern side elevation would contain dormer windows above the level of the bungalow roofs. They would face towards the front elevations of the terraced houses beyond at 23-29 (odds) Montgomery Road at a distance of over 50 metres away. At this distance, I do not consider the privacy of these dwellings would be unacceptably diminished either.

3. Car Parking and Highway Safety

The scheme has now been amended to omit the area of Public Open Space from the curtilage of the site, which was allocated to provide provision for an additional 4 parking spaces. The number of spaces within the main car parking area has now been increased by two from fourteen to sixteen spaces, as described above. Parking provision has therefore been reduced from eighteen to sixteen spaces to serve the development. The Highway Authority originally recommended provision of 1.5 spaces per dwelling in accordance with PPG3: '*Housing*'. As now proposed there would thereby be a shortfall of two spaces when assessed against this advice.

Neighbouring residents have also expressed concerns regarding the impact of the development on highway safety arising from increasing volumes of traffic, roadside parking, congestion and turning manoeuvres in proximity to a sharp bend and the junction with Goldacre Close. Notwithstanding the above, the Highway Authority has raised no objection to the amended plans. I do not therefore consider there are sufficient grounds for raising an objection to this aspect of the proposals.

The County Council has also requested a commuted sum to meet the cost of providing education and library facilities generated by the development. The applicant has agreed to enter into an agreement under Section 106 of the Town and Country Planning Act 1990

RECOMMENDATION

GRANT, as amended, subject to a Section 106 Agreement for the payment of a commuted sum for education and library facilities and conditions regarding access, car/cycle parking, full and amended boundary treatment details, materials, tree protection and refuse storage.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

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