

Planning Committee: 31 March 2004
Application No: W20031940

Principal Item Number: 03

Town/Parish Council: Leamington Spa

Registration Date: 22/12/2003

Expiry Date: 16/02/2004

Case Officer: Alan Coleman
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1A Warwick New Road, Leamington Spa, CV325JB

Erection of 2 no. 3 and 4-storey detached apartment buildings comprising a total of 12 no. self-contained apartments after demolition of existing dwelling.
FOR Milcel Limited

This application was deferred at Planning Committee on the 9th March 2004, to enable a site visit to take place on 27th March 2004. The report which follows is that which was presented previously and has been updated to include comments contained in the addendum to the previous agenda.

In support of the proposals the following statement has also been submitted by the agent:

"Please find enclosed five copies of modified drawings taking into account a number of issues considered at the planning committee meeting on the 10th March. I list below the improvements incorporated.

Drawing 1083/06a shows the section through the existing three storey town houses and apartments which has a side to rear separation of over twenty metres and is of a similar height to the scheme which already has planning permission. We have clarified the existing and proposed ground levels as requested, and would confirm that the maximum excavation at the rear of the lower floor garages would be approximately one metre as a worst case situation.

The second block on the section 1083/04C is sited virtually at ground floor level being slightly cut in to the existing ground on the northern face, and raised out of the ground on the southern face. The amount of excavation for the car park is very limited and can clearly be seen from the section.

Following concerns over the location of the bin store we have moved it into the lower ground floor of apartment no 1 so that it will not be visible at all from anywhere from this or the adjoining site.

Concerns were expressed regarding the availability of the footpath in the Three Graces development by potential residents of the twelve new apartments. This issue is covered in the attached letter from Wright Hassall which confirms Milcel's right to grant access. We would point out there is also the additional benefit to the residents of the Three Graces development in that they will be able to gain private access to the riverside walkway.

I enclose a disk showing views of the site from Victoria Park of the river, which demonstrates the approximate nature of the proposed building in relation to other properties viewed from the park.

A traffic calming feature has been added at the junction with the existing access drive.

With regard to site density I would confirm that the development is well inside the government requirements indicated in PPG3 of between thirty to fifty properties per hectare. The development on this site equates to forty two properties per hectare.

I would confirm that the access road constructed as part of the Three Graces development was upgraded and is able to cope with any proposed constructional traffic.

The drawings submitted included a site layout plan, 1083/03F, site section 1083/04C and 1083/06A. We also enclose revised floor plans 1083/02F, revised elevations 1083/05E and a revised south elevation 1083/09A on which we have indicated the substantial house approved on the adjoining site."

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

CAAF: *"The scheme was felt to be very inappropriate for this part of the Conservation Area. Concerns were expressed at the views from Victoria Park. It was felt that the scheme for No. 1 Warwick New Road has been very successful and this would let the site down. The previous scheme for four houses, although very plain, was more appropriate."*

Highway Authority: No objection.

WDC (Leisure & Amenities): No comments.

Environment Agency: No objection.

Neighbours: The residents of 22 Wilhelmina Close, 4 and 6 Riversdale object on the grounds that, in comparison with the approved dwellings, the siting, scale and proximity of the development would reduce daylight, infringe privacy through overlooking, generate noise/disturbance/air and light pollution from site works and the movement of construction/residents' vehicles in proximity to habitable room windows and views/smells emanating from the open bin store enclosure. The owners of the adjoining development site at the rear of Milverton Court have no objection to the proposals.

Addendum

WCC (Planning): education contribution not required as sufficient capacity exists in local schools, public transport travel packs required – estimated required contribution is £600

WCC Highways: no objections to amended plans.

Neighbours: The resident of 8 Riversdale expresses preference for the approved scheme of 4 detached houses and objects to the proposal on the grounds of noise, disturbance and pollution from the volume and movement of traffic generated by the proposals along the access road adjacent to their flat. Preference is also expressed for both blocks to be three storey in height.

The residents of 4 and 6 Riversdale maintain objections to the amended proposals on grounds of disturbance to wildlife, and; noise, disturbance and pollution from the volume and movement of traffic generated by the proposals along the access road adjacent to

their flat. Preference is also expressed for both blocks to be of equal height at the reduced level.

The residents of 22 Wilhelmina Close comment that the revised plan is a significant improvement on the original submission in terms of addressing objections regarding the height and relative position of block 2, it provides a covered site for the bin store and reduces the number of windows in the rear elevation of block 1. However, objections are maintained in relation to the height and proximity of block 1. Preference is expressed for the height and siting to match block 2, including undercroft parking to replace external parking. Assurances from the applicants regarding the impact of excavation works on property foundations and access road surfacing are also noted. Previous request for working hour restrictions are repeated. Traffic calming at the confluence of the upper and lower roadways is requested.

The resident of 1A Warwick New Road/owner of 18 Wilhelmina Close objects on the grounds that: the proposed provision of pedestrian access from the site to the existing footpath adjacent Wilhelmina Close would harm residents' amenities; proposed pedestrian access to the riverside would diminish the security of both sites; highway safety would be compromised by the increased volume of traffic along the access road/internal junctions; inadequate provision for on-site parking to serve the development; increased demand for parking alongside the driveway to the detriment of residents' amenities, and; over-intensive/inappropriate development within the conservation area. A full copy of this letter was circulated for Members attention at the previous meeting at request of the author. The residents of 22 Wilhelmina Close have also written a further letter in support of these objections.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (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)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
Distance Separation (Supplementary Planning Guidance)
The 45 Degree Guideline (Supplementary Planning Guidance)

PLANNING HISTORY

Planning permission for the erection of 4 no. 3-storey detached dwellings was granted by this 'Committee at the meeting on 12 March 2003 under application W20021741.

KEY ISSUES

The Site and its Location

The site is located within the Conservation Area at the rear of the former Council offices at 1 Warwick New Road, which has been redeveloped as flats and terraced housing collectively known as 'The Three Graces'. (WDC Ref: W20011708). There is a difference in ground level between the sites of between approximately 5 and 7 metres. A detached bungalow currently occupies the site with access via the service road that serves the adjacent properties to the north. The garden area slopes gently from the northern boundary before dropping steeply to a level area of land that adjoins the riverside walk on the northern bank of the River Leam.

The eastern and western boundaries of the site adjoin steeply sloping land at the rear of flat developments at Milverton Court and Riversdale respectively. The rear elevations of these flat developments broadly align with the northern boundary of the site. Planning permission for the erection of a split level, dwelling of contemporary design at the rear of Milverton Court was granted by this 'Committee on 29 September 2003 under application W20031214. Viewed from Milverton Court it would appear as a flat roof single storey building set below the sill height of the windows to the first floor flats. Viewed from south the accommodation would be on 3 floors with a basement containing plant room/storage etc. The dwelling would have a largely glazed frontage overlooking the river with an enclosed courtyard accessed off Milverton Court providing a parking area (with garaging for two cars) and bin storage.

The boundaries of the site contain a large number of mature trees, many of which are the subject of a Tree Preservation Order.

Details of the Development

As submitted, it is proposed to erect 2 no. detached buildings each containing 6 no. 2-bed flats. The accommodation would be on 3 floors with garaging at lower ground floor level. The buildings would be cut in to the natural slope of the site so that the garage entrances would be approximately at existing ground level. The ground level at the rear of the buildings would therefore be at first floor level to leave the rear elevation 3-storey in height below the ground level of 'The Three Graces' development on the adjacent site.

The buildings would stand 3.4 metres apart and would be identical in height, size, siting, design, layout and appearance and would be aligned approximately 7 metres away from the northern boundary of the site. The buildings would be 19.4 metres wide and 13 metres deep. The southern (front) elevation would stand 9.4 metres at the eaves and 12.5 metres at the gable ridge height, whilst the northern (rear) elevation would be 6.7 metres at the eaves and 9.7 metres at the ridge.

Overlooking the river the buildings would be elevated with two projecting gables and balconies of decreasing width across principal living room windows. The rear elevations would be elevated with decorative brickwork to give the appearance of two narrower gables containing main bedroom windows with smaller en-suite bathroom windows in-between. The appearance of single, centrally positioned gables would be achieved in a

similar manner on the side elevations, which would contain second bedroom and kitchen windows.

The existing access road would be extended into the site across the frontage of the buildings to provide access to the lower ground floor level garages. A footpath through the centre of the northern boundary would connect with the footpath serving 'The Three Graces' development to provide segregated pedestrian access to Warwick New Road. A 2 metre high open bin store enclosure would stand adjacent to the rear elevation of block 1.

This scheme was amended by: -

1. omitting the lower ground floor garaging from block 2 with a consequent reduction in its height to 6.9 metres at the eaves and 9.7 metres at the ridge;
2. re-siting block 2 15 metres away from the northern boundary and 5.6 metres further away from block 1 to allow provision for 10 no. parking spaces at the rear with access in-between the buildings;
3. alterations to the design and appearance of the buildings including an increase in the depth of the recess between the front elevation gables, introduction of a recess in the rear elevation to form gables, installation of replacement doors/windows with decorative railings to side and rear elevations and 2 no. garage door openings in the eastern side elevation of block 1 and introduction of a full height glazing to the ground floor of block 2, and;
4. the addition of pitched roof to enclose bin store (which has also now been re-sited into the lower ground floor of block 1)

Assessment

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

1. the character and appearance of the conservation area, and;
2. the amenities of neighbouring residents.

1. Character and Appearance

As amended, I consider the scheme would be acceptable in terms of its impact on the character and appearance of the conservation area. In my opinion the development would compliment the approved dwelling on the neighbouring site in terms of siting, design and appearance, particularly in comparison with the detached dwellings previously approved to be built on the site. Block 2 would now align with the front elevation of the approved dwelling and would display similar contemporary design characteristics whilst maintaining unique architectural identity and integrity.

Setting the buildings further apart has also reduced the scale and massing of the development when viewed from both the riverside walk and 'The Three Graces' development to the north. The relative level of this site and lower height of block 2 also means that the ground floor of the original villa on Warwick New Road would be above the roof of block 2. In my opinion the setting of the villa is further enhanced by the larger open aspect created by resiting block 2 further forward on the site towards the southern boundary, which I consider would also result in a less cramped form of development.

Taking an overall view of the impact of the development on the trees on the boundaries of the site, I am satisfied that the the development would not harm their continued health and appearance or their contribution to the character and appearance of the conservation area.

2. Residential Amenity

The principal concerns of neighbouring residents are that, in comparison with the dwellings previously approved, the siting, scale and proximity of the development would reduce daylight and infringe privacy through overlooking. Concerns have also been expressed regarding noise/disturbance/air and light pollution from site works and the movement of construction/residents' vehicles in proximity to habitable room windows and views/smells emanating from the open bin store enclosure.

I acknowledge that the rear elevation of Block 1 would stand closer to the northern and western boundaries of the site than the approved dwellings and would have an additional level of accommodation. However, I do not consider this would, in itself, render the proposal unacceptable. As proposed, the rear elevation of block 1 would stand at a lower level than the side gable elevation of the neighbouring dwelling at 22 Wilhelmina Close at a distance of over 20 metres. The development would therefore comply with the Council's adopted Supplementary Planning Guidance: 'Distance Separation'. Indeed, within conservation areas the provisions of this guidance are not directly applied. To the west the rear elevation of Riversdale would be 6 metres behind the rear elevation of block 1 and would stand over 17 metres apart at their closest point across the site boundary. When measured from the nearest window in the rear elevation of Riversdale the development would also comply with the Council's adopted Supplementary Planning Guidance: 'The 45 Degree Guideline'. 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.

Block 1 would stand due south of the neighbouring dwelling in Wilhelmina Close and due east of Riversdale. However, it would stand at a lower level to these properties. There are also tall mature trees along the northern and western boundaries of the site. Given the relative site levels and height of the buildings, the orientation of the properties and separation distance between them I do not consider the proposed location of block 1 would cause an unacceptable degree of harm to the privacy, outlook or aspect of neighbouring residents.

Similarly, I appreciate that the increase in the density of the site would increase the number of vehicle movements along the access road close to garden areas and habitable room windows and the potential for increased levels of noise and disturbance. However, I do not consider the effect of such activity would be intolerable to the extent that it would unacceptably diminish neighbouring residents' amenities.

With regard to noise/disturbance/air and light pollution arising from site works and the movement of construction vehicles this is not a material planning matter. More appropriate controls are available under environmental health legislation and voluntary compliance with construction industry codes of practice.

RECOMMENDATION

GRANT, as amended, subject to conditions on car parking, drainage, materials, large-scale architectural details, footpath and boundary treatment details, landscaping and protection of trees.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

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

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

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