

Planning Committee: 14 February 2005
Application No: W 04 / 2160

Principal Item Number: 03

Town/Parish Council: Leamington Spa
Case Officer: Alan Coleman
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Registration Date: 07/12/2004
Expiry Date: 01/02/2005

Land rear of 31, Clarendon Square, Leamington Spa, CV32 5GZ
Erection of 3 No. dwellings FOR Crabb Curtis & Co (Homes) Ltd

This application was deferred at Planning Committee on the 24th January 2005, to enable a site visit to take place on 5th February 2005. The report which follows is that which was presented previously. The addendum to that meeting recorded a letter received on behalf of apartments at 1 Beauchamp Avenue Leamington Spa raising objection on grounds of detriment to conservation area, overdevelopment, overbearing impact on garden of 31 Clarendon Square and garden of flat 2 of 1 Beauchamp Avenue.

SUMMARY OF REPRESENTATIONS

Town Council: *"The application represents an intensity of development that is detrimental to the Conservation Area generally and fails to respect the character and distinctiveness of the neighbourhood."*

CAAF: *"It was pointed out that generally these buildings are parallel to the road with the exception of corner plots. It was therefore felt that this should be a parallel development rather than 'L' shaped and that instance therefore (sic) a single dwelling would be most appropriate. The possibility of flats in a parallel building were (sic) also suggested as an alternative."*

Highway Authority: *"The proposed development does not include any off-street parking provision. Where similar development has taken place along Trinity Street this has resulted in a demand for on-street parking resulting in a reduced carriageway width and visibility for the drivers of vehicles emerging from access onto Trinity Street. Being mindful of the guidance contained within PPG13, whilst development close to the town centre (such as this) may reduce private car usage, it does not necessarily reduce car ownership of potential residents and where no off-street parking is provided, this will result in an increased demand for on-street parking. However, with no parking restrictions along Trinity Street and opportunity for additional on-street parking the Highway Authority have no objection to the proposals."*

Neighbours: 10 letters of objection on grounds relating to:-

1. harm to the character, appearance and environmental quality of the street scene and conservation area by reason of the loss of the site as garden land/wildlife habitat, excessive scale and density of development and inappropriate form of development in relation to prevailing pattern and layout of neighbouring dwellings;
2. lack of off-road parking and increased demand for on-road parking in Trinity Street that currently experiences problems of congestion, and;
3. harm to neighbouring residents' amenities from noise and disturbance arising from the intensification in the residential use of the site, loss of light, outlook and privacy from the scale and layout of the development and over-bearing impact on garden areas of neighbouring properties.

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) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
(DW) IMP1 - Infrastructural and Community Requirements Associated with Major Development (Warwick District Local Plan 1995)
(DW) IMP2 - Meeting the Needs of People with Disabilities (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenities (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)
DP14 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011 First Deposit Version)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

There are no previous applications for development of the site of direct relevance to the proposals.

KEY ISSUES

The Site and its Location

The site is situated on the southern side of Trinity Street within a predominantly residential part of the Conservation Area. The site has an area of 225 sq. m. and was formerly part of the rear garden serving 31 Clarendon Square, which is a Grade II Listed Building that has been converted to self-contained flats. The site is enclosed by boundary walls to Trinity Street to the north, the neighbouring dwelling at 161 Trinity Street to the west and a garage courtyard to the east, above which it is elevated. The site contains mature and semi-mature planting that is currently overgrown.

There is a mix of properties in the vicinity of the site, including flat conversions in the host and neighbouring properties in Clarendon Square, out-building conversions and infill mews dwellings on the southern side of Trinity Street between the site and junction with Binswood Street that stand opposite a terrace of 8no. 3-storey houses first approved in 1988.

Details of the Development

The development consists of the erection of 3no. 2-bed dwellings that would have an inverted 'L' shape configuration adjoining the existing boundary walls to Trinity Street and the garage courtyard. In order to accommodate the development, the ground level of the site would be reduced by approximately 1.4 metres and the site would be cleared. A 2.5 metre high wall would be erected at the rear of the site to separate it from the remaining garden area of 31 Clarendon Square that would be off-set by screen planting. Access to the site would be from Trinity Street via the existing gate opening adjacent to

the neighbouring dwelling at 161 Trinity Street and would run parallel to the boundary wall to provide rear access to the host property.

The development would be similar in eaves and ridge height to the neighbouring dwellings on this side of Trinity Street and would stand approximately 6.5 metres apart from the side elevation of the neighbouring property at 161 Trinity Street for a depth of some 9.5 metres. This area would be laid out as forecourt gardens enclosed by low walls with railings through which there would be footpath access to the proposed dwellings. The development would then extend westwards across the site to within a metre of the boundary and 2.4 metres of the rear side elevation of No. 161 for a depth of 4 metres beyond its rear elevation. The remaining area of the site up to the rear boundary would be laid out as two private garden areas of between 3.7 and 5.4 metres in depth.

The rear elevation of the development has been designed with a 'cat-slide' roof to reduce the mass of the gable and height of the eaves to 4 metres, so that it would be broadly one and a half storeys in height. The 45° Code relates to single and two storey development. In relation to single storey development the assessment is made from the centre point of the nearest ground floor habitable room window and from the quarter point in relation to two storey development. The rear elevation of No. 161 is single storey in height. When measured from the centre point of the nearest habitable room window in this elevation, the proposal would comply with the 45° Code. When measured from the quarter point there would be a marginal breach of approximately 200mm.

No provision for off-road parking is proposed.

Assessment

In my opinion, the main issues raised by the proposals relate to:-

1. the principle of development;
2. car parking;
3. the impact of the development on neighbouring residents' amenities, and;
4. the impact of the development on the character and appearance of the Conservation Area/impact on the setting of adjoining listed buildings.

1. The Principle of Development

The site is located within the Leamington Conservation Area and is allocated within an "Area to be Primarily in Residential Use" as defined by the Local Plan. The authorised planning use of the site is as garden, which constitutes previously developed land as defined in PPG3: *Housing* and where both Structure Plan and Local Plan policies regarding residential development apply. PPG3: *Housing* states that the Government is committed to promoting more sustainable patterns of development by concentrating new housing development within urban areas, making more efficient use of land by maximising the re-use of previously developed land.

Whilst noting the objections raised in principle to the loss of the garden and the residential redevelopment of the site, I consider such an objection could not be sustained in principle and inasmuch as it has not been formally allocated for development in the Local Plan, it properly falls to be considered as a 'windfall site'. As such, I consider the proposals are acceptable in principle.

2. Car Parking

No provision for car parking to serve the development is proposed.

Recent advice on parking and housing issues is contained in PPG13: *Transport* which advises that in considering planning applications, local authorities should, inter alia, accommodate housing principally within existing urban areas, planning for increased intensity of development for both housing and other uses at locations which are highly accessible by public transport, walking and cycling, and to use parking policies, alongside other planning and transport measures, to promote sustainable transport choices and reduce reliance on the car for work and other journeys. In relation to implementing policies on car parking, local authorities are advised not to require developers to provide more spaces than they themselves wish, other than in exceptional circumstances (para. 51).

The site is located within the defined Town Centre of Leamington Spa and is within easy walking distance of town centre services and facilities, employment areas and the public transport network.

I note the concerns of local residents regarding this aspect of the proposals. I also recognise the implications of this for highway safety by increasing demand for on-street parking in Trinity Street and the surrounding area, which currently experience problems of congestion. However, the Highway Authority has raised no objection to this aspect of the proposals and, in light of current government guidance on car parking, I consider the proposals are acceptable on these grounds.

3. The impact of the development on neighbouring residents' amenities

The aspects of concern to neighbouring residents are summarised above and relate principally to the introduction, layout, density and form of development on the site. I fully understand these concerns and appreciate that the proposal would undoubtedly have an impact on neighbouring residents. However, I do not consider that the effect of the proposed development would be intolerable to the extent that it would unacceptably diminish neighbouring residents' amenities.

4. The impact of the development on the character and appearance of the Conservation Area/ setting of Listed Buildings

The scheme has been designed to reflect and mirror the form and layout of the existing development at 169-173 Trinity Street to create a 'bookend' development adjacent to the garage courtyard, which marks a discernible transition in the scale and nature of development on both sides of the street to the east. I note the concerns expressed by the Town Council, CAAF and neighbouring residents that the location of the site does not lend itself to such a layout and that the proposed density would be excessive in comparison with neighbouring sites. Whilst I acknowledge that this may not be the preferred layout for development of the site, nevertheless I do not consider the proposal is entirely unacceptable in terms of the capacity of the site to accommodate the development or its impact on the character and appearance of the street scene in this particular part of the Conservation Area.

With regard to the impact on the setting of the listed host and neighbouring buildings in Clarendon Square, the layout of the site is not dissimilar to the configuration of adjacent plots to the west on this side of Trinity Street.

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 drawings 1463/2 and 1463/4A, and specification contained therein, submitted on 7th December 2004 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 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, rooflights, railings 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 4 No development shall be carried out on the site which is the subject of this permission, until details of the proposed bin store 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 : Insufficient details were submitted for this matter to be fully and properly considered as part of the approval hereby granted.
- 5 All window frames shall be constructed in timber, painted and not stained, and be set in reveals of 75mm from the face of the building.
REASON : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 6 Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.
REASON : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

- 7 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of garden area and site boundary treatments 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 : Insufficient details were submitted for this matter to be fully and properly considered as part of the approval hereby granted.
- 8 Samples of all external facing and surfacing 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 9 The roofing material for the development shall be natural slate, a sample of which has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details.
REASON : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 10 All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority.
REASON : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 11 A landscaping scheme 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.
REASON : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority.
REASON : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policy ENV3 of the Warwick District Local Plan.
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