

Planning Committee: 08 November 2022

Item Number: 10

Application No: [W 22 / 1106](#)

Town/Parish Council: Leamington Spa
Case Officer: Rebecca Compton
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Registration Date: 01/07/22
Expiry Date: 26/08/22

32 Russell Terrace, Leamington Spa, CV31 1EZ

Erection of 2no. dwellings (re-submission of planning permission ref:
W/19/1379) FOR Dr Davies

This application is being presented to Planning Committee due to the number of objections and an objection from the Town Council having been received, with the application recommended for approval.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The development is for the erection of a pair of three-bedroom, semi-detached dwellings on land at 32 Russell Terrace, which has previously been granted in 2020. The purpose of this application is to secure an extended time period for commencement of development.

The proposal is to infill the front garden area of 32 Russell Terrace which is set to the very rear of the plot where the site is adjacent to Plymouth Place.

The proposed dwellings would address Russell Terrace with a similar setback to the existing properties along the street.

The dwellings are designed in a traditional form with bay windows to the front under a pitched roof. To the rear, inset wings are proposed mirroring the general character of other traditional buildings within the street scene.

To the rear a single storey glazed lean-to is proposed to the side of the inset rear wings which is a character required for side courtyard infill developments as set out in the Council's Residential Design Guide SPD.

Parking is proposed to be provided through the provision of additional street bays to be provided on the public highway to the front of the site to extend the existing parking area that currently exists.

THE SITE AND ITS LOCATION

32 Russell Terrace is an existing dwelling that sits to the very rear of the plot where it abuts Plymouth Place. The front garden extends from the dwelling to Russell Terrace. This layout is mirrored by No. 30 Russell Terrace which lies immediately to the west. The remaining properties fronting Russell Terrace have their frontages directly onto Russell Terrace.

The land is set into two distinct areas – private garden area for the dwelling and an area of hardstanding immediately fronting onto Russell Terrace.

The site lies within the Royal Leamington Spa Conservation Area.

Russell Terrace is a mixture of characters and ages of properties with no set design ethos that defines the overall appearance of the area.

PLANNING HISTORY

W/20/1379 - Erection of 2no. dwellings - Granted 04.04.2020

W/19/0144 - Proposed residential development consisting of two three-storey 4-bedroom units – Withdrawn 06.03.2019.

W/05/1553 – Erection of a detached dwelling fronting Russell Terrace - Refused 25.10.2005

Note: Planning permission was refused on the basis that it was an outline planning permission in the Conservation Area and therefore contained no detailed plans to carry out the relevant impact assessment.

W/02/1904 – Erection of two storey and single storey pitched roof extensions (after demolition of outbuildings) - Granted 25.05.2004

W/00/0467 – Construction of a pitched roof to replace a flat roof over the garage area - Granted 11.09.2000

W/79/0019 – Erection of replacement garage - Granted 20.02.1979

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development
- H0 - Housing
- H1 - Directing New Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- FW3 - Water Conservation

- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE5 - Protection of Natural Resources
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection, subject to no objection from Highways.

WCC Ecology: Object due to concerns over loss of biodiversity and impact on protected species.

WCC Highways: Object due to lack of updated parking survey.

Public Response: 11 objections received on the following grounds:

- Loss of garden space
- Negative impact on parking in the area
- Parking survey out of date
- Parking for existing dwelling sub-standard
- Will result in a loss of biodiversity
- No reference to appeal decision at No. 34 Russell Terrace.
- Site not brownfield land but important garden and amenity land
- Existing parking spaces to Russell Terrace will be lost
- Refuse arrangements for existing dwelling not clear
- Will result in negative impact on neighbouring amenity due to parking

ASSESSMENT

Principle of Development

The principle of development has already been established under the previous permission granted in 2020, which remains extant. There has been no policy change and the proposed residential development is still considered to be in accordance with the relevant housing policies and therefore is considered to be acceptable.

Design and impact on visual amenity and the character of the surrounding area and the Royal Leamington Spa Conservation Area

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. 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 BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using 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 Residential Design Guide SPD sets out steps which should be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act stipulates that with respect to any buildings or other land in a Conservation Area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Warwick District Local Plan Policy HE1 (Designated Heritage Assets and their setting) states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, in securing its optimum viable use. In terms of Conservation Areas, development will be expected to respect the setting of Conservation Areas and important views both in and out of them.

The proposed design has not been amended from the previously approved scheme W/19/1379. Under this application the proposed dwellings were considered to reflect the character of existing buildings within the local street scene. The proposed dwellings take design cues from other dwellings in the immediate street scene such as through the use of bay windows, the use of a smooth render finish to the primary elevation under a pitched natural slate roof for example.

The previous scheme was assessed by the Council's Conservation Officer who raised no objection to the scheme at that time, the current application does not seek to amend the approved design in anyway.

In line with the assessment of the previously approved scheme which remains extant, officers are satisfied that the development proposal would be acceptable in terms of the impact on the character of the local area, street scene and Royal Leamington Spa Conservation Area. The proposal is therefore considered acceptable having regard to Policies BE1 and HE1 of the Local Plan.

Impact on the character and setting of the nearby Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting, when considering whether to grant a planning permission, which affects a listed building or its setting.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Warwick District Local Plan Policy HE1 (Designated Heritage Assets and their setting) states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

The closest Listed Buildings to the site are on the opposite side of Russell Terrace at numbers 35 and 37 Russell Terrace. The previously approved scheme considered the impact on the setting of these Grade II listed buildings to be acceptable. This proposal does not seek to amend the previously approved design and layout of the proposed dwellings and officers are satisfied the development would not have a detrimental impact on the setting of the Grade II Listed Buildings.

The development is therefore considered to be acceptable having regard to Policy HE1 of the Local Plan.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposal has the primary windows facing to the front and rear and the separation distances all exceed the required standards for the dwellings to the front and rear of the site.

The previously approved scheme was found to be acceptable in terms of the impact on levels of light and outlook to neighbouring dwellings. As the current proposal does not seek to amend the approved design or layout in any way, officers are satisfied that the proposed dwellings would not result in any significant demonstrable harm to neighbouring amenity.

The proposal is therefore considered acceptable having regard to Policy BE3.

Amenity of future occupiers

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that does not provide acceptable standards of amenity for future users and occupiers of a development.

The previously approved scheme was assessed in terms of amenity of future occupiers and was considered to provide an acceptable level of outlook and amenity to the future users and occupiers and provided an acceptable level of private amenity space. There are no changes proposed to the approved design and so officers are satisfied the level of amenity for future occupiers is acceptable in line with officers assessment of the scheme previously.

Officers are also satisfied that the development retains sufficient amenity space for the retained dwelling. The appearance of this dwelling currently appears to be the front elevation facing onto Plymouth Place and the rear facing onto Russell Terrace with the traditional rear garden area in this location. The occupiers of this dwelling would therefore not be adversely affected by the proposed development.

The proposal is therefore considered acceptable having regard to Policy BE3 of the Local Plan.

Parking & Highway Safety

Policy TR1 of the Warwick District Local Plan requires that all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the adopted Parking Standards SPD.

The application site does not provide for off-street parking for the proposed new dwellings. The scheme makes provision for 4 additional parking bays to the frontage of the site on Russell Terrace which would be capable of delivering parking for the new three-bedroom dwellings each requiring 2 spaces. These bays have been designed to ensure that they do not encroach on the existing access protection markings at the access to No. 30 Russell Terrace. The County Highways Officer assessed the proposed parking as part of the previously approved scheme and was satisfied that these bays could be secured and delivered through an appropriately worded planning condition and a requirement to enter into an agreement with the County Highways Office to carry out the works in accordance with the relevant standards prior to the first occupation of the proposed dwellings. These previously imposed conditions are also proposed for the current application.

It is acknowledged that the occupiers of the new dwellings would not have exclusive rights over the newly created spaces to the frontage as the on-street parking in this area is unrestricted. This is the same situation for the majority of the existing dwellings within the area that do not benefit from private drives. However, the addition of the extra parking bays would increase capacity in line with the Council's parking standards and mitigate against the additional demand for parking generated by the proposed development in the local area.

The previously approved scheme sought to remove the garage to the side of the existing property that will open up an existing car port area to the side with a parking space within together with a parking space on the newly created driveway area, giving a total of two off-street spaces. This was previously found to be acceptable, and the current proposal does not seek to amend the approved parking arrangements for the existing property.

It is noted that the Highways Authority have raised an objection to the scheme on grounds that the previously submitted parking survey has not been updated under the current application. A number of local objections have also been received raising the same concerns. However, Officers have considered this and note that the applicant volunteered a parking survey under the previous application, and this was not a requirement under the Parking Standards SPD. The current and previously approved scheme addressed the parking demands generated by the development through the creation of 4 on street parking bays to serve the 2 new dwellings and 2 off-street spaces to serve the existing dwelling which was previously accepted by the Highways Authority. Officers are therefore of the view that given no changes are proposed under the current scheme and given the previous scheme still remains extant, it is considered unreasonable to request an updated parking survey which for all intents and purposes would be irrelevant given the context outlined.

For the above reasons, Officers are satisfied that subject to conditions, the development is acceptable having regard to Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation measures must be identified. If mitigation measures are not possible on site, then compensatory measures should be identified accordingly.

The application site is open garden land within the curtilage of the existing dwelling and the impact on ecological features is therefore limited. There is some vegetation clearance required to facilitate the proposal which will result in loss of biodiversity, a biodiversity enhancement scheme will be secured via condition.

Officers therefore consider that the proposal is acceptable having regard to Policy NE3.

Trees/Hedgerows

There are no significant trees or hedgerows within the site that would be lost as a result of the proposal. Any vegetation removed can be mitigated for in the provision of new landscaping to serve the dwellings. This can be secured by condition.

Air Quality

As the proposal introduces a use that would result in increased traffic movements, an Air Quality Mitigation scheme is proposed by condition to secure measures to offset any potential impact on air quality in this location and to comply with Policy NE5 and the Planning & Air Quality SPD.

Water Efficiency

A condition can be applied to secure compliance with Policy FW3 of the Local Plan.

Conclusion

The development is located within the urban area of Royal Leamington Spa where housing is considered acceptable in principle.

The proposal has been assessed and is considered acceptable having regard to the impact on the character and amenity of the local area and Royal Leamington Spa Conservation Area, the impact on the amenity of neighbours and future occupiers, highway safety and ecological matters.

Site specific matters can be adequately controlled by condition.

For the above reasons, Officers recommend that the application be granted, subject to conditions.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1287-0505-01, 1287-0504-02, 1287-0500-07, 1287-0501-08, and specification contained therein, submitted on 01st July 2022. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3 and HE1 of the Warwick District Local Plan 2011-2029.
- 3 No development shall be carried out above slab level unless and until samples of the external facing materials including details of all boundary treatments to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. Render shall be smooth sand and cement painted and tiles shall be natural slate. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 4 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 5 Notwithstanding the submitted details, no development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, rainwater goods and front boundary treatment at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 6 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 7 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 8 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.
- 9 The development hereby permitted shall not be occupied until a detailed landscaping scheme has been submitted to identify all retained planting and new planting where required to mitigate for the loss of existing vegetation and thereafter approved in writing by the Local Planning Authority. Thereafter, the planting shall be carried out in accordance with the approved scheme within the first planting season following the

first occupation of the dwelling. **REASON:** To ensure an appropriate level of landscaping is proposed in the interest of visual amenity and biodiversity having regard to Policies BE3 and NE4 of the Warwick District Local Plan 2011-2029.

10 The development hereby permitted shall not be occupied unless and until:

(a) details of biodiversity enhancements to achieve a net gain in biodiversity have been submitted to and approved in writing by the local planning authority; and

(b) the biodiversity enhancement measures approved under (a) have been completed in strict accordance with the approved details, with the exception of any planting, which must be completed within the first planting season following first occupation.

The biodiversity enhancement measures shall thereafter be retained and maintained in strict accordance with the approved details in perpetuity.

Reason: To ensure net gains in biodiversity, in accordance with the requirements of the NPPF.

11 Prior to the occupation of the development hereby permitted, all side facing windows at first floor level shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

12 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.