

Planning Committee: 26 April 2022

Item Number: 6

Application No: [W 21 / 0410](#)

Town/Parish Council: Leamington Spa
Case Officer: Jonathan Gentry

Registration Date: 18/08/21
Expiry Date: 13/10/21

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62 Leam Terrace, Leamington Spa, CV31 1BQ

Erection of 2no. 1 bed maisonette flats to land rear of No. 62 Leam Terrace FOR
Nexus

This application is being presented to Planning Committee due to the number of objections received and the application is 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

Planning permission is sought for the erection of 2no. 1 bed maisonettes on land to the rear of No. 62 Leam Terrace. The proposed design and layout of the site has been revised in line with Officer and consultee feedback during the course of the application.

THE SITE AND ITS LOCATION

The application site is located within the Royal Leamington Spa Conservation Area and also falls within the town centre boundary. The site relates to the far rear extent of 62 Leam Terrace, which fronts on to New Street. As existing, the site forms a hardstanding parking area, separated from New Street through a boundary wall and large gated access. While the South side of New Street opposite the site is largely characterised by terraced dwellings, the North side of the street exhibits a selection of garages and coach/ mews style dwellings that have emerged within the garden areas of Leam Terrace Villas.

RELEVANT PLANNING HISTORY

W/07/1024 – Part demolition of existing boundary wall with construction of new double sliding timber gate and dropped kerb fronting New Street; erection of new shed - Granted

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- H1 - Directing New Housing
- BE1 - Layout and Design

- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- FW1 - Development in Areas at Risk of Flooding
- HE1 - Protection of Statutory Heritage Assets
- CC1 - Planning for Climate Change Adaptation
- NE1 - Green Infrastructure
- NE5 - Protection of Natural Resources
- FW3 - Water Conservation
- 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)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS12 - Air Quality
- RLS2 - Housing Design
- RLS3 - Conservation Area
- RLS13 - Traffic and Transport

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - Members raise no objection, subject to no objection from Conservation and the Highways Authority and appropriate parking space provision.

WCC Ecological Services - Recommend works carried out sensitively. Advise imposition of advisory notes in relation to bats, nesting birds, amphibians and hedgehogs.

WCC Highways - No objection to revised scheme.

Lead Local Flood Authority - Recommend additional details regarding SuDs and overland flow mitigation provided.

Public Response -

Eight objections received on the following grounds:

- Existing parking stress on New Street will be worsened by the proposed development.
- Inadequate parking spaces provided on site.
- Proposed development would result in a loss of amenity space to No.62 Leam Terrace.
- Proposed development lacks outdoor amenity space.
- Not clear whether proposed maisonettes meet national space standards.

One neutral comment received, stating error in Design and Access Statement.

ASSESSMENT

Principle of development

Policy H1 seeks to direct new housing development in the first instance to the urban areas of Leamington, Kenilworth and Warwick. In this respect the application site is within the urban area of Leamington Spa and acceptable in principle having regard to Policy H1.

Impact on the character and appearance of the Conservation Area and wider streetscene

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 132 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 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal. Permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high-quality layout and design in all developments that relates well to the character of the area.

The proposal involves the creation of a 1.5 storey building comprising 2no. 1 bed maisonettes on part of the rear garden of No. 62 Leam Terrace. The immediate adjacent neighbouring site at Nos.83 and 81 New Street has been similarly infilled. Several other examples of development infilling plots facing onto New Street are evident to the West of the site.

The proposed building design has been amended during the course of the application to adopt a more sensitive appearance, including revised fenestration layout and front facing dormers that have been recessed into the eaves of the building and feature pitched roofs. Overall, the design is considered to sit comfortably in the surrounding street scene, closely following the neighbouring site in terms of layout and overall scale and design. Appropriate facing materials and detailing have also been incorporated into the scheme. Officers assess that as revised; the development would not result in the generation of visual harm to the character and setting of the Conservation Area.

Overall Officers consider that the proposal will not have an adverse impact on the heritage assets or the wider streetscene having regard to Policies HE1 and BE1.

Impact on residential amenity

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.

Neighbouring Amenity

The position of the proposed building would not result in any breach of the 45-degree guide from the neighbour at No.83 New Street. As the only immediately adjacent property, the proposal would not result in material harm to neighbouring amenity by reason of loss of light or outlook.

In addition, the position of the windows at both ground and first floors is directed both forwards onto New Street and rearwards into the parking area at the rear of the site. While some angled views into the neighbouring property at No.83 would be possible, alongside further views into the garden of No.62 Leam Terrace, the proposed arrangement is considered to be one typical of an urban setting. In view of this, it is considered that there would be no material harm by reason of loss of privacy or overlooking of neighbouring sites.

An acceptable level of private outdoor amenity space of approximately 165sq metres would be retained to the rear of No.62 despite the loss of existing hardstanding area and creation of additional parking spaces.

A distance separation of approximately 22 metres would be achieved between the rear of the development and that of No.62 Leam Terrace, in accordance with minimum standard set out within the WDC Residential Design Guide SPD. A comparable separation would be achieved to No.4 Farley Street to the east, the rear of which faces towards the application site. As a blank gable, this separation distance is considered acceptable.

To the frontage of the site, a distance separation of approximately 11 metres would be achieved against Nos.102, 104 and 104a New Street. Such separation lies sub-standard of the 15 metres outlined within the Residential Design Guide as an acceptable across-street layout for new developments. However, the specific layout of the street and its Conservation Area setting dictates that reduced across street separation and buildings that lie directly up against the street frontage form a dominant characteristic of the area. The neighbouring site at No.83 features a comparable cross street separation, and Officers consider that setting the building further rearwards within the plot would compromise the overall character of the streetscene. Given these considerations, the proposed layout is considered acceptable in this regard, and is not viewed to result in compromised amenity beyond a level typical of the street. The Residential Design Guide makes provision for reduced distance separations where the character of the conservation area is relevant.

Future Occupiers

All habitable rooms within the proposed development would benefit from an acceptable level of natural light and outlook, being served by appropriate window openings.

The proposed development does not include the provision of any specific private outdoor amenity space, beyond the hardstanding parking and waste storage area to the rear of the building. However, it is noted that the scheme comprises the creation of 2no. single bed maisonettes positioned within a dense urban area of the town centre in close proximity to public parks and open spaces and in this context, it is considered that the absence of dedicated private amenity space would not be a reasonable reason for refusal.

A comment has been submitted querying whether the proposal meets the requirements of the National Space Standards. This has not been adopted by Warwick District Council and therefore the weight to be given to this is very limited. can be given to this.

Overall, the development is considered to comply with Policy BE3 in terms of impact on amenity to neighbouring properties and the amenity of the future occupiers.

Access and Parking

Policy TR1 of the Warwick District Local Plan requires all developments to 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 relevant parking standards.

Vehicular access to the site is to be achieved through a driveway access that would run to the side of the proposed building. The site as existing features vehicular access from its frontage onto New Street.

In line with the WDC Parking Standards SPD, the two maisonettes created would each require a single parking space. Accordingly, two spaces have been illustrated to the rear of the site, accessed from the driveway running to the side of the building. The Highways Authority initially objected to the scheme on the basis that the illustrated spaces did not meet specified dimensional standards and were positioned in such a way that would make accessing bin storage difficult. As a result, a revised scheme was brought forward, illustrating spaces of appropriate dimensions and positions. The Highways Authority subsequently raised no objection to the revised design layout.

In addition to spaces required under this development scheme, since an existing parking area serving No.62 would be lost through the proposed development, it is necessary for off street parking to be provided for No.62 Leam Street. To this end, it is noted that public comments received cite the significant parking pressure evident within this part of Leamington. To mitigate the loss of existing parking an additional parking area comprising three spaces has been illustrated behind the application site, serving the parking requirement of No.62. This parking area is to be accessed via the driveway area shared with the maisonettes. The provision of three spaces meets the upper specification of the WDC Parking Standards SPD which outlines those properties of four or more bedrooms should benefit from at least three spaces. The appropriate completion of the designated parking areas is to be secured via condition.

The Highways Authority consider that there would be no harm to public or vehicular safety as a result of the proposal and as such I consider the proposal accords with Policy TR1 and TR3.

Ecology

Policy NE2 of the Local Plan seeks to protect designated biodiversity assets and protected species, ensuring they are not adversely impacted by development proposals. The County Ecologist has recommended that precautionary notes are attached regarding bats, nesting birds and amphibians/hedgehogs are attached to any grant of consent. Such measure is considered reasonable and appropriate in this instance.

In line with this consideration this I am satisfied the proposal will not have an adverse impact on protected species having regard to Policy NE2.

Flood Risk

WDC Local Plan Policy FW1 sets out a range of policy considerations for reducing flood risk in line with NPPF specifications.

The application site area lies within designated Flood Zone 2, raising the need for appropriate flood mitigation within the scheme. The Lead Local Flood Authority have commented on the application, requesting further details in regard to surface water drainage and the incorporation of sustainable drainage systems (SuDs). The proposed plan layout of the site has subsequently been revised to illustrate the installation of permeable gravel surfacing to the outdoor parking areas of the site, incorporating a permeable sub-base layer. In addition, rainwater drainage layout has been illustrated appropriately. As a result, the development is considered to appropriately mitigate potential flood risk, minimising overland flow and this can be secured by condition.

As amended, the development is considered to accord with Local Plan Policy FW1.

Low Emissions Strategy

The Council's adopted Air Quality SPD sets out the level of mitigation that would be required to reduce the impact of emissions resulting from a particular development.

The proposal will result in additional vehicular movements and therefore there is a requirement for the provision of an electric charging point in accordance with the Council's adopted Air Quality SPD. Both of the designated parking spaces illustrated on the revised plan submission feature an installed EV charging port. As a result, the development is considered to incorporate appropriate measures in this regard. This can be secured by condition.

Waste

As revised, a single bin storage area has been detailed to the rear of the site, adjacent to designated parking spaces. The detailed store is of appropriate

dimensions to accommodate the relevant waste storage requirement in line with specifications outlined in Appendix I of the WDC Residential Design Guide. The bins may be brought to the front of the site for collection purposes.

The proposal is therefore considered acceptable from a waste management perspective.

Water Efficiency

Compliance with Policy FW3 is to be secured by condition.

Sustainability

Compliance with Policy CC1 is to be secured by condition.

SUMMARY/CONCLUSION

For the reasons outlined above, Members are recommended to grant permission for the proposed works, subject to noted 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 '1610-LP-01A' submitted on the 6th December 2021, approved drawing '1610-P-01_G' submitted on the 8th April 2022, and specification contained therein, except as required by condition 3 below. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Notwithstanding the details contained within the approved documents, prior to commencement of development other than site clearance, preparation works, or demolition works, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include:
 - a) How the development will reduce carbon emissions and utilise renewable energy.
 - b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures.
 - c) Details of the building envelope (including U/R values and air tightness).
 - d) How the proposed materials respond in terms of embodied carbon.

e) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

No dwelling shall be first occupied until the works within the approved scheme have been completed 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 in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

- 4 No development shall be carried out above slab level unless and until samples of the external facing materials 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. **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 Policies BE1 & HE1 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas for both the new dwellings and No.62 Leam Terrace have been provided in accordance with the details shown on the approved drawings and thereafter those areas shall be marked out and kept available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and residential amenity in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.
- 6 The development hereby permitted shall be carried out strictly in accordance with the approved porous surface treatment details illustrated within '1610-P-01 Rev.G'. The surfacing shall be retained in strict accordance with the approved details. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.
- 7 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.

- 8 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
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