

Application No: [W 19 / 1379](#)

Town/Parish Council: Leamington Spa
Case Officer: Dan Charles

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Registration Date: 26/09/19

Expiry Date: 21/11/19

32 Russell Terrace, Leamington Spa, CV31 1EZ

Erection of 2no. dwellings FOR Dr Davies

This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received.

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.

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/19/0144 - Proposed residential development consisting of two three-storey 4-bedroom units – Withdrawn 6.03.2019.

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
- The Current Local Plan
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Object for the following reasons:

1. Not within the NPPF definition of brownfield land so a request to develop a garden and does not meet the criteria in Policy H15 of the Local Plan regarding custom build homes.
2. The parking survey was conducted outside the higher education term time and is not therefore in line with the WDC Parking SPD.
3. Lack of parking spaces provided on the site in line with the Parking SPD - it is suggested spaces can be made available on street by the developer. This would need to be agreed by the Highways department and there is no evidence of this.
4. Proposed height of the building would dominate the property to the left and the question of overlooking is raised by the presence of non-obscured windows in the side of the building. It is suggested two trees will need to be removed - can they be replaced elsewhere on the plot or elsewhere in the neighbourhood?

WDC Waste Management: No objection.

WCC Ecology: No objection as no building being removed.

WCC Highways: No objection following revision to parking layout to omit conflict with adjacent access.

Public Response: A total of 13 letters of objection have been received making the following comments;

- Site is not classified as brownfield.
- Loss of trees and shrubs harmful to character of the area and neighbouring amenity.
- Will increase parking pressures on street in both Russell Terrace and Plymouth Place.
- Plymouth Place cannot accept any increased traffic.
- Garage of 32 Russell Terrace is not acceptable size for parking of vehicles.
- Harm to wildlife and landscape features.
- Overdevelopment of site.
- Should be read in the context of the dismissed appeal at No. 34 Russell Terrace.
- Benefits do not outweigh the harm to the Conservation Area.
- Parking Survey conducted out of term time.
- Loss of privacy to neighbouring properties.
- Loss of sun/daylight to neighbouring properties.
- Visual intrusion to neighbouring properties.
- Increased light pollution.
- Loss of important garden area that contributes to character of the Conservation Area.
- Revised parking inadequate for the needs of the development.
- Harm to setting of Listed Buildings.
- Out of character with existing plot dimensions.
- Height and pitch of roof not in keeping with neighbouring properties.

Agent's Comments:

We have read various planning objections from residents and The Town Council with regards to 32 Russell Terrace and would like to make the following comments:

- Policy H15, referenced in the Warwick DC Local Plan, which is the basis of one of the Town Council's objections, refers to Custom and Self-build housing in rural locations.
- We have submitted a revised parking arrangement following Highways' comments..
- With regards to trees/bushes, we have indicated the retention of the tree to the rear of the property, and intend on supplementing the loss of bushes and saplings with new planting in both front and rear gardens.
- We have provided a Parking Survey conducted in October 2018 (university term time).

ASSESSMENT

History/Background

Application reference W/19/0144 was withdrawn following concerns over the proposed design together with the parking requirement of 3 spaces per unit for the previously proposed 4 bedroom properties. The current scheme has amended the design and reduced the dwellings to 3 bedrooms to seek to overcome the previous issues.

Principle of Development

Policy H1 sets out where in the District new housing development will be permitted. Relevant to this particular application is bullet point (a) which stipulates "*within the Urban Areas, as identified within the policy and on the Policies Map*". The site is within the Urban Area of Royal Leamington Spa and therefore an appropriate location for new housing development.

The application site is located in the urban area and therefore in this regard the proposed residential development complies with Policy H1 and is acceptable in principle.

However, Policy H1 also states that housing development on garden land, in urban and rural areas, will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/ or locality and respects surrounding buildings in terms of scale, height, form and massing. This will be assessed further below.

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.

Taken into consideration with the similar layout of the adjacent property at number 30 Russell Terrace, the current site offers a small relief to the otherwise built up frontage on this side of Russell Terrace. The proposal to infill this area would result in built form being introduced into this area of open space within the Conservation Area. However, the current area of land is domestic garden land associated with the host property and is not afforded any special protection or designation within the Conservation Area. The introduction of built form into this area would result in a change to the character of the immediate area but the wider impact would be limited as the site is an anomaly to the existing character of the area rather than forming part of the wider intrinsic character of the area. On this basis, Officers do not consider that the provision of two dwellings on this site would diminish or harm the character of the local street scene or Conservation Area setting.

The proposed dwellings have been designed to reflect the character of existing buildings within the local street scene. The use of bay windows to the frontage takes its design cues from the adjacent dwellings and wider street scene and the use of a smooth render finish to the primary elevation under a pitched natural slate roof further reflects the local character of the traditional dwellings in the locality, which when viewed in the context of the street scape on this side of Russell Terrace, is the predominant material used by the dwellings. In terms of

detailing, the frontage uses traditional painted timber windows to reflect the local character of the street scene and Conservation Area.

In terms of plan form, the main body of the dwelling has a similar plan depth to the immediately adjacent property at No. 34 Russell Terrace. The projecting rear wings are also similarly scaled. The dwellings are evenly spread across the plot width to a similar degree as the existing dwellings in the street, albeit marginally more of the plot is taken up by the dwellings compared to other properties within the locality. However, there is a clear gap to the boundaries of the site that, whilst marginally narrower than those in the vicinity of the site, can still be clearly read as a gap that follows local characteristics.

The proposed dwellings are set behind a small forecourt that also follows the general characteristics of the local street scene and provides an appropriate form of visual appearance.

The overall plot width is narrower than the general character of the existing semi-detached dwellings within the street scene. However, the scale of the dwellings and overall character, whilst narrower than those in the immediate setting does not result in a form of development on the plot that is cramped or viewed as an overdevelopment of the plot. The proportions of the proposed dwelling visually appear similar to the adjacent plots and the design sits comfortably on the plot.

With regards to the future use of the retained dwelling, it is noted by Officers that the existing dwelling has an active frontage onto Plymouth Place and addresses the street scene in that location and does not appear in the street scene as the rear of a building. Additionally, the property benefits from an existing garage to the side of the building which also fronts onto Plymouth Place. The property would not require any alteration to function with its primary elevation onto Plymouth Place and the existing façade would retain the existing character of that local street scene.

The scheme has been assessed by the Conservation Officer who has raised no objection to the scheme, subject to conditions. The only aspect of concern raised was the treatment of the front boundary and the request that an alternative proposal be provided to be in keeping with the area. These changes can be secured by condition.

Overall, 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. It is also considered that the proposal would comply with Policy H1 insofar as it relates to residential development on garden land.

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 proposed development does bring built form closer to the setting of these buildings, however, the form of development would not detract or compete with the setting of these buildings that are viewed as their own entities within the street scene. The proposed new dwellings would sit within their own curtilage on the opposite side of the street and address the road in a similar form to the existing dwellings within the area.

Officers are therefore satisfied that 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 dwellings would share a side to side relationship with the existing property at No. 34 Russell Terrace. Side facing windows are limited to non-habitable rooms and these are identified as being obscure glazed to prevent any harmful overlooking.

The proposed dwellings share a similar relationship to the existing properties within the street and Officers are satisfied that the proposal 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 proposed development has all primary windows facing to the front and rear of the property, which affords an acceptable levels of outlook and amenity to the future users and occupiers.

The proposal has an acceptable level of amenity space to the rear, which is appropriate for a three-bedroom dwelling and the garden sizes are similarly proportioned to other properties within the locality.

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. Following the withdrawal of the previous scheme, discussions took place with the County Highways Officer in order to seek an appropriate solution. It was agreed that the provision of increased parking bays to the frontage of the site would be capable of delivering parking for the new dwellings following their reduction to three bedroom units requiring 2 spaces. 4 spaces are proposed on the frontage and these can be 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.

As a result of the scheme, the existing dwelling will lose the ability to park vehicles in this area. The applicants provided parking surveys with the earlier scheme to demonstrate that parking was available within the vicinity of the site. The first survey was carried out in September, which was not considered appropriate as it was conducted outside of university term times. A subsequent later survey was carried out in October that identified similar results. Having assessed the submission, the County Highways Officer has raised no objection to the proposal.

It is clearly acknowledged that the new homeowners would not have specific 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 existing dwellings within the area that do not benefit from private drives. However, the addition of the extra parking bays would mitigate the extra demand for parking in the local area.

For the above reasons, Officers are satisfied that 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 can be adequately mitigated by informative notes.

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.

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) 1287-0500-07 and 1287-0501-06, and specification contained therein, submitted on 15 August 2019 and approved drawing 1287-0502-03, and specification contained therein, submitted on 1 November 2019. **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.
- 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. 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.
- 5 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.
- 6 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.
- 7 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.
- 8 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.

- 9 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.
- 10 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.
- 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
