

Planning Committee: 11 October 2022

Item Number: 8

Application No: [W 22 / 0305](#)

Town/Parish Council: Leamington Spa
Case Officer: Lucy Hammond

Registration Date: 17/02/22

Expiry Date: 14/04/22

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3 Gulistan Road, Leamington Spa, CV32 5LU

Erection of a pair of semi-detached two bedroom houses, on land adjacent to 3 Gulistan Road. FOR O'Sullivan and Lucey

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

RECOMMENDATION

That Planning Committee approve the application subject to the conditions set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of two dwellings on land adjacent to No.3 Gullistan Road.

THE SITE AND ITS LOCATION

The application site currently comprises part of the garden land of the host dwelling known as No.3 Gullistan Road. Although the site is within the Royal Leamington Spa Conservation Area the site is quite overgrown and in any case is largely obscured from public view by the presence of a tall brick boundary wall running the full width of the plot. No.3 is a detached two storey Victorian property set some distance back from the road with its garden positioned to the side (east) and front (south).

Gullistan Road resembles the characteristics of an old service road. On the south side is the rear of the four storey Regency terrace in Bertie Terrace; rear access and waste storage is obtained from Gullistan Road. Areas of hardstanding to the rear of Bertie Terrace is extensive with the properties' rear elevations set back from the road by some 18m – 22m.

On the north side of Gullistan Road the architectural style and character is varied. At the eastern end which is the entry into the road there are modern red brick buildings of little architectural merit on the north side while opposite on the south side there are further modern buildings that display gables and other architectural detailing.

To the immediate west of the application site is a row of flat roofed garaging beyond which there is a mix of two storey rendered properties and single storey brick properties. Sporadically placed on the south side of the road are some examples of garage/coach house style development.

The overall character and appearance of Gullistan Road therefore is mixed with no prevailing vernacular and the historic sense of the service road has been somewhat eroded over time.

PLANNING HISTORY

No relevant history

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
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation
- FW1 - Development in Areas at Risk of Flooding
- FW3 - Water Conservation
- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS3 - Conservation Area

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection subject to there being no objection from WCC Highways particularly in regard to parking provision

WCC Highways: No objection

WDC Conservation: No objection subject to condition

Health & Community Protection – Environmental Sustainability: No objection subject to condition

Lead Local Flood Authority: No objection subject to condition

Waste Management: No objection

WCC Ecology: No objection subject to conditions

Public Response:

8 objections received raising the following material planning considerations:

- concerns about increased demand for parking
- the plans should incorporate off-street parking
- garden loss has an environmental impact
- the proposals are not sympathetic to other properties in the road and neighbouring streets

1 support received raising the following points:

- the development would have a positive impact on the street scene
- it would also improve natural surveillance and the perception of safety at the end of the road
- this is a sustainable location within walking distance of amenities, facilities and public transport

Officer note - the objections surrounding parking have been addressed through the undertaking of additional parking surveys which led to the removal of the Highways Authority objection. Due to the interest in the application however and the original concern surrounding parking, notwithstanding the more recent assessment in this regard, the application is still referred to planning committee for determination.

ASSESSMENT

Principle of development

Policy H1 of the Warwick District Local Plan 2011-2029 sets out where in the District new housing development will be permitted. H1a) allows such development within the Urban Areas, as identified in the policy and on the Policies Map. The policy further states that housing development on garden land, in urban 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.

Policy RLS1 of the Royal Leamington Spa Neighbourhood Development Plan (RLSNDP) states that proposals for new housing development within the Urban Area will be supported for (*inter alia*) infill development that is of an appropriate scale and that does not lead to the loss of residential gardens (unless in accordance with Policy H1 of the Warwick District Local Plan), overdevelopment, or have a significant adverse impact on the amenity of adjacent existing occupiers and uses.

The site is within the Urban Area of Royal Leamington Spa and presently forms part of the garden land to the front/side of the host dwelling known as No.3 Gullistan Road. The proposal seeks to erect two new dwellings at the front of the site such that they would front directly onto the road in much the same way as the majority of other residential development along the road. The design characteristics and other relevant considerations set out within the aforementioned Neighbourhood Plan policy are considered in more detail in the following sections of this report but for the purposes of assessing the principle of development, officers are satisfied that this is acceptable in accordance with both principal policies, subject to an assessment of the other material considerations which are set out below.

Visual impact / character of area

Policy BE1 requires new development to positively contribute to the character and quality of its environment through good layout and design. This is further supported through the Residential Design Guide SPD (2018) which provides a framework through which additional design principles are set out to ensure that high quality design is promoted, sensitive to, and in keeping with the area in which it is located.

The two dwellings proposed are similar in size and scale to the neighbouring dwellings found opposite and to the east side of the application site. Both dwellings share the same architectural style and design so the pair would appear balanced within the street scene and while their eaves height is in line with the neighbouring properties to the east, the ridge would be slightly lower so as not to dominate the site or surroundings. A full height gable feature is proposed to the front of each unit, echoing the design found on the property opposite (No.18) which was a new build mews dwelling approved in 2004.

While the proposed dwellings may lack elaborate architectural detailing, officers have had regard to the existing character of the street scene. Gullistan Road's eclectic mix of architectural styles is predominantly characterised by more modern buildings that are of no particular architectural merit. To the west of the site is an existing line of flat roof garages beyond which is a 1970's development comprising terraced houses and flats which are rendered. To the east, at the entrance to the road, is a 1980's development of two storey, red brick buildings with no architectural detailing. Directly opposite the site is the rear of Bertie Terrace; a four storey Regency terrace whose rear facing elevation is set back some 25 metres from the road.

Brickwork to match the existing property at No.3 is proposed together with the use of slate for the roofs and it is proposed to attach a condition requiring samples of all facing materials to ensure that the most appropriate finish is secured for the development. Officers are satisfied that both the design and the proposed materials are suitable in the context of the surrounding area and the development would not result in any visual harm to the street scene.

For the above reasons it is considered the development is acceptable in this regard and as such accords with Policy BE1.

Impact on heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, 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."

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.

Policy RLS3 of the RLSNDP states that development proposals that are within a Conservation Area must assess and address their impact on their heritage significance, demonstrating attention to (*inter alia*):

- the proposed building type, style, materials and colours in relation to the character area in which it is located and its distinguishing features;
- the relationship of the proposed layout to the existing road pattern, plot sizes and the balance between buildings and garden spaces;
- building height, scale and rooflines sympathetic to the local setting;

Paragraph 199 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. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Having regard to the design considerations set out above, there is no objection in principle to development on this site and there are no issues with regard to the proposed height and scale of the dwellings. The street scene was historically a mews street to serve the grander dwellings to the south (the Grade II listed Bertie Terrace) however modern development has somewhat eroded this character. The mews type buildings that do exist are also recent additions to the street scene and

the form, scale and design of buildings is very mixed. It is also noted that a double gabled frontage exists on Nos.2-4 Gullistan Road which is in closer proximity to Bertie Terrace.

No objections have been raised by the conservation officer and officers are therefore satisfied that the development would in no way be detrimental to the character and appearance of the conservation area.

In making this assessment, regard has been had to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets.

Impact on neighbouring / residential amenity

Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. At the same time, the policy also requires development to provide acceptable standards of amenity for all future users and occupiers of the development.

The position of the new dwellings is such that they would sit on the roadside, in line with the majority of surrounding buildings in the street. No.3 Gullistan Road is set back from the road by some 19 metres and its garden extends to the east (side) and south (front). Approximately one third of the total width of the plot would be retained to the south (front) of No.3 which would continue to provide parking for the host dwelling while its garden would remain to the east (side), behind the proposed dwellings. Officers are therefore satisfied that sufficient outdoor and private amenity would remain for the host dwelling.

The proposed new dwellings would have rear gardens which accord with the guidance set out in the Residential Design Guide. All habitable rooms are served by windows rather than rooflights alone and thus an appropriate outlook would be afforded to each room.

The 45° lines have been calculated from both the rear of the new dwelling to the front facing habitable room window in No.3 as well as from No.3's window across the back of the new dwelling. While a breach would occur in both directions the points at which they breach exceed the 8 metre distance set out in the Residential Design Guide. Accordingly, officers are satisfied that the new development would not result in demonstrable harm to the amenity of either property by reason of overlooking, a loss of light or a sense of overbearance.

For the above reasons officers are satisfied that the development is acceptable in this regard and as such accords with Policy BE3.

Access and parking / Highway safety

Policy TR1 requires development to provide safe, suitable and attractive access routes for all road users; including drivers of motor vehicles as well as cyclists, pedestrians and public transport users.

Policy TR3 requires development to make provision for parking which has regard to the location and accessibility of the site by means other than the private car, does not result in on-street car parking detrimental to highway safety; takes account of the parking needs of disabled car users, motorcyclists and cyclists; and takes account of the requirements of commercial vehicles. Moreover, development will be expected to comply with the parking standards set out in the most recent Parking SPD.

2-bed dwellings would normally be required to provide 2no. parking spaces in accordance with the Parking Standards SPD. The dwellings are proposed with no off-street parking and accordingly, parking surveys were undertaken and submitted with the planning application. The County Highways Authority raised objection initially, on the basis that while the surveys had been carried out at the appropriate times, other parking attractors nearby (such as places of worship) had not been factored in, in accordance with the methodology set out in the SPD. Additional surveys were therefore requested and undertaken accordingly, at the appropriate times when such uses close to the site may be in operation.

The scope of the additional survey work was agreed with the Highway Authority and the Local Planning Authority and further surveys were undertaken. The Highway Authority, having reviewed the additional information, has confirmed that the results satisfactorily demonstrate that sufficient parking is available within the survey area at the appropriate times of day and as such has withdrawn its original objection.

Notwithstanding local concerns in the surrounding area which have been raised in respect of parking and the possible impacts the development may have on the parking network, officers are satisfied that this has been adequately addressed and there would be no harmful impacts on residential amenity by reason of parking stress.

For the above reasons officers are satisfied that the development is acceptable in this regard and as such accords with Policies TR1 and TR3.

Other matters

Impacts on Ecology

The County Ecologist initially raised objection and requested further information which was undertaken with further reports submitted. Part of the Ecologist's concerns were in relation to the proposed green roofs which has since been addressed through the inclusion of details within the revised Ecological Appraisal. It is proposed to add a condition requiring these details (plan, species list and dimensions) prior to the commencement of any works above slab level so they are secured and discharged accordingly as part of the planning permission.

There would be a biodiversity loss of 0.02 units which is proposed to be mitigated for through the imposition of a biodiversity offsetting condition which would require the necessary biodiversity enhancements and/or a suitable offsetting scheme to be agreed with the County Council and approved in writing by the District Council. Subject to this and other recommended conditions being added to any forthcoming

planning permission the Ecologist's objection has now been removed and the development is considered to accord with Policies NE2 and NE3.

Environmental Health considerations

The Environmental Health Officer has confirmed there are no objections to the development in respect of noise, air quality and land contamination. Owing to the location of the site in this no-through road however and the proximity to other neighbouring properties, it is recommended that a construction management plan be conditioned to ensure that existing residential amenity is proposed from adverse noise, dust, vibration and lighting impacts during the construction phase of the development.

Adapting to Climate Change/Air Quality Mitigation

Policy CC1 seeks all new development to be resilient to and adapt to the future impacts of climate change through the inclusion of measures to mitigate against rising temperatures and increased flood risk through sustainable construction measures and the incorporation of sustainable drainage methods.

The significant benefit of providing new dwellings on the site (compared to converting an existing structure) is that the development would result in significantly improved dwellings in terms of sustainable construction methods. To secure the most sustainable form of construction, a condition is proposed to secure a suite of sustainable construction and sustainable energy measures to be secured for the proposed dwellings.

The proposal is therefore considered to accord with Policy CC1.

As the proposal relates to a new dwelling, the standard Low Emission Strategy condition is also proposed to ensure compliance with Policy NE5 and the Air Quality SPD.

Compliance with Policy FW3 in terms of water efficiency is to be secured by condition.

Waste Management

No objections have been raised to the scheme in respect of waste management. Bins are proposed to be stored within the courtyard to the front and this is considered acceptable.

Drainage

Following receipt of further information in respect of foul and surface water drainage, the Lead Local Flood Authority has confirmed there are no objections to the development and recommended a condition requiring the development to be carried out strictly in accordance with the submitted Drainage Plan and Drainage Statement.

Summary/Conclusion

The principle of development is considered acceptable in accordance with Policy H1 of the Warwick District Local Plan as well as Policy RLS1 of the Royal Leamington Spa Neighbourhood Development Plan. The overall scale, mass and bulk of the proposed dwellings, relative to their plot size is not dissimilar to other comparable properties in the road and the design and choice of materials is considered to be in keeping with the general character of the area and street scene. There are no heritage concerns with the proposal which is not considered to cause any adverse impacts on the character and appearance of the Royal Leamington Spa Conservation Area.

There would be no harm arising to the residential amenity of the nearest neighbour (No.3) nor any other neighbouring properties and the proposed level of amenity afforded to the new dwellings is considered acceptable in regard to garden sizes and outlook. There are no material concerns in relation to waste management, air quality, noise, drainage and ecology. Additional parking surveys carried out in accordance with the adopted Parking Standards SPD confirm there is sufficient capacity on street and the lack of parking proposed with the new dwellings would not be detrimental to highway safety or residential amenity by reason of parking stress. The County Highway Authority has removed its objection and officers are now satisfied with the proposals.

It is therefore recommended that planning permission be approved subject to the conditions listed at the end of this report.

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 drawings 1040-09 Rev.A, 1040-10 Rev.A and 1040-11 Rev.A and specification contained therein, submitted on 17 February 2022 and approved drawing 1040-12 Rev.B and specification contained therein, submitted on 27 July 2022. **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 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not

carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

4 The development hereby permitted shall not commence until a detailed schedule of habitat and species enhancement measures to include green roofing, swift nesting features and other enhancement measures as detailed within the submitted Preliminary Ecological Appraisal (PEA) carried out by Martin Ecology, dated August 2022, has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation and enhancement measures shall thereafter be implemented in full and maintained in perpetuity. **Reason:** To enhance the nature conservation value of the site and ensure no net biodiversity loss in accordance with Policy NE3 of the Warwick District Local Plan and the NPPF.

5 No part of the development hereby permitted shall commence unless and until:

(a) details of biodiversity enhancements / offsetting 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 / offsetting measures approved under (a) have been completed in strict accordance with the approved details prior to the occupation of the dwellings hereby permitted.

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

Reason: To ensure net gains in biodiversity, in accordance with the requirements of the NPPF and Policy NE3 of the Warwick District Local Plan 2011-2029.

6 Notwithstanding details contained within the approved documents, prior to commencement of development (within its relevant phase), a Sustainability Statement including an energy hierarchy scheme for that phase and 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) How proposals will de-carbonise major development;
- d) Details of the building envelope (including U/R values and air tightness);
- e) How the proposed materials respond in terms of embodied carbon;
- f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- g) 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/ building 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).

- 7 The development hereby permitted shall either:
 - a) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
 - b) Not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 8 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 Policy BE1 of the Warwick District Local Plan 2011-2029.

- 9 The development hereby permitted shall be carried out strictly in accordance with the approved Drainage Plan (1040-12b) and Drainage Statement (1040-DS).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029.

- 10 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.
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