

**Planning Committee:** 03 May 2005

**Principal Item Number:** 05

**Application No:** W 05 / 0345

**Registration Date:** 02/03/2005

**Town/Parish Council:** Leamington Spa

**Expiry Date:** 27/04/2005

**Case Officer:** Joanne Fitzsimons

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**The Walnut Tree P.H., Crown Way, Lillington, Leamington Spa, CV32 7SE**  
Demolition of existing building and erection of 2 buildings to provide 34  
apartments and associated works (re-submission of W04/1361). FOR Barratt  
Mercia

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This application has been requested to be presented to Committee by Councillor Boad.

### **SUMMARY OF REPRESENTATIONS**

#### Town Council:

Object: "The erection of a three storey building is considered likely to have an over dominant impact on the existing streetscene."

#### Neighbours:

84 letters have been received raising objection on grounds that the proposal results in a loss of a significant local amenity, out of keeping with the immediate houses; over-dominant; lack of amenity space; adverse impact on the quality and character of area; blocking vital visibility on busy road close to shops, schools, clinics and pressure for parking.

A petition containing 477 signatures has also been received which raises objection to the proposal.

#### W.D.C. Housing:

Have confirmed that on site provision of 10 units for affordable housing, which equates to 30% is acceptable in this particular instance.

#### W.C.C Highways:

No objection subject to visibility splays, existing access closure, access treatment conditions.

#### Conservation Area Advisory Forum:

Whilst there is some merit in redeveloping the site the detailing should reflect the Victorian houses on Cubbington Road. Concern over the loss of the pub and it was suggested that a new development should include a public house facility.

### W.C.C Ecology:

Recommend a bat survey is carried out.

### W.C.C. Archaeology:

No objection, subject to a condition on a programme of archaeological work.

### W.C.C Planning:

No objection subject to Section 106 contributions of £35,088 for secondary education, £3,492 for libraries and £1,700 for public transport.

## **RELEVANT POLICIES**

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- SC9 - Affordable Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- SPG - Distance Separations
- PPS 1 - Delivering Sustainable Development (Government Guidance)
- PPG3 - Housing (Government Guidance)
- GD3 - Overall Development Strategy (Warwickshire County Structure Plan 1996-2011)
- GD3 - Development Location Priorities (Warwickshire County Structure Plan 1996-2011)
- H1 - Provision of Housing Land (Warwickshire County Structure Plan 1996-2011)
- H2 - Affordable Housing (Warwickshire County Structure Plan 1996-2011)
- H3 - Green Land for Housing (Warwickshire County Structure Plan 1996-2011)
- T1, T2 - Traffic (Warwickshire County Structure Plan 1996-2011)
  
- TR10 - Developer Contributions (Warwickshire County Structure Plan 1996-2011)
- ER1 - Natural and Cultural Environmental Assets (Warwickshire County Structure Plan 1996-2011)

## **PLANNING HISTORY**

Permission was granted for the Public House in 1956. The most recent application was refused in January 2005 for demolition and replacement with 34 apartments. The reasons for refusal were:

*“The proposal entails the redevelopment of the site to accommodate a combination of two and three storey buildings to provide 34 apartments. In the opinion of the District Planning*

*Authority, by reason of its height and bulk, close to the back of the footpath in a prominent corner location, the proposal would have an over-dominant visual impact on the street scene. Furthermore, the proposed development is considered to not incorporate sufficient amenity space for the future occupiers of these apartments. Consequently, it is considered the proposals would constitute an unacceptable overdevelopment of this site, contrary to the objectives of the aforementioned policies.”*

The applicant has lodged an appeal against this decision. However, to date a decision has not been reached.

## **KEY ISSUES**

### **The Site and its Location**

The site is a corner plot on Cubbington Road and Crown Way and has a residential development – The Old School Mews to its South-West and Walnut Drive to its South East. The site does not lie within a Conservation Area although The Old School Mews serves as the boundary. The site currently comprises of a two storey building with the benefit of Class A3 use together with parking facilities. It is accessed off Crown Way and the building is set approximately 22 metres from the edge of the footpath from Cubbington Road. Whilst the area is predominantly residential in character, there is a dental practice and health clinic opposite in Crown Way.

### **Details of the Development**

The proposal seeks to erect a combination of two and three storey buildings to accommodate 34 apartments, a total of 28 two bedroom and 6 one bedroom units. The proposal incorporates 34 parking spaces, plus 3 visitor spaces which makes a total of 37 spaces together with separate cycle stands. It is proposed to create a new vehicular access further away from the junction with Cubbington Road.

The development has been designed to retain two storey elements closest to existing residential properties and incorporates a three storey element as the block reaches the corner. This addresses and turns the corner whilst being set back 8 metres from the corner of Cubbington Road and Crown Way and between 6 and 6.5 metres measured elsewhere. It is proposed to site the buildings so that they are not directly in front of any existing properties.

### **Assessment**

It is considered that the application raises the following issues:

#### **Demolition of the Public House and the principle of the residential development.**

The demolition of the existing public house is not the subject of planning control and does not require planning permission. I do not consider the building to be of

'listable' status and it is outside a Conservation Area. The definition of "previously developed" land is set out in PPG3 Housing and is as follows:

*"Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure."*

It is clear therefore in my opinion that this site falls within this definition. Whilst noting the objections raised in principle to the loss of the public house, neither the Local Plan 1995 or the emerging Local Plan 1996-2011 (first deposit version) contain policies which protect public houses and as the site is classed as previously developed land, I am of the opinion that the principle of development is acceptable.

### Design and density of the development

The density of the proposal equates to 104 units per hectare. PPG 3 Housing advises that land is a finite resource and urban land can often be underused; it advises in paragraph 58 that local authorities should therefore encourage housing development which makes more efficient use of land between 30 and 50 dwellings per hectare; no upper limit is placed on an acceptable level of density. The question of appropriate site density, however, has to take into account the aims of good design and layout. Paragraph 58 of PPG3 states that local authorities should seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors. I am satisfied that in this particular instance, given the site's individual merits that the number of units proposed is acceptable.

With regard to the design of the buildings, this application has sought to address the Council's reasons for refusal by siting the building further into the site leaving a distance of 8 metres from the back of the footpath measured at the corner of Crown Way and Cubbington Road where the previous application measured 2 metres. Through siting more of the main body of the building within the site, it also increases the distance separation between no. 1 Old School Mews and the side of the two storey apartments from 10 metres to 13 metres. Furthermore, the three storey block has been reduced in height from 11.5 metres (refused application) to 10.4 metres.

With regards to the design of the buildings, I consider this scheme respects the existing outlook from residents in Old School Mews and as such opens up the middle of the site. The residents in Walnut Drive will overlook a landscaped area together with parking which I consider acceptable. Given the site is a corner plot in a prominent location at the junction of Cubbington Road and Crown Way, the design of the three storey element, set back from the edge of the footpath by 8 metres, in my opinion creates a feature which has regard to the surrounding properties opposite in Cubbington Road. The proposal also incorporates bin storage within the site.

### Car parking and Highway Safety

Concern has been expressed regarding a possible increase in pressure for parking on surrounding roads from future residents' of the development. The

proposal seeks to provide one space per unit plus some visitor parking. Paragraph 62 of PPG3 Housing advises that:

*“Car parking standards that result, on average, in development with more than 1.5 off street parking spaces per dwelling are unlikely to reflect the Government's emphasis on securing sustainable residential environments. Policies which result in higher levels of off-street parking, especially in urban areas, should not be adopted.”*

In this respect, the site is located adjacent to the local centre on Crown Way which provides shops, services and facilities. There is a bus stop located 50 metres from the site providing regular services to and from the Town Centre whereby there is a rail network linking to Birmingham and London for example.

In my opinion, given the presence of well-serviced public transport links, I consider the provision of 1 space per unit plus visitor spaces, together with cycle stands, to respect and meet the Government's targets and advice.

#### Affordable housing

The application proposes to provide 10 affordable housing units on site (30%), and this has been accepted by the Council's Finance Director, following negotiations between the applicant and Housing Strategy, which resolved that the economics of the scheme ruled out an additional commuted sum payment to offset the shortfall of 4 units.

#### **REASON FOR RECOMMENDATION**

The proposal is considered to comply with the policies listed above.

#### **RECOMMENDATION**

GRANT, subject to the satisfactory conclusion of a Section 106 agreement to secure the on-site affordable housing and the financial contributions requested by Warwickshire County Council (as set out in the representations section above) and to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 05-109/02, 05-109/03, 05-109/04, 05-109/05, 05-109/06 (sheets 1 & 2), 05-109/07, 05-109/08 and 05-109/09 and specification contained therein, submitted on 2 March 2005, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 A landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 5 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 6 Prior to the commencement of the development hereby permitted, a plan to show the layout and surface treatment of car parking spaces in accordance with the Council's standard shall have been submitted to and approved by the District Planning Authority. The car park shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 7 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety.
- 8 Details of any proposed external lighting to the external walls or roof of the buildings hereby permitted, or on any open land within the application site shall be submitted to and approved in writing by the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 9 No development shall take place until the applicant, or the agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the District Planning Authority. **REASON:** To ensure that appropriate measures are taken to secure the protection of archaeological features in accordance with the requirements of ENV22 of the Warwick District Local Plan 1995.
  - 10 The vehicular access to the site shall not be used until visibility splays have been provided to the public highway carriageway with an 'x' distance of 2.4 metres and 'y' distances of 90 metres. No structure, erection, tree or shrub shall be erected, planted or retained within the spays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
  - 11 The access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
  - 12 The development shall not be commenced until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
  - 13 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 10 metres as measured from the near edge of the public highways carriageway in accordance with details to be approved in writing by the District Planning Authority in consultation with the Highway Authority. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
  - 14 The access to the site for cars shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
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