

**Planning Committee:** 04 January 2005  
**Application No:** W 04 / 1361

**Principal Item Number:** 01

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Joanne Fitzsimons  
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**Registration Date:** 21/07/2004  
**Expiry Date:** 15/09/2004

**The Walnut Tree, Crown Way, Lillington, Leamington Spa, CV32 7SE**

Erection of 2 two/three storey buildings to provide 34 apartments and associated works with access to crown way after demolition of existing buildings. FOR Barratt Mercia

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This application was deferred at the meeting held on 6 December to allow for Members to visit the site and to obtain further information such as:

- Further advice from the Housing Officer with regards to accepting 30% affordable housing.
- Further advice from Highways with regard to whether the loss of car parking could result in unacceptable congestion/highway danger.
- Legal advice to be available on the Human Rights issues raised by the loss of the Public House as a major community facility.

The above information had not been received at the time of preparing the agenda and therefore this information will be reported to members at the meeting.

**SUMMARY OF REPRESENTATIONS**

Cllr Boad requests that this application be presented to members of the planning committee.

Town Council:

Comment. The Council considers a three storey development to be over-dominant in the existing street scene,

Neighbours:

A petition of 329 signatures has been submitted objecting to the demolition of the public house.

101 neighbour letters have been received objecting to the proposal - a loss of a significant local amenity, the replacement building is out of character, too high density, loss of parking facility to those using the clinic, nurses, patients etc. which will increase parking around the area, inappropriate impact on the adjoining Conservation Area.

An additional letter from the District Nurses from Crown Way Clinic raising objection due to loss of parking for the community service which they provide.

1 letter of support on the basis that the boundary treatment would be a solid wooden fence.

W.D.C. Housing:

Have confirmed that on site provision plus a commuted sum to cover the equivalent of an additional four units to equate to the 40% level of provision required by Policy SC9 of the First deposit Draft Warwick District Local Plan 1996-2011 would be acceptable.

W.C.C Highways:

No objection subject to access conditions, restriction of gates within 10 metres of the entrance, surface treatment.

W.C.C Ecology:

Require a bat survey to be carried out prior to determination. This has been carried out and a report submitted which the Warwickshire County Council Ecology section is satisfied with. Recommend that that the building is surveyed for bats immediately prior to work commencing.

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)

Distance Separation (Supplementary Planning Guidance)

PPG1 – General Principles (Government Guidance)

PPG3 – Housing (Government Guidance)

GD3 – Overall Development Strategy (Warwickshire County Structure Plan 1996-2011)

GD5 – 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 – Greenfield 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)

## **PLANNING HISTORY**

Permission was granted for the Public House in 1956 and there have been previous applications for alterations, play equipment and signage.

## **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 which adjoins the site 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 orientated along the two fronting public highways -Cubbington Road and Crown Way - to accommodate 34 apartments, a total of 28 two bedroom and 6 one bedroom units. The proposal incorporates 41 parking spaces which equate to one space per unit together with seven visitor spaces and cycle stands. The parking area would be within the site, largely shielded by the development. It is proposed to create a new vehicular access on Crown Way further away from the junction with Cubbington Road. The application has been amended following negotiations and comments received ,and as part of the submission the applicant has provided a supporting planning statement and design statement.

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. It is proposed (as amended) to site the buildings close to the highway frontages so that they are not directly in front of any existing properties. The boundary treatment to the main road frontages is indicated as part dwarf wall (0.9m high) and part 0.9m high black metal railings.

### **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, I consider that the amended scheme respects the existing outlook from residents in Old School Mews and as such opens up the middle of 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 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

Residents have expressed concern 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 7 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% provision), but the issue of an additional sum to cover the higher percentage of the emerging local plan policy SC9 which seeks to secure 40% affordable housing, remains unresolved. This equates to 4 further units.

Unless the applicant is able to demonstrate site specific special circumstances which need to be taken into account, then I am of the view that the 40% requirement should be applied and my recommendation to grant is on this basis.

## **REASON FOR RECOMMENDATION**

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

## **RECOMMENDATION**

GRANT subject to the following conditions and subject to a Section 106 agreement to secure affordable housing and County Council contributions:

- 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 04-122PL/01B, 04-122PL/03B, 04-122PL/04B, 04-122PL/05B, 04-122PL/06B, 04-122PL/07B, 04-122PL/08B, 04-122-09-11-01 and 04-122-10-11-01 and specification contained therein, submitted on 21 July 2004 and 13 October 2004, 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 Gates erected at the entrance to the site for vehicles shall not be hung so as to open within 10 metres of the near edge 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 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 or trees shall be placed, allowed to grow or be maintained within the visibility splays 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.
- 12 The development shall not be occupied until an access for vehicles has been provided to the site not less than 5 metres in width for a distance of 7.5 metres, as measured from the near edge 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.
- 13 The vehicular access for the development hereby permitted shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or ditch. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 14 The vehicular access to the site shall not be used until it has been provided with 6 metre kerbed radius turnouts on each side. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 15 The development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so that vehicles are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

- 15 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.
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