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Town/Parish Council: Leamington Spa

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Case Officer: Alan Coleman

01926 456535 planning_east@warwickdc.gov.uk

**Lillington Free Church, Cubbington Road, Lillington, Leamington Spa,
CV32 7AL**

Erection of a new church, 34 no. apartments with associated car parking and creation of new access from Cubbington Road FOR Michael Richards Homes

SUMMARY OF REPRESENTATIONS

Town Council: Object on the following grounds:

"(1) The proposal fails to meet the need within the District for social houses.

The creation of additional flats does not address this need.

(2) The design features of the proposal fail to contribute positively to the character and quality of the environment."

WDC (Leisure & Amenities): *"Most of the vegetation shown to be removed is on Leisure land at Holt Rec. This is not acceptable without negotiation with us. Much of the proposed landscaping also on our land and in any event is not sustainable as it is right in front of windows. Needs a lot more thought and some negotiation with L&A."*

Further comments: *"The scheme as submitted can not be considered acceptable. There is a conflict between the proposed layout, the character of the adjacent recreation ground and the amenity of future residents. Whilst there may be scope for further negotiation to resolve this conflict I am not convinced that such negotiation will prove fruitful and must therefore object to the scheme at this point.*

The boundary of the site with the Holt Rec is currently a relatively wild area with rough mown grass and a variety of small but fairly unkempt, close spaced trees and shrubs. As such it is a valuable wildlife habitat and contributes to our general policy of keeping 'wilder' areas around the periphery of public open space to contribute to biodiversity.

The position of a building only a few metres from the boundary will likely lead to conflict with future residents complaining about loss of light etc. The developers proposals to remove this and replace with a band of close spaced, much larger growing trees will not address this potential problem. Indeed, in the long term it is likely to make it worse.

Removing the bulk of the vegetation and replacing with a smaller number of specimen trees, more widely spaced and set back further from the boundary will reduce (but not eliminate) this potential for conflict. Instead of a dense screen hiding the development, trees would serve only to break up and soften

the view of it. With a well designed building this would be acceptable visually. However, such an approach would both reduce the amount of open ground within the rec by bringing trees further out from the boundary, and fundamentally change the character of this part of Holt Rec, significantly reducing it's value as a wildlife habitat. A change to the character of a public area such as this should not be considered with consultation with all stake holders, particularly including park users."

Highway Authority (original plans): "*Holding objection until the following matter(s) have been resolved:*

- 1. The disabled bay adjacent to the proposed bin store area, should be relocated. The current proposals would not allow collection/emptying of the bins, should a vehicle be parked in the space.*
- 2. The proposed visitor parking is not acceptable due to the spaces falling within the visibility splays for the residential and church development.*
- 3. The distance to rear of all parking bays is required to be a minimum of 6 metres, to allow for the manoeuvring of vehicles."*

WCC (Structure Planning): The proposal complies with the General Development policies of the Structure Plan which direct most new residential development to towns with more than 8,000 people. Financial contributions towards local services will be required. Sum to be confirmed.

WCC (Ecology): No objection, subject to conditions on bat survey, protection of retained trees and eradication of Japanese knotweed from site. Also recommend advisory notes on nesting birds and landscaping.

WCC (Fire & Rescue): No objection, subject to standard condition on provision of fire hydrants and water supplies.

Severn Trent Water Ltd: No objection, subject to drainage works condition.

Neighbours: The occupants of 140 Cubbington Road support the scheme in principle but express concerns regarding:

- inadequate provision of car parking;
- harm to highway safety from congestion caused by an increase in the number of cars waiting to turn right into the site and use of the adjacent slip road to by-pass stationary traffic;
- loss of privacy through overlooking;
- adequacy of local services to accommodate development, especially water supply and foul drainage, and;
- white rendered finish and 3-storey height of development out of keeping with surrounding area.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995)

(DW) ENV27 - Ecological Development (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (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)
DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP12 - Energy Conservation (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP13 - Crime Prevention (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP14 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011 First Deposit Version)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
SC7 - Supporting Community Facilities (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)
SC12 - Community Facilities (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING HISTORY

Outline planning permission for the development of 8 sheltered flats was granted on 25 March 1974 under application 17175. Approval of Reserved Matters for a development of 6no. sheltered flats was subsequently approved on 6 November 1974 under application W74/459. An amended application W75/1192 was approved on 7 January 1976. Otherwise, there is no more recent planning history of direct relevance to the current proposals.

KEY ISSUES

The Site and its Location

The site is situated on the north-west side of Cubbington Road within a predominantly residential area that is characterised by mainly 2-storey terraced houses of uniform design and appearance that adjoin the site to the south-east in The Holt and Hadrian Close to the east, wherein there are also 3 storey flats at Wickham Court. Opposite the site on the north-east side of Cubbington Road stand mainly 2-storey semi-detached houses. A recreation ground adjoins the northern boundaries of the site, which includes an equipped playground area.

The site has an area of 4160 sq.m. which is currently occupied by the Lillington Free Church, which stands in the middle of the site, together with a detached single-storey church hall building adjacent to the south-east boundary. The site is elevated above the neighbouring properties in The Holt and is screened by a variety of mature trees and shrubs along its north-east, south-west and north-west boundaries. The remainder of the site at the rear of the existing buildings is grassed.

Access to the site is from Cubbington Road via two openings in the front boundary wall. There is a lay-by adjacent to the front boundary of the site that provides refuge parking and, other than driveway openings, there are no parking restrictions on either side of Cubbington Road in the vicinity of the site. There is also a bus stop nearby outside the Walnut Tree PH less than 200 metres away on the opposite side of Cubbington Road.

Details of the Development

The proposals entail the demolition of the existing church and hall buildings to facilitate a development of 34 no. apartments that would be contained within a 3-sided courtyard on the eastern half of the site adjacent to the north-east, south-east and north-west boundaries of the site with the recreation ground and Cubbington Road frontage. The apartment buildings would be 3 storey and would vary in height between some 7.6 - 8.0 metres at the eaves and 11.4 - 12.0 metres at the ridge. This aspect of the scheme includes provision for affordable housing, which has been accepted by the Council's Finance Director following negotiations between the applicant and Housing Strategy.

A new church building is proposed on the western half of the site, which would stand some 7.5 metres at the eaves and approximately 11.4 metres at the ridge. The ground floor of the building would contain the church hall and a vestibule with kitchen, storage, wc, lift and staircase facilities. The church would be on the first floor, together with a crèche vestibule, vestry, tea room, stores, wc, utility room and committee room.

The development would have a common alignment along Cubbington Road with the apartment building set back some 5.0 metres from the nearside edge of the public footpath and the church some 7.0 metres. The church building would be set off the south-west boundary of the site with the neighbouring dwellings in The Holt by some 7.5 metres and would stand detached from the main body of the apartment building fronting Cubbington Road by approx 6 metres. The apartment buildings would be set off the north-west and north-east boundaries of the site with the recreation area by some 3 metres.

Access to the site would be retained from Cubbington Road via 2 no. new openings to provide separate and independent access to the church and apartments. Access to the church would be adjacent to south-west boundary with The Holt to serve 23 no. parking spaces adjacent to the rear boundary of the site. The parking area would be separated from the rear of the church building by some 12 metres by a grassed lawn. Access to the apartments would be via an opening in broadly the middle of the front boundary of the site

that would serve a courtyard parking area at the rear of the apartment buildings via an arched opening in the front block. Within the courtyard, provision for 34 no. parking spaces is proposed. This element of the scheme has now been amended to satisfy the concerns of the Highway Authority.

In order to accommodate the development, it is proposed to remove trees and shrubs from the north-east, south-west and north-west boundaries of the site, together with a hedge line of trees within the recreation area adjacent to the north-east boundary of the site. Replacement tree planting would be undertaken in these areas and within the central area of the site.

Assessment

In my opinion, the application raises the following issues:

The Principle of Development

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.”

In my opinion the site clearly falls within this definition and, given its location within a predominantly residential area, I am of the view that a residential use will reinforce and enhance this character in accordance with the principal objectives of PPG3 and the Development Plan.

Character and Appearance

Pertinent advice is contained in national statements of planning policy, namely Planning Policy Statement 1 and Planning Policy Guidance Note 3: *Housing*. PPS 1 encourages Local Planning Authorities to consider the land use requirements for various types of housing and then to make effective use of land within their urban areas whilst protecting open space, playing fields and green spaces. The Guidance Note makes it clear that the appearance and treatment of the spaces between and around buildings is often of comparable importance to the design of buildings themselves and that it is proper to seek to promote and reinforce local distinctiveness, particularly where development proposals may have a significant affect on the character or quality of the area within which they are proposed.

PPG 3 continues this theme. While recognizing that it is necessary to provide sufficient housing within an area and at an appropriate mix of dwellings, size, type and affordability, it states clearly that not all land defined as “previously developed land” should, therefore, be re-developed. In such circumstances, it is important for the Local Planning Authority to make a judgment bearing in mind a wide range of planning considerations which must take into account

such factors as how the site relates to the surrounding area, the character of the area, policies for the protection of open space etc.

This guidance is well set out in paragraphs 54-56 of PPG 3 which identifies that the Government's objectives to make the best use of previously developed land should not be seen in isolation. A parallel motive is the need to improve the quality and attractiveness of residential areas. In seeking to achieve these objectives Local Planning Authorities and developers are encouraged to think imaginatively about designs and layouts which make more efficient use of land. However, such proposals must be brought forward "*without compromising the quality of the environment*".

Objections have been lodged on the grounds that the proposed development would harm the character and appearance of the area and wholly compromise the quality of the environment in a manner contrary to the motives of paragraph 54 of PPG3 in terms of its density, height/size/scale/massing and spatial relationship with the neighbouring properties.

Density - The density of the proposal equates to 82 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 whilst avoiding development below 30 dwellings per hectare; no upper limit is placed on an acceptable level of density. It further advises 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. The question of appropriate site density, however, has to take into account the aims of good design and layout and the advice in PPG3 that new housing development should not be viewed in isolation but must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality.

In this instance, I am mindful that the character of the built development in the wider locality around the site is mixed with two-storey detached, semi-detached and terraced housing in the vicinity of the site and **3/4-storey** apartment buildings further a field in Crown Way. As such, I am satisfied that in this particular instance the density of the proposed development is acceptable and would not represent inappropriate overdevelopment of the site.

Siting/Design/Scale/Mass/Height - A design statement has been submitted in support of the proposals, which states:

"The site sits to the north east of high density terraced housing in The Holt and to the south west of a large recreation ground. It is considered by the church that their new facility would be less prone to vandalism if positioned away from the open aspect of the recreation ground. The residential units are therefore arranged to continue the building line along Cubbington Road and

then present a built frontage onto the recreation ground along north east and north west boundaries.

The church building takes the form of a compact box addressing the street on its short side with its parking and garden to the rear for safety and privacy considerations. Its western façade is some 5 or 6m further away from the boundary with number 103 Cubbington Road than the existing church hall and a dense tree screen is proposed here to further reduce the impact of the proposed building on the existing property.

The residential units are arranged to maximize the built frontage onto Cubbington Road and onto the recreation ground to provide a proper edge to the public realm and to maximize passive surveillance. The parking is then hidden from the street within the resulting courtyard, which will be carefully landscaped with large tree planting and the north east façade of the church as focal points within the space.

The elevational treatment of both church and residential units picks up the gabled theme of the surrounding typology. The 2 building types on the site will therefore have a visual relationship.

The height of the proposals whilst obviously substantially smaller than the existing church building is slightly larger than the houses in The Holt, to enable the required floor to floor heights. The 3 storey residential units follow this scale so that they can relate to the large scale housing opposite, but more importantly to the large open space of the recreation ground.

Detailing on the buildings is generally simple and domestic in scale with pitched roofs, projecting bays, brickwork and render to reflect the surrounding typology. The church will have more render than brick and larger glazed openings to set it apart from the residential units. Balustrade and roof vents will have a more contemporary feel to enable the whole effect to become a fusion between old and new.

Boundary treatments to reflect the existing typology will be domestic in scale with low level brick walls and hedge planting and low level shrubbery to the lawned frontages. Replacement tree planting is proposed on the recreation ground to soften the relationship between existing open space and the proposed building.

In conclusion the church buildings have come to the end of their useful life, and the proposed residential development, on the site will allow the church to build a modern new facility, which will better serve the church and the wider community into the future. The buildings are placed to properly address the public realm, these are domestic in scale and detailing to relate to the surrounding housing, but will have contemporary detailing to emphasize their modern origin. Parked cars will be hidden from the public realm and the landscaping will be enhanced to soften the impact of the new buildings.

The proposal will we hope be an attractive addition to the townscape of Leamington Spa offering a modern and attractive place for the local Methodist congregation to worship and safe attractive homes in which to live."

I note the objections raised by the Town Council on these grounds. However, I do not consider the proposals would be entirely unacceptable in these terms. The proposed buildings would be larger than the neighbouring terraced houses and would clearly have a discernible impact on the appearance of the site and street scene in terms of their scale and mass, particularly when viewed on approach from either direction along Cubbington Road, from the recreation ground and from the opposite houses. However, I do not consider this impact would, in itself, necessarily equate to harm. The proposed church would be broadly similar in size to the existing church building and would occupy a smaller floor area overall taking into account the hall building. In terms of height, the proposed church would also be smaller than the existing church building and would be reflected in the scale of the apartment building. Whilst the church and apartment buildings would differ in design and appearance, nevertheless both would utilise gables to reflect the existing church facade and which would, in my opinion, also help break up the mass of the front elevation of the apartment building. In my opinion, the layout of the site has also been informed by and respects its surroundings in terms of the relationship between the development and neighbouring land uses and would add variety and interest to the street scene.

Landscape - The submitted application indicates the removal and replacement of existing trees adjacent to the north-east boundary of the site within the Holt recreation ground. However, this has not been agreed by the Amenities Officer who has raised an objection. WCC Ecology have also commented that the loss of any trees, shrubs or hedgerow would be likely to result in a net biodiversity loss which would consequently have a detrimental affect on surrounding wildlife. However, no objection is raised by WCC Ecology on these grounds and it is recommended that if any vegetation is lost through the development replanting with native species should be undertaken to avoid any net biodiversity loss.

In my opinion, the converse situation of the retention of these existing trees within the recreation ground also raises significant implications on the vitality and continued health of these trees from the proposed development. As submitted, I consider that the proposed layout would lead to conflict with future residents amenities in terms of their proximity to facing habitable room windows, outlook and availability of light, etc. and result in pressure from future residents for them to be felled to the detriment of the environmental and ecological quality of this area of public open space. In turn, the increase in open ground may also leave future residents of the proposed flats susceptible to noise and disturbance from play activities undertaken adjacent to this boundary.

Thus, in these circumstances I consider objection must be raised to the present application on the grounds outlined above.

Car Parking and Highway Safety

Concerns have been expressed regarding the level of car parking proposed to serve the development. It is considered that this would be insufficient and would increase demand for on-street parking on Cubbington Road and the surrounding streets to the detriment of highway and pedestrian safety.

Provision for 37 no. parking spaces is made within the site to serve the proposed flats. Government advice is to seek an average of 1.5 spaces per dwelling, implying that in some locations there may be a need for more parking and in others less. The proposed parking provision is below this average. However, the Crown Way Local Shopping Centre, a doctors' surgery and a public library is within easy walking distance and there is a bus stop within 200 metres of the site adjacent to the Walnut Tree PH that provides regular services to the town centre and access to the services and facilities found there, employment areas and the railway network. Thus, given the location of the site in a relatively sustainable location along a principal public transport route close to local shopping and community facilities, I am satisfied that the parking provision is in line with government guidance and is not unreasonable for a site of this nature.

Concerns have also been expressed regarding the impact of the development on highway safety arising from right-hand turning manoeuvres into the site. The initial response of the Highway Authority to the application was a holding objection on parking layout grounds. The scheme has now been amended to address these concerns. and I am therefore of the opinion that there are insufficient grounds for raising an objection to the proposals on either highway safety or car parking grounds. The lack of objection from the Highway Authority reinforces my view on this issue.

Residential Amenity

The proposals would result in a significant intensification in the residential use of the site and would, in my opinion, undoubtedly have an impact on the living conditions of neighbouring residents. However, I consider that the proposed church and apartment building would be sufficiently distant from existing properties to ensure that the proposal would not have an unacceptable impact on the privacy, visual amenities and levels of day and sunlight enjoyed by neighbouring residents. The amount of activity within the site would also inevitably increase, particularly by reason of the introduction of car parking and driveway access for the proposed church adjacent to neighbouring garden areas. Whilst such noise would be concentrated for certain periods, nevertheless I consider it would be relatively short-lived. I do not therefore consider it would be unacceptable. The lack of objection from adjoining residents of The Holt or Wickham Court reinforces my view on this issue.

RECOMMENDATION

REFUSE for the following reason :

- 1 Policy (DW) ENV3, ENV3A and ENV27 of the Warwick District Local Plan and emerging policy DP1 and DP3 of the first deposit version of the Local Plan (1996-2011) require all development proposals to have regard to the character of the surrounding area, harmonise with their surroundings, have regard to existing landscape features and include measures for their retention, maintenance and enhancement and to secure the long term management and maintenance of habitat/landscape features. Where the loss of such features or habitats is unavoidable these should be replaced by habitats or features of equivalent or greater extent. Policy (DW) ENV3 of the Warwick District Local Plan and emerging policy DP2 and of the first deposit version of the Local Plan (1996-2011) also seek to resist development which would have an adverse effect upon the amenity of nearby uses and residents and does not provide acceptable standards of amenity for future occupiers of the development.

The proposals indicate the removal and replacement of existing trees adjacent to the north-east boundary of the site that are outside the application site and within the Holt recreation ground. However, a scheme for the proposed removal of these existing trees and their replacement has not been agreed with the District Council. In these circumstances it is the opinion of the District Planning Authority that the proposals would:

1. harm the vitality and continued health of these trees by reason of the proximity of the proposed development to them and the likely damage to roots;
2. the retention of the existing trees would also be likely to lead to conflict with future residents amenities in terms of their proximity to habitable room windows, the outlook there from and availability of light thereto which would result in pressure from future residents for these trees to be felled to the detriment of the environmental and ecological quality of this area of public open space;
3. in the event these trees were removed without an agreed replanting scheme the resulting increase in open grassland would also leave future residents of the proposed flats susceptible to noise and disturbance from play activities undertaken in closer proximity to habitable room windows adjacent to the north-east boundary of the site, and;
4. harm the amenities of future residents of the proposed flats by reason of the proximity of habitable room windows to the open grassland of the recreation ground adjacent to north-west boundary of the site which would render future residents susceptible to noise and disturbance from play activities undertaken in this area.

The proposals would thereby also be contrary to prejudice the objectives of the above policies.
