

**Planning Committee:** 16 August 2011

**Item Number:**

**Application No:** W 11 / 0515

**Town/Parish Council:** Warwick  
**Case Officer:** Steven Wallsgrove  
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**Registration Date:** 12/05/11

**Expiry Date:** 07/07/11

**Avon Court Residential Home, All Saints Road, Warwick, CV34 5NP**

Proposed extra care accommodation scheme, comprising 42 no. 2 bedroom apartments, communal areas and associated landscaping and parking. FOR Mr S Moran

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This application is reported to Committee because there is a need for a S106 Agreement on this application and there are also five objections.

**SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** No objection.

**Warwick Society:** No comments.

**WCC (Ecology):** Originally requested a pre-determinative bat survey but now have no objection subject to conditions on the bat mitigation measures being implemented, ecological enhancement and landscaping.

**Fire and Rescue:** No objection subject to condition on provision of fire fighting facilities.

**Green Infrastructure Manager:** Objects to impact on three trees, now the subject of a TPO, but comments that, if permission is granted, it should be subject to a condition requiring full details of measures to be used for protecting trees to be submitted, approved and worked to.

**WCC Adult Health and Community Services:** Support and endorse the development as it will provide an important additional contribution to the development of extra care accommodation in the district.

**Housing and Property Services:** No objection subject to S106 Agreement/Obligation to ensure that the units are affordable, in accordance with Policy SC11.

**Public Comment:** Letters of objection have been received from 4 residents on grounds of size and proximity which will block natural light, result in loss of privacy and security, increased traffic, impact on property values and impact on trees and wildlife.

**RELEVANT POLICIES**

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

## **PLANNING HISTORY**

The property was built following consents of 1958 and 1959, with approval for part to be used as an office for Social Services in 1989.

## **KEY ISSUES**

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

The property is a two storey building, with wings at each end and a bungalow to the rear, all being set at an angle to the road. There are a number of large and smaller trees on the site, the most important being on the road frontage, but within the plot.

The site is surrounded by retirement bungalows to the north-west, housing to the south-east, and a school to the south-west. There is a public house on the other side of the road and blocks of three storey flats.

### **Details of the Development**

The proposal is to erect a three storey block of 42 'extra care' flats arranged in a 'T' shape with the base of the 'T' towards the road following demolition of all the existing buildings. The submitted plans show the two large trees in the east corner of the site being retained but two other trees on the All Saints Road frontage being removed, one being a silver birch which is now the subject of a TPO.

A total of 21 parking spaces would be provided, off All Saints Road, in the north corner of the site. The application was accompanied by an Arboricultural Report, a Design and Access Statement, a Planning Statement and a Sustainability Statement (the location of the proposed solar panels are shown on the roof plan). The application forms refer to the buildings being finished with a mix of brickwork, render and timber panels, with curtain walling to the stairwells, and clay tiles on the roof.

### **Assessment**

The principal issues in this case are the impact of the scale of the building on adjoining residents, and on the mature trees on the All Saints Road frontage, since there are no objections to the principal of the development itself.

The most closely affected property is 79 All Saints Road. This is some 17m from the existing building, at its closest point, and some 18m from the proposed building, both having staircases in this location rather than habitable rooms. The house also has its rear elevation facing south-west so does not look directly

onto the existing building. The new building, however, will come closer to the site boundary and will have an extra floor but it is considered that it will not have an unreasonable impact on this property, either through sense of enclosure or by loss of privacy, due to the relationship between the buildings.

Two objections have been received from residents in Nelson Avenue, but these are some 60m away from the existing buildings and some 50m from the proposed building. Existing trees in this corner of the site are shown as to be retained. It is considered, therefore, that these properties will not be unreasonably affected by the proposed development.

The remaining objection is from a resident in one of the bungalows which front onto the site and back onto Spinney Hill. Half of these properties actually face onto the proposed car park with the 'leg' of the 'T' being over 25m from those dwellings, while the other half will face towards a blank gable end. This will be some 16m from these bungalows so will have some impact, but complies with the distance separation standard in the adopted Residential Design Guide. It is considered, therefore, that they will not be unreasonably affected.

The remaining issues are the impact on the trees and traffic generation. In terms of traffic generation, there are no objections from the Highway Authority, and this part of All Saints Road is quite wide so is capable of taking the increased traffic, while the amount of parking on-site generally complies with the adopted standard for very sheltered housing for the frail elderly.

The last issue is the impact on trees. In this case one of the trees recently made the subject of a TPO will need to be removed (together with another, unprotected, tree) but this is only a silver birch. The plans show that most of the other trees and vegetation are to be retained, with additional planting, and it is considered that this silver birch is not so important that it must be retained at the expense of the development. Any loss of amenity will be compensated for by the proposed tree planting on the All Saints Road frontage. The other protected trees are shown as to be affected by proposed gravel paths and low retaining walls, but this can be adequately controlled through a condition as mentioned by the Green Infrastructure Manager in his response.

It is considered, therefore, that the scheme can be supported since not only does it comply with the relevant standards, but there are existing three storey blocks of flats on the other side of All Saints Road.

## **RECOMMENDATION**

GRANT, subject to the following conditions, after completion of S106 Agreement/Obligation to ensure that the units are retained as affordable accommodation in the long term.

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON :** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 10048/101D, /A116A, /A123B, /A124B, /A125B, /A126A, /A200B, /A201B, /A300, /A301 and /A302, and specification contained therein,

submitted on 15th April 2011 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 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 DP1 of the Warwick District Local Plan 1996-2011.
- 4 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting 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. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 5 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.
- 6 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 7 The proposed car parking area for the development hereby permitted 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 DP8 of the Warwick District Local Plan 1996-2011.

- 8 The mitigation measures specified in the Bat Survey Report of 7th July 2011 shall be implemented in full before the development hereby approved is occupied. **REASON:** To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.

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