

Application No: W 11 / 1364

Town/Parish Council: Warwick
Case Officer: Steven Wallsgrove
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Registration Date: 27/10/11
Expiry Date: 22/12/11

Guys Cross Nursing Home, 120-122 Coventry Road, Warwick, CV34 5HH
Erection of a replacement smoking shelter together with small modifications to the rear paved areas (amended siting) FOR Travide Enterprises Limited

This application is being presented to Committee due to an objection from the Town Council having been received.

SUMMARY OF REPRESENTATIONS

Warwick Town Council: "Local Plan Policies DP1 and DP2 require that for development to be permitted, the development must positively contribute to the character and quality of the environment.

The design materials used in the erection of the smoking shelter do not positively reflect the construction of the existing nursing home and the building materials incorporated into the development do not reflect the design or construction of other buildings in the area and do not enhance or contribute to the surrounding buildings.

Policies DP1 and DP2 also state that development will not be permitted if it has an unacceptable impact on nearby residents and the location of this smoking shelter has been deliberately sited away from the nursing home, bringing in much too close proximity to the existing residential property, without consideration for the effect on neighbours.

Noise and fumes emanating from both staff and residents of the nursing home who use this smoking shelter will be seriously detrimental to the amenity of adjoining residents and thus the Town Council recommends the application be refused for failing to comply with local planning policies DP1 and DP2."

Environmental Health: Comment that the structure does not comply with the relevant regulations and that being sited close to the boundary is likely to give rise to complaints about noise from talking.

Public Response: One neighbour (at No. 124A Coventry Road) objects due to proximity to their boundary, noise from local conversations, use at unreasonable hours, and unsightliness of the structure.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

The property was converted into a nursing home following a consent of 1980, with alterations and extensions being approved in 1983, 1997, 2004 and 2005.

A smoking shelter was refused under W11/0219, the application being retrospective.

KEY ISSUES

The Site and its Location

The property was originally built as a pair of semi-detached houses on a triangular plot on the top of the hill. It now has Fields Court residential development to the south east and a low roofed bungalow to the north. The site is bounded by a high brick wall some 1.9m in height.

Details of the Development

The proposal, as submitted, was to move the existing light weight glazed, structure off the north boundary so as to leave a one metre gap. The structure is some 2.1m to its eaves and 2.4m high to the top of its curved roof. This structure was generally enclosed on all four sides, with one panel left for access. Following the comments of Environmental Health, the scheme has been amended to comply with their requirements namely at least 50% of the sides need to be open. Minor works are also proposed to the paving area to accommodate the relocated shelter

A Design and Access Statement was submitted with the original application.

Assessment

As the smoking shelter stands in the rear garden of the premises and it can only be glimpsed down the side of the building, there is minimal impact on the character of the area and surrounding buildings. The principle issue in this case is therefore the impact on residential amenity.

In this context, the existing (unauthorised) structure lies immediately beside the 1.9m boundary wall while the present proposal will stand clear of it by about one metre. This means that, since it is only marginally higher than the wall, it will barely be visible from any point in the garden of the nearest property. The structure does look like a 'bus shelter' as mentioned by the neighbour, and the materials do not reflect the material of the existing nursing home, as mentioned by the Town Council, but it is considered, due to the location of the structure and its purpose, and the fact that this is not in a Conservation Area, or highly visible in the streetscene that the proposal is acceptable in design terms.

The other aspect of the impact on residential amenity is the noise and fumes from the people using the facility. However, the residents and staff in the house are entitled to smoke and converse at any time of the day, or night, in the garden and there are a number of chairs and tables on the paved area and the lawn which are used, over which there is no control. It is considered, therefore that the proposal cannot be refused on these grounds as neighbouring residents would already experience a degree of disturbance from the existing residential uses and its grounds.

In conclusion the proposal is considered in accordance with Policies DP1 and DP2 of the Local Plan

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 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 application form, site location plan and approved drawing(s) 0125/083A + /084'A', and specification contained therein, submitted on 27 October and 5 December 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.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of impact on the affected neighbour which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.
