

Application No: W 10 / 1659

Town/Parish Council: Leamington Spa

Registration Date: 08/05/11

Case Officer:

Jo Hogarth

Expiry Date: 03/07/11

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Treharrock, Valley Road, Lillington, Leamington Spa, CV32 7SJ

Erection of a four storey, 35 bedroom, residential care home (following demolition of former doctor's surgery / dwelling) FOR Treharrock Care Home

This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received. Furthermore, Cllr Boad has requested that this application be presented to Members.

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection. "The proposed design was considered to be of poor quality and the resultant building too high and out of keeping with the surrounding properties particularly the adjacent Church. Inadequate parking provision for staff and visitors and there is a presumption that the adjacent public car park would be available at all times which may not be the case since it serves visitors to the Church and the adjacent open space area."

WCC Ecology: Recommend pre-determinative bat survey. Following the submission of a survey, recommend notes on bats, birds and badgers.

Warwickshire Fire & Rescue Service: Recommend condition relating to water supplies and fire hydrants.

WCC Highways: No objection subject to conditions.

Severn Trent Water: No objection subject to conditions of disposal of surface water and foul sewage.

Public response(s): 14 letters of objection on grounds of parking and increase in traffic which can be worse when there is a function on at the church; Valley Road and Parklands Avenue is on a major bus route; inadequate provision of secure outside space for 35 residents and visitors; scale is out of character and four storeys is too high and out of keeping with this residential area; overlooking; loss of privacy and increase in noise.

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)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

PLANNING HISTORY

There have been no recent planning applications submitted for this site.

KEY ISSUES

The Site and its Location

The site relates to a two storey dwelling which formed ancillary accommodation to a doctor's surgery (Class D1) which ceased use more than 10 years ago. It has an 'in and out' driveway and attached garage to the side. It is situated on the south side of the road outside of the Conservation Area. To the south of the site is the Church of Our Lady whereas to the north is a public car park. Opposite the site are two storey semi-detached properties together with a four storey block of flats located on the corner of Valley Road and Wallsgrove Close. Within close vicinity is Lillington Library, a Children's Centre and Youth Centre. To the east is a public recreation park.

Details of the Development

The proposal seeks to construct a four storey building to provide a 35 bed Care Home (class C2 use) which would specialise in dementia care. Landscaping and the provision of 7 off street parking spaces and ambulance bay are also included.

Assessment

I consider the key issues relating to this proposal to be the principle of development; impact on the streetscene; impact on residential amenity; parking; renewables; bin storage; drainage and public open space.

Principle of development

Policy UAP1 directs residential development to previously developed land within the urban area and therefore the principle of the proposed care home on this site is acceptable.

Impact on the streetscene

The scale of the proposed care home would be four storey and it would not be any taller in height than the existing adjacent church, and I am therefore satisfied that it would not appear as an over dominant building within the streetscene. Whilst on the opposite side of the road are two storey buildings,

there are other 4 storey buildings nearby the junction with Crown Way and Wallsgrove Close and therefore I do not consider that the scale of the building would be incongruous or unacceptably jar with the surrounding buildings such that would justify refusal of permission on these grounds.

In terms of design, the proposed building would be constructed in red facing brick with a buff coloured frame together with a concrete tiled roof. I am satisfied that the materials would appear in keeping with the surrounding buildings and would relate to the character of the streetscene. I am of the opinion that the proposal is in accordance with Policy DP1 in the Local Plan.

Impact on residential amenity

I note the objections received with regards to overlooking and loss of privacy from windows in the front elevation of the care home; however the distance separation (35 metres) is in excess of the Council's adopted standards in relation to the standards for three storey buildings to two storey dwellings (32 metres). It is noted that this is a four storey building and the Council does not have a distance separation standard for four storey to two storey buildings; however the additional storey is not considered to warrant a greater distance separation and as it exceeds the standard by 3 metres it is considered acceptable. The windows on the front elevation (which are 35 metres from the dwellings opposite) of the care home do not serve habitable rooms but serve corridors and ensuites. The distance between the bedroom windows, which are set back into the site, would be 47 metres from the dwellings in Valley Road. On this basis I am satisfied that there would be no unreasonable overlooking such that it would result in a wholly unacceptable relationship between the existing properties and the proposed care home. I am of the opinion that the scheme is acceptable and would meet the criteria set out in Policy DP2 in the Local Plan.

Highways & Parking

In principle there is no objection raised by the County Council Highways Department, subject to conditions relating to access and one of the accesses being closed. In terms of parking, the proposal incorporates 7 off street parking. This figure includes a disabled parking space and there would be additional space for an ambulance bay. In accordance with the Council's current adopted Vehicle Parking Standards, 12 off street parking spaces would be required for this development; however the applicant's are arguing that there is a public (not pay and display) car park adjacent to the site which could accommodate any additional required spaces although they accept that this car park is outside of their control and therefore could not be relied upon in perpetuity. However an on-street car parking survey has been carried out over a period of 5 days varying between the times of 08.13 to 19.45 and it is argued that as Valley Road does not have restricted parking, there would be capacity for additional on street parking. Given the availability of on street and off street parking in the public car park, the proposal thereby complies with Policy DP8 in the Local Plan and the Council's adopted Supplementary Planning Document 'Vehicle Parking Standards'.

Renewables

The proposal incorporates the inclusion of 30 solar thermal panels on the rear roof slope and as part of the submission, it has been demonstrated that these would provide 10% of the predicted energy requirement of the building. I am of

the view that this would be in accordance with the criteria contained in Policy DP13 in the Local Plan and the Council's adopted Supplementary Planning Document on Sustainable Buildings.

Bin storage

Provision is made within the site curtilage for the storage of bins, thereby meeting the requirements of Policy DP1 in the Local Plan. It has been designed to be incorporated within the fabric of the building, it would be undercover and located along the elevation nearest to the church.

Drainage

A drainage plan has been submitted in line with the advice received from Severn Trent and I am satisfied that this can be appropriately conditioned. Furthermore, the car parking area could be appropriately conditioned to be surfaced with permeable material as stated within the application. There would also be a rainwater harvesting system installed.

Public open space contributions

With regards to Public Open Space contributions, in this instance, given the nature of the proposal which would incorporate 24 hour care for residents, it is not considered appropriate to request contributions. There is an existing recreation park nearby (just beyond the adjacent car park) and therefore it is considered that this could adequately provide for the staff employed by the care home. I am satisfied therefore that the proposals comply with the Council's adopted Supplementary Planning Document on Public Open Space and Policy SC13 in 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 numbers 680-01; -06; 07; 08; 09; 10 and 11, and specification contained therein, submitted on 22 December 2010; 8 May 2011; 2 August 2011 and 8 February 2012 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 construction

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 Access for vehicles to the site from the public highway shall not be made other than at the position identified on the approved drawing number 680 - 07 at a position whereby the visibility splay requirements stated in condition 7 will be satisfied. **REASON**: In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 7 The development shall not be commenced until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the 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 DP6 of the Warwick District Local Plan 1996-2011.
- 8 The access to the site for vehicles shall not be used unless a public highway footway/verge 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 DP6 of the Warwick District Local Plan 1996-2011.

- 9 No more than one access for vehicles shall be made or maintained to the site from Valley Road, Lillington. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 10 The access to the site shall not be reconstructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 11 The development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the kerb/footway and verge has 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 DP6 of the Warwick District Local Plan 1996-2011.
- 12 The development shall not be commenced until space has been provided within the site for the parking/ loading/unloading of vehicles in accordance with details to be approved in writing by the Local Planning Authority. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 13 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.
- 14 All hard surfaces hereby approved shall be made of porous materials. **REASON :** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.

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 proposed development is of an acceptable standard of design which would harmonise with the character and appearance of its surroundings and does not result in an unacceptable adverse

impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal is therefore considered to comply with the policies listed.
