

**Planning Committee:** 26 April 2011

**Item Number:** 6

**Application No:** W 10 / 1564

**Town/Parish Council:** Warwick  
**Case Officer:** Penny Butler

**Registration Date:** 01/12/10

**Expiry Date:** 26/01/11

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**Plot 8002, Tournament Fields, Edgehill Drive, Warwick, CV34 6LG**

The erection of a three storey building to provide a care home for residents suffering from dementia, and brain acquired injuries (use class C2) with new vehicular access, parking and landscaping. FOR Montpelier Estates Ltd

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This application is being presented to Committee as it represents a material departure from the Development Plan.

**SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Object. "The Town Council are concerned that despite the availability of public transport the car parking provision will not meet the necessary requirements of both staff and more importantly visitors and that any permission should make adequate provision for visitor car parking and that this application should be treated as an exception from parking policies. Car parking should however be provided on a permeable surface. The Town Council also considers that the access to the development should be relocated away from the curve and highway junction".

**Public response:** One letter of support from a GP in Stratford upon Avon. There is a disproportionate number of elderly patients in South Warwickshire and this trend will continue due to the characteristics of the area. The proposal would improve facilities in the area and the site is well located. Being slightly out of town will be an advantage as it will not contribute to congestion in the towns, be an advantage for visiting relatives, and for patients who could remain with their local GP. There have been quality of care issues for some time in residential and dementia homes. Poorly run homes struggle to attract sufficient staff as high intensity nursing care has a high staff turnover. Larger care homes cope better with the staffing levels required for patients with increasing care needs. Whilst an ageing population puts a strain on local services, nursing homes do not contribute to this because they provide all care so District Nurses are not required by patients. However, they do increase visiting rates for local doctors, but having patients in one centre rather than spread out through lots of homes is beneficial. One letter of support from a local resident, who comments that it is nice to see the development rather than closure of a care home.

**Chase Meadow Residents' Association:** Object on three grounds:

A three storey development would be unreasonably detrimental to the outlook of residents of Gogbridge Lane.

There is insufficient parking to accommodate staff and visitors and a revised plan should offer more spaces.

That the facility includes safely enclosed grounds to offer a good quality of life to the residents.

**The Warwick Society:** Object. A care home is not an appropriate use for this designated employment land. The level of employment predicted is low for the site area and amount of floor space that could be provided. This land use will rule out the development of future high employment businesses on the site and lead later to pressure for building on green field sites elsewhere in Warwick District. Planning permission has already been granted for the erection of a hospital on employment land in the close vicinity. Notwithstanding these concerns there are insufficient recreational areas around the building and it is remote from Chase Meadow infrastructure and facilities. Pedestrian access to Chase Meadow for recuperating patients will be amongst office blocks and warehouses.

**WCC Ecology:** Recommend bird, amphibian/reptile, badger, indigenous planting and lighting notes.

**Environment Agency:** There is a flood defence scheme being progressed in the area which, upon completion, will take this development out of the flood plain. There is no objection to the proposed development as an independent flood compensation scheme can be achieved on the adjacent land. Recommend a condition requiring the implementation of the compensatory flood storage works in accordance with the submitted FRA. No objection to the connection of foul water to the mains foul sewer as proposed but the LPA must ensure that the existing system has adequate capacity in consultation with the sewerage utility company.

**Warwickshire Police:** No objection.

**Environmental Health:** Sound insulation would be appropriate to mitigate road noise within the building. Road noise will affect the amenity of garden areas subject to the final layout of the scheme. The daytime noise levels recorded by the applicants noise consultant suggest that traffic noise will be intrusive above normal conversation in external areas. Gardens shielded from road noise by the building will have a more pleasant noise environment.

**WCC Highways:** No comments received to date.

**Severn Trent Water:** No objection subject to a condition requiring prior approval of drainage plans for the disposal of surface water and foul sewage.

### **RELEVANT POLICIES**

- Planning Policy Statement 4 : Planning for Sustainable Economic Growth
- Policy PA6 - Portfolio of Employment Land and Premises (West Midlands Regional Spatial Strategy 2008)
- Employment Land Development Brief - Tournament Fields, Warwick (Prepared by Severn Trent Property)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- 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)
- 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)
- Vehicle Parking Standards (Supplementary Planning Document)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Planning Policy Statement 25 : Development and Flood Risk
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

## **PLANNING HISTORY**

The site lies within the allocated employment zone, known as Tournament Fields, for the South West Warwick mixed use development. In 2003, the landowner prepared a Development Brief for the allocation which was approved by the Council in March 2003. This identified the site being within an area suitable for light assembly or distribution uses. In 2007 (W04/1851) outline consent was granted for the use of land for B1 (Business), B2 (General Industry) and B8 (Storage or Distribution) purposes. This limited the maximum floor space to 66,000 sq.m, with the maximum B1 floor space limited to 36,300 sq.m. (55% of the total). Nearly half of this B1 floor space has already been developed or has approval, and lies on the north-west side of Edge Hill Lane. The Council have also granted planning permission in February 2010 for a private hospital within the allocation to the South of the site as an exception to the policy.

## **KEY ISSUES**

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

The application site comprises a 0.4 hectare plot of green field land. It has a road frontage to Edge Hill Lane, the main link road through Tournament Fields to the new residential development from the new roundabout on Stratford Road. The T-junction of Hardwick Field Lane with Edge Hill Lane and Gogbridge Lane is at the corner of the site. Land to the sides and rear remains undeveloped but is screened from Edge Hill Lane by mixed road side landscaping. At the rear of the site, about 60m away to the south-west, lies the embankment for the new A46 fly over which is partly screened by a tree line at site level, and there is also an electricity station. The site has excellent road links to the Longbridge M40 roundabout a short distance away and the site lies at the southern edge of the town.

Three storey residential apartments stand on the opposite corner of the junction. On the opposite side of Edge Hill Lane stands the two storey Tournament Court courtyard office scheme, while adjoining to the West is land with planning permission for B1 use only. This site stands within the allocated employment zone for Tournament Fields which continues to the rear and South-East of the site.

### **Details of the Development**

This is a full application for the erection of a three storey care home, specifically for patients suffering from dementia and brain acquired injuries mainly as a

consequence of severe road traffic accidents. The building does not contain any self-contained units of accommodation and is considered to be a residential institution (Class C2). The site will be enclosed by 1.8m metal railings set back 2.5m behind the existing landscaping strip on Edge Hill Drive, but adjoining the South-Eastern and part of the South-Western plot boundaries. The enclosure is required for the safety of the patients, not for their secure detention. There would be a new pedestrian site access off Edge Hill Drive and a new private vehicular access close to the T- junction. The location of the vehicular access has been amended following consultation with the Highways Authority.

The proposed three storey building is roughly H-shaped, and designed with flat roof timber clad stepped sections in the facade which give the building the appearance of separate pitched roof blocks with linking corridors. The building is a modern design with areas of white render and brick work while the low pitch of the grey interlocking tile roofs will be similar to the mono pitch roofs of the business units opposite. The interior layout provides 90 en suite bedrooms grouped into managed units sharing lounge and dining areas, with a hair/beauty salon, laundry, kitchen, and staff facilities. A 30 space car park (including two disabled bays) is proposed on the western side of the building towards the rear of the site, along with two cycle stores, and communal gardens areas for residents. A 50kW combined heat and power system is proposed which will provide for at least a 30% reduction in energy use and carbon emissions.

## **Assessment**

Submitted with the application are a Flood Risk Assessment, Planning Statement, Long Term Care for the Elderly Needs Assessment Report, Transport Statement, Noise Assessment, Sustainability Report, and Design and Access Statement.

I consider the issues to consider are:

1. Loss of employment land
2. Parking and access
3. Visual impact
4. Flood risk

### 1. Loss of employment land

The key policies are Policy PA6 of the West Midlands Regional Spatial Strategy and Policy SC2 of the Warwick District Local Plan. It is recognised that Policy PA6 now carries less weight due to the Government's stated intention to abolish the regional level of planning, however, it remains part of the Development Plan against which applications must be judged and its intentions remain sound and consistent with current national policy in PPS4. The policy stresses the importance of LPAs maintaining a range and choice of readily available employment sites to meet the needs of the regional economy. Within the Warwick District Employment Land Review - 2009, Tournament Fields was assessed as our largest highest rated employment site, scoring excellent for market ranking and physical ranking, and good for sustainability. It is therefore one of the District's most important employment opportunities currently available.

Local Plan Policy SC2 carries full weight and seeks to protect existing and allocated employment land from changes of use to non-B1, B2 or B8 uses. Under this policy loss of employment land is protected unless the application is for a

non-housing use, accords with all other policies in the Plan, and the applicant can demonstrate that the proposal would not have the effect of limiting the level of provision, and quality, of land available for employment in accordance with the Plan and the RSS. The application is therefore a departure from the Development Plan and has been advertised as such. The applicant makes the case that the proposal would not harm the amount of quality of employment land coming forward for development and should therefore be approved as a departure.

The amount of employment land that would be lost as a result of the development (0.4 hectares) is limited and I am satisfied that this loss alone would not conflict with Policy SC2. However, the loss of this area of land combined with the impact on the quality of the adjoining land is considered to conflict with policy SC2. The use of the land adjoining the application site to the South and West would be constrained since the amenity of future occupiers of the care home would require protection from adjoining uses such as B2 and B8 uses.

Advice received from the Environmental Health Officer confirms that it would be possible, using planning conditions, to control noise from heating and ventilation plant by technical measures, and traffic/delivery noise by limiting hours of use. However, noise from industrial plant/processes may not be effectively controlled even when Best Practicable Means have been adopted, since then a Nuisance Abatement Notice cannot be served. The EHO is not able to define a minimum distance where B2 or B8 uses could locate in proximity to the care home without knowledge of the end user, their processes and their site requirements. It should be noted that the location of the dwellings opposite the care home already reduce the likelihood that B2/B8 uses could be locate in this area, so the care home would effectively extend the location of sensitive receptors a further 125m to the South. The applicant had offered to enter into a Section 106 agreement to control development on the adjoining land by means of conditions, but for the reasons given by the EHO this is not considered appropriate as it would not provide the required protection. It is possible that some B8 uses could locate on the land adjoining, therefore such applications will have to be dealt with as they come forward in consultation with the EHO and I am satisfied this would provide the appropriate protection. To potential occupiers the proposal would therefore reduce the area of land where amenity harming B2 and B8 uses could locate within Tournament Fields, which would affect the attractiveness of the site for these uses and limit the Council's portfolio of employment sites thus conflicting with Policy PA6 of the RSS, Policy SC2 of the Local Plan and this approved Development Brief.

In response to the concerns, the Marketing Agent and Development Consultant for the land owners, Sackville Properties, at Tournament Fields submitted further evidence. He considers that the care home would not detract from them securing other employment uses on the remainder of the site, and that buildings coming forward would renew market confidence in new development in the area. The site has been marketed as one of the most high profile employment opportunities in the M40 corridor, and whilst their instructions are not to rule out any expression of interest, they have not deliberately targeted substantial B2 and B8 uses for the following reasons:

- 1) These substantial concerns would require major structures with significant eaves height such that we would not anticipate planning consent being forthcoming because of the massing effect and the effect on the visual amenity

of this important flat site adjacent to one of the principal entrances to Warwick (St Mary's Church; Warwick Castle)

2) We came to this view because of the refusal of the planning consent back in the 1990s for the significant Wells Soft Drinks bottling plant.

3) Commercially, the values created by such significant industrial / warehouse buildings would not achieve a return that would be acceptable bearing in mind the substantial on-site and off-site infrastructure costs and value of land held by our client.

They consider that for these reasons and the way that Corporate Business Parks have evolved, the original design strategy and Development Brief does not now fully reflect the likely trend of where future occupier demand will come. Sackville Properties are committed to achieving high quality occupiers and design buildings on this site and will make sure that the environment is protected for the benefit of existing land values and existing occupiers/investments. As such they believe that any B2 or B8 uses will be small scale, rather than a major occupier taking the remainder or a very large part of the site. It would be contrary to Sackville Properties interests if the care home adversely impacted upon future investment opportunities at Tournament Fields. The applicants agree that it is time to review the existing Development Brief due to improvements that have now been made to the M40 junction and changing economic trends.

Other material considerations put forward by the applicant to be weighed against the conflict with the development plan include the amount and profile of employment created, and the need for the proposed use, whilst alternative sites must also be considered.

90 jobs (70 full time equivalent) would be created by the development, which is lower than what could be expected of a B1 use, but more than that which could result from a B8 use. The applicant has volunteered to enter into a Local Labour Agreement as part of a Section 106 Agreement to ensure that job creation benefits the local community, and they also outline their commitment to ongoing staff training and recruiting local staff. This would be the case wherever the site was found, so I do not consider this would be something required by the development, and thus would not be justified. The ward of Warwick West is one of the most deprived in the District and in need of employment and training opportunities, and this is a material consideration.

The applicants also commissioned a study from a leading health care advisory practice which demonstrates a need for the type of accommodation proposed but this is not unique to Warwick. They also point out that Warwickshire County Council have resolved to dispose of their care facilities and no longer act as providers, therefore there will be a greater emphasis upon the private sector to provide such facilities which is noted.

Alternative sites available to the applicant must be explored as one of the material considerations, though there is no requirement for a sequential test as this is not a town centre use. There is no policy within the Local Plan to direct C2 uses specifically although they are a residential use which is directed to previously developed land under Local Plan Policy UAP1- Directing New Housing. The applicants claim they cannot compete with residential land prices, and that there are no alternative sites available to them. There are remaining areas within Tournament Fields to which the use could locate without the issue of constraining surrounding land, within the zoned B1 areas. However these sites are in more prestigious locations where a care home may detract from the

employment character of the site. The Marketing Agent for the site chose this site as most suitable as it is at the rear of the area adjacent to residential development and within walking distance of the local centre, it can be separated from the remainder of the area by substantial landscaping, and commercially, the operator could not support to pay a land value anywhere close to potential residential land values and achieve viability. This is the principal reason why it could not be located on the plots at the front of the park next to Gerberit and behind the landscaping/water features which are reserved for high quality office inward investors that would be needed to achieve a return to reimburse the developers for the infrastructure costs. I give the lack of alternative sites limited weight as there are other sites available in more suitable locations, including employment sites in other areas of lesser quality, where surrounding land uses would not be compromised.

The Planning for Growth Ministerial Statement issued on 23 March 2011 must also be regarded as a material consideration which states that the Secretary of State will give significant weight to the need to secure economic growth and employment. It states

"Government's clear expectation is that the answer to development and growth should wherever possible be 'yes' except where this would compromise the key sustainable development principles set out in national planning policy."

LPA's should also 'give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions. PPS4 requires development plans to support existing business sectors, taking account of whether they are expanding or contracting. However, policies should be flexible enough to accommodate sectors not anticipated in the plan and allow a quick response to changes in economic circumstances'. In determining applications not in accordance with an up to date development plan authorities should "weigh market and other economic information alongside environmental and social information" and 'take full account of any longer term benefits, as well as the costs, of development, such as job creation... and consider whether those proposals help to meet the wider objectives of the development plan'.

This is a finely balanced case. The conflict with Policy SC2 and PA6 of the RSS is clear, in that the proposal would not only result in the loss of employment land, but also the constraining of surrounding land, which would by default reduce the attractiveness of the site for potential future occupiers and therefore the Council's portfolio of land. However, evidence which has been submitted points to a changing market, a potentially out of date Development Brief, associated job creation, a lack of alternative sites within Tournament Fields, the likelihood of harmful major B2/B8 uses locating on the wider site and need for the proposal. The Government's intentions for securing economic growth are also clear and in view of this, it is considered that this departure to the development plan should be allowed in these particular circumstances.

## 2. Parking and access

The parking requirement for a 90 bed nursing home in this low accessibility location is 30 spaces, based on one space per three residents *with ambulance provision*. Following the receipt of amended plans this requirement has now been met. The Town Council's comments were in response to the 23 spaces originally proposed. The revised location of the vehicular access point raises no

objection from the Highways Authority and on this basis I am satisfied that the proposal would not cause unacceptable harm to highway safety. The local centre is about 400m away with pedestrian access via Hardwick Field Lane which has dwellings on the Western side, so I do not foresee that this should cause accessibility issues for occupiers. The local centre has a range of uses, which combined with the facilities in the care home should meet the residents day to day needs without the cause for further trips.

### 3. Visual impact

The timber clad stepped sections in the facade of the building reduces the apparent bulk of the structure. The palette of materials is muted and in accordance with the Development Brief. The maximum height of the building, at 10.5m, is also in accordance with the Brief which set a maximum height of 12m in this area. I cannot therefore agree that the visual impact for residents on Gogbridge Lane will be unacceptable as this has always been part of the agreed Brief. Since there are three storey dwellings on the opposite corner I have no objection in principle to a three storey building, and this will help to define the road junction.

### 4. Flood risk

A separate application on a strip of adjoining land for temporary flood alleviation works for the care home, whilst the site wide flood defence scheme is implemented, has been submitted by the same applicant (W10/1667). The proposal is for an engineering operation on land to the South of the site to provide a level for level compensation scheme. This involves the excavation of a parcel of land about 0.2 hectares by 50mm thus ensuring the level of the care home will be above floor levels. The Environment Agency's response refers to this scheme and a condition would be imposed to secure the implementation of the works in accordance with the applicant's Flood Risk Assessment.

For the reasons given above I consider that this departure from the development plan should be approved.

## **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 approved drawing(s) (L01; 01E; 02D; 03D; 901; 04B; 05A; 06; 07; 08; 11 submitted on 1 December 2011. submitted on ) , and specification contained therein, 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 Details of the means of disposal of storm water and foul sewage from



the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.

- 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 Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 5 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.
- 6 No development approved by this permission shall be commenced until the implementation of compensatory flood storage works, in accordance with the details submitted within the Flood Risk Assessment (Care Home Development, Tournament Fields, Plot 8003, 10071/FRA/01, Project Number 10071, October 2011 and specifically Drawing Number 10071/FC/02 Rev A, contained therein). The scheme shall be implemented in accordance with the approved programme and details. **REASON:** To prevent flood risk and provide flood risk reduction and to satisfy PPG25 - Development and Flood Risk.

## **INFORMATIVES**

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the case made by the applicant with regard to the changing employment market, the likelihood of major B2/B8 uses locating adjoining the site, along with the amount of employment generated by the development, a lack of alternative sites, and need for the development, taking account of the Government's recent announcements for securing economic growth are considered to outweigh the harm caused by this departure from the employment policies of the Development Plan. Furthermore,

the siting, design and layout of the proposal are considered acceptable and would not cause harm to the surrounding area. There development is therefore considered to comply with the objectives of the listed policies.

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