

Planning Committee: 16 July 2019

Item Number: 11

Application No: [W 19 / 0645](#)

Town/Parish Council: Blackdown

Registration Date: 24/04/19

Case Officer:

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Expiry Date: 19/06/19

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**Helen Ley Care Centre, Bericote Road, Blackdown, Leamington Spa,
CV32 6QP**

Proposed single and two storey extension and internal alterations to existing two storey wing. FOR Mrs. Marie Bawden

This application is being presented to Planning Committee because it raises significant issues such that in the opinion of the Head of Development Services it would be prudent to refer the application to Planning Committee for a decision.

RECOMMENDATION

Planning Committee are recommended to refuse planning permission for the reason set out in the report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the proposed erection of a single and two storey extension to the front and side elevation of the existing property, and internal alterations to the existing two storey wing, to provide 10 additional bedrooms.

This is a resubmission of applications W/18/0388 and W/18/2459, which seeks to overcome concerns raised by Officers relating to the harm of the proposed development to the openness on the Green Belt.

THE SITE AND ITS LOCATION

The application site lies within the Green Belt and is used as a care home. It is surrounded on three sides by agricultural land and Bericote Road to the front, with agricultural land opposite. To the west is Bericote Park and beyond this further along Bericote Road is the Babe Ke Gurdwara spiritual centre. The buildings on the site are set back from the road behind a wide grassed area with mature tree planting. Mature hedging exists along Bericote Road which screens the buildings from the east and west.

The site forms a complex of largely single storey buildings with a two storey addition to the north east corner. The buildings are faced with a mixture of brick work and plastered concrete blockwork with some high level external vertical surfaces covered in a mixture of concrete and plastic cladding. The roof construction is a mixture of mono and double pitches and flat roof areas. The pitched roofs are covered in clay pantiles whilst the flat roof areas are felt. Some

pitched roofs have 'Velux' style rooflights. Car parking for the complex is to the front and side.

RELEVANT PLANNING HISTORY

There are various previous permissions relating to the site, however, only the following are considered to be relevant to the assessment of the application:

W/76/1333 - planning permission granted for the erection of multiple sclerosis short stay rest home with ancillary rooms and staff houses.

W/80/1495 - planning permission granted for the erection of phase ii extension to rest home (amended design).

W/81/0486 - planning permission granted for the erection of lounge extension.

W/87/0932 - planning permission granted for the erection of a long stay wing.

W/94/0036 - planning permission granted for the erection of single and two storey extensions to provide 10 additional bedrooms with bathrooms, a main lounge, link corridors and ancillary accommodation; provision of additional parking.

W/98/0567 - planning permission granted for the erection of 2 no. single storey extensions.

W/01/1722 - planning permission granted for the erection of extension to respite care centre to provide en-suite bedrooms, seating area and nurses station; alterations to existing building and re-roofing.

W/15/2108 - planning permission granted for the removal of condition 6 of planning permission W/76/1333 (restriction of use to a care home).

W/15/2109 - planning permission granted for the removal of condition 3 of planning permission W/80/1495 (restriction of use to a care home).

W/18/0388 - application withdrawn for proposed single & two storey extension and internal alterations to existing two storey wing.

W/18/2459 - application withdrawn for proposed single and two storey extension and internal alterations to existing two storey wing (resubmission of W/18/0388).

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)

- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Old Milverton and Blackdown Parish Council: No objection, providing that the total extensions to the original building accrued over the years, do not exceed the 30% allowance and is totally compliant with NPPF conditions in the Green Belt. Additionally, in not opposing this application the Parish Council does so on the condition that the future use of the extensions is limited to the existing use of the site. If planning permission were granted without this condition we believe that the special circumstances required by the NPPF to allow such development in the Green Belt would not have been properly applied. In the event of not fulfilling this condition the development should be refused as the harm to the Green Belt outweighs any benefits from permitting the development. The Local Planning Authority should impose conditions to control any permission granted, in particular the creation of additional use class C2 accommodation.

Matt Western MP: Supports application, Castel Froma is one of the leading facilities for neurological care and invaluable to the area. Their services fulfil a vital function by providing long-term accommodation and high quality nursing. Helen Ley occupancy has increased to an average 97% with surpluses generated on site in the past two years. An increase in inpatient capacity would enable more patients in the area to access the extensive long term rehabilitation services they offer, bringing enormous benefits to local hospitals by allowing them to discharge more patients.

(Now former) Councillor Stevens: Supports application, this is a very deserving application and has my full support.

Cadent Gas: No objection.

Cadent Plant Protection: No objection, subject to the inclusion of advisory notes.

WCC Highways: No objection.

WCC Ecology: No objection, subject to the inclusion of informative notes relating to protected species.

WCC Fire and Rescue: No objection, subject to condition.

Public Responses: 5 Support: the accommodation is always nearly full and provision is absolutely necessary; increased capacity at Helen Ley Centre will

enable CFNC's undoubted critical and beneficial services to more disabled people in our local community where increasing demand upon which has already shown itself – a reflection upon the specialised technical expertise of CFNC and the comparative dearth of other institutions that can offer the same level of treatment.

Assessment

Principle of development - Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

The site lies within the Green Belt and section 13 of the NPPF outlines restrictions on developing within the Green Belt. Paragraph 143 advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. There are exceptions to inappropriate development that exist to justify development in the Green Belt which are listed in paragraph 145 a) to g) and this includes under criterion c) the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.

Although Local Plan policy H14 relates to extensions to dwellings, the Council has identified that extensions to buildings above 30% of the original floorspace are likely to be considered as disproportionate. It is considered reasonable that this figure can be used as a guide to identify disproportionate extensions to buildings more widely which are located within the Green Belt.

The application property has been significantly extended and currently benefits from 208.25% of extensions. It is therefore considered that the site has been substantially extended beyond what could be reasonably determined as proportionate as it has more than tripled in size. The proposed development would increase this to 222.77%. Therefore, cumulatively, the proposed and existing extensions would represent a disproportionate form of development within the Green Belt, which is harmful by definition. Although the extensions would be positioned within a central part of the site, they would be two storey, and there would therefore be harm caused to openness by increasing the bulk and mass of the existing building.

In the Planning Statement, it is claimed that the proposed extension to the building would represent the limited infilling or the partial redevelopment of a brownfield site (another of the exceptions listed within paragraph 145 of the NPPF), and therefore that the proposal would represent an appropriate form of development within the Green Belt. However, the partial or complete redevelopment of a brownfield site is only appropriate where the development would, "not have a greater impact on the openness of the Green Belt than the existing development". The proposal would result in a significant increase in the size of the built form on the site, in the form of a two storey extension to the front of the property, so it cannot be agreed that the proposal would not have a greater impact on the openness of the Green Belt.

As a result, it has been concluded that the proposals represent inappropriate development within the Green Belt. It is therefore necessary to consider whether very special circumstances exist which would outweigh the harm caused. The following information has been submitted in support of the application:

- Letter from South Warwickshire NHS Foundation.

The letter states that the services provided are invaluable for the continued care of patients. It would increase available beds at the Helen Ley site which would positively impact available bed capacity at the Centre England Rehabilitation Unit and provide emergency and long-term care for patients.

Officers recognise the benefits and services which Helen Ley Care Centre provides to the community. However, the letter details what services the centre provides and does not give justification as to why the additional bedrooms are now required, or how many are needed to fulfil local demand.

- A brochure detailing the services provided by Castel Froma Neuro Care.

This document provides details of the care which the centre provides. Whilst this is informative, it does not provide justification as to why the additional bedrooms are required.

- Letter from CERU (Central England Rehabilitation Unit).

The letter states that establishments such as Castle Froma are essential in supporting the NHS to maintain patient access and flow, as well as providing services, which allows patients with fluctuating health needs that are discharged to remain in the community when they may otherwise have bounced back into the Hospital system which is ultimately better for them and the NHS as this reduces pressure on hospital beds.

The letter recognises the importance of the services provided at Helen Ley Care Centre, which Officers agree with. However, the letter does not specify why the additional bedrooms are now required.

- Statement of Need for Expansion

A statement has been provided by the agent which sets out why the expansion of the application site is required. This details the services provided by the care centre and states that there has been increased demand for beds at the site. The statement confirms that the site has been consistently full with no emergency bed spaces being available. However, the statement does not confirm how long the site has been at capacity, whether the site is consistently at capacity and what the projected occupancy of the site over the coming years is likely to be. Without this information it is difficult for Officers to gauge whether the increase in occupancy is likely to continue and what are the likely demands on the centre. This information has been requested from the applicant, but has not yet been forthcoming.

The statement clarifies that the centre provides unique care to the local and wider community, and Officers recognise that this brings with it significant

benefits. However, not permitting the extension would not preclude the site from continuing to provide the existing level of services it delivers. The statement also confirms that the expansion of the site would facilitate increased employment opportunities which is acknowledged as a small economic benefit.

It is also stated that the additional space is required so that patients can be relocated from Lillington House, a site in Leamington Spa which provides similar services and also ran by Castel Froma, which would then be reconfigured to provide ensuite accommodation. The Council recognises that the dignity of the patients at both care centres is of high importance. However, relocating patients from a site which is located within an urban area (Leamington Spa) and which could itself be extended (subject to the impact on neighbours and the street scene), to a site which is located within the Green Belt and has been significantly extended, is not considered to be acceptable in planning terms. Officers have no evidence to suggest that Lillington House could not be extended or altered to accommodate the required additional space for ensuite bathrooms, other than the supporting statement which states that "additional capacity is difficult to achieve at Lillington House, given the dated internal layout of the original property". This evidence has been requested but has not yet been forthcoming.

- Planning Statement from Framptons

The planning statement outlines the grounds by which it consider that the proposal represents appropriate development within Green Belt. However, as stated above, it is not considered that the proposal meets any of the exceptions to inappropriate development within the Green Belt. The statement also details the services provided at Helen Ley Care Centre.

The statement does confirm that there is typically 5-6 people on the waiting list at any one time for the centre. Whilst this gives some indication regarding the current demands on the care centre, more information relating to how long the waiting lists have been at this level and the projected waiting list is required to understand the long term likely demand on the centre.

Furthermore, and importantly, the proposed development is for 10 bedrooms. However, the waiting list is described as a maximum of 6 patients at any one time. Therefore, the proposal would result in an over-provision of bedrooms for the recent demands for the site. It is therefore not considered that the requirement for 10 bedrooms has been adequately demonstrated.

Under previously approved extensions at the site, very special circumstances were provided in order to outweigh the harm caused to the openness of the Green Belt. Under application W/01/1722 for example, the extension was required in order to bring the accommodation inline with National Standards for Care, as dictated by the Department of Health. The centre therefore had a responsibility to fulfil these standards and the Council was provided with evidence to substantiate these matters. Under W/01/1722 it was therefore determined that very special circumstances did exist which outweighed the harm caused to openness.

The Parish Council have no objection to the proposed development, provided that the total extensions to the original building accrued over the years, do not

exceed the 30% allowance and is totally compliant with NPPF conditions in the Green Belt. As stated above, it is not considered that the proposal would be compliant with Green Belt policy.

There has been support from the Local MP, Local Councillors and members of the public which state that the services provided by the application site fulfil a vital function by providing long-term accommodation and high quality nursing. They note that the occupancy at Helen Ley has increased to an average 97% with surpluses generated on site in the past two years. An increase in inpatient capacity would enable more patients in the area to access the extensive long term rehabilitation services they offer, and bring enormous benefits to local hospitals by allowing them to discharge more patients. These considerations are similar to those that have been addressed above in relation to the applicant's very special circumstances case.

To conclude, it cannot be considered that the proposal represents a proportionate addition to the property based on the cumulative extensions that have been added. It therefore has to be considered whether there are any very special circumstances which outweigh the harm by definition and to openness as a result of the proposed development. The existing facility clearly delivers an important local facility to vulnerable members of the community and is an important medical centre which Officers wish to support. However, the supporting information states that the waiting list for the facility is a maximum of 6 people and the number of bedrooms proposed is 10. There is no justification for the overprovision of 4 bedrooms. Furthermore, the supporting information lacks evidence relating to the historic and projected occupancy rates which would allow Officers to understand why there is now need to expand the centre. Finally, the supporting information also states that patients would be relocated from another site (Lillington House) to allow ensuite bathrooms to be provided from internal reconfiguration. However, there has been no robust evidence presented to Officers as to why Lillington House, which is not located within the Green Belt, could not be extended to provide the ensuite accommodation. For these reasons, it is not considered that very special circumstances have been demonstrated which outweigh the harm by definition and to openness as a result of the proposed development. The proposal is considered therefore to conflict with Local Plan policy DS18 and the NPPF.

Impact on the visual amenities of the area

Policies BE1 and NE4 of the Warwick District Local Plan (2011 - 2029) seek to ensure that development relates well to local topography and landscape features and reflects surrounding buildings in terms of scale, height, form and massing and using appropriate materials and details.

The buildings on the application site are not especially prominent in the street scene as they are largely screened by the existing planting and mature trees on the site frontage and the fact that they are largely single storey. The main view of the buildings is through the access entrance. The proposed development would be constructed of matching materials to those of the existing building, which could be secured by condition. The design of the development is in keeping with the existing property and is unlikely to have a significant impact on the street scene.

The development is considered to be in accordance with policies BE1 and NE4 of the Warwick District Local Plan (2011 - 2019).

Impact on residential amenity and on other uses in the area

Policy BE3 of the Warwick District Local Plan (2011 - 2029) seeks to resist development that would have an unacceptable adverse impact on the amenity of nearby uses and residents or does not provide acceptable standards of amenity for future users and occupiers of the development.

Due to the separation distances between the nearest properties and the application site, there would be no impact on the amenities of other uses or occupiers of residential properties in the area. The development would therefore accord with Policy BE3 of the Warwick District Local Plan (2011 - 2029).

Impact on Ecology

Policies NE2 and NE3 of the Warwick District Local Plan (2011 - 2029) seek to protect designated areas and species of national and local importance for biodiversity and geodiversity. All new development should protect, enhance and/or restore habitat biodiversity and that there should not be a net loss as a result of development and if possible a net gain should be achieved.

WCC Ecology have assessed the application and consider that notes relating to bats, nesting birds, reptiles and amphibians would be appropriate and that the proposal is acceptable in its current form.

The proposed development would therefore accord with Policies NE2 and NE3 of the Warwick District Local Plan (2011 - 2029).

Parking

WCC Highways have assessed the application and consider that there is sufficient parking available within the application site to accommodate the proposed extensions and additional rooms. It is also unlikely that the development proposals will have detrimental impact on the operation or capacity of the local highway network.

The proposed development is therefore considered to accord with Policy TR3 of the Warwick District Local Plan (2011 - 2029).

Other Matters

Cadent Gas have commented on the application and note that although they have a pipeline in the vicinity, the proposed development is outside the criteria requiring National Grid to carry out any improvements. They recommend that informative notes are included relating to private legal matters. If the application were being approved, these advisory notes could be added.

WCC Fire and Rescue have commented on the application and have no objection to the proposed development, subject to the inclusion of a condition requiring

that a scheme for the provision of adequate water supplies and hydrants are provided prior to occupation of the development. If the application were being approved this could be added.

Conclusion

The site is situated within the Green Belt and the proposal represents a disproportionate addition based on the cumulative extensions to the building. The proposal therefore represents inappropriate development within the Green Belt that would have a harmful impact on openness. It is not considered that very special circumstances have been demonstrated which outweigh the harm by definition and to the openness of the Green Belt as a result of the proposed development. The proposal is considered therefore to conflict with Local Plan policy DS18 and the NPPF.

REFUSAL REASONS

- 1 Warwick District Local Plan 2011 - 2019 policy DS18 states that the Council will apply national planning policies to proposals within the Green Belt. Paragraph 143 of the NPPF advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. There are exceptions to inappropriate development which exist to justify development in the Green Belt listed within paragraph 145 of the NPPF.

In the Planning Authority's view, the proposal does not meet the requirements of any of the exceptions to inappropriate development within the Green Belt listed within the NPPF, and the proposal therefore represents inappropriate development within the Green Belt and is harmful by definition and would reduce openness. Very special circumstances sufficient to outweigh the harm to openness and by definition have not been demonstrated.

The proposal is therefore considered to be contrary to the aforementioned policies.
