

**Application No:** W 11 / 1394

**Town/Parish Council:** Kenilworth  
**Case Officer:** Liz Galloway

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**Registration Date:** 02/02/12

**Expiry Date:** 29/03/12

**Former Multilines, The Trading Estate, Common Lane, Kenilworth, CV8 2EL**

Outline application for a 72 bed care home with specialist dementia care facilities with the rooms divided into 6 groups of 12 rooms over 3 floors with all matters reserved FOR English Care Villages

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This application is being presented to Committee because the recommendation is to grant planning permission subject to a Section 106 Agreement.

**SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** No objection

**Environmental Services (Environmental Health):-** Recommends a condition to restrict the construction works to the following hours:-

Monday to Friday 7.30am to 5pm, Saturday 7.30am to 1.00pm with no working on Sundays and bank holiday. Best practical means shall be employed at all times to control noise and dust from the site.

**Severn Trent Water:-** No objection subject to the following conditions:-

**CONDITION:**

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

**REASON:**

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

**Environment Agency:-** No objection subject to the following conditions:-

**CONDITION:**

There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 5 metres of the top of the bank of the Finham Brook, unless agreed otherwise in writing by the Local Planning Authority.

**REASON:**

To maintain access to the watercourse for maintenance or improvements.

**CONDITION:**

Prior to the submission of reserved matters, details shall be submitted to demonstrate that an access ramp to the Finham Brook will be provided as part of

the final detailed design. The ramp shall be constructed in line with the details approved.

**REASON:**

To facilitate access to the Finham Brook for maintenance and improvement.

**National Health Service:** No objection subject to financial contribution.

**Housing and Property Services:** No affordable housing required

**Warwickshire Police:** No objection however suggest moving the staff car park, access issues and fencing around the site.

**Cultural Services:** This development would not create an additional demand on green space, and for that reason, I would not recommend requesting an off site contribution.

**WCC Planning and Development Group (Highways):-** No objection

**WCC Strategic Commissioning:** Not prepared to offer 'in principle' support for this scheme, however, does acknowledge the shortage of dementia services.

**WCC Ecology:** Require further information relating to a bat activity survey being undertaken before a Reserved Matters application is dealt with.

**145 Public Responses:** three object on grounds of loss of employment land, traffic issues and too far from the town centre, and 142 support the proposal.

## **RELEVANT POLICIES**

- Vehicle Parking Standards (Supplementary Planning Document)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- 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)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Distance Separation (Supplementary Planning Guidance)
- National Planning Policy Framework
- SC2 - Protecting Employment Land and Buildings (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)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

## **PLANNING HISTORY**

The site comprises part of a large trading/industrial estate on Common Lane with this particular unit being the subject of the erection of a first floor extension, pitched roof to existing two storey building and two storey entrance extension in 2003. The factory/warehouse area was granted in 2005 to convert into 3 warehousing units and new offices with a change of use of part of the site

into a fitness centre in 2006. The main warehouse/industrial building has previously been occupied by 3 companies with the front offices and floor area being occupied by a fitness centre. In 2010, Multilines went into liquidation and the fitness centre relocated to another site and despite the business going to auction, no sale was secured. The site is presently unoccupied and falling into disrepair.

## **KEY ISSUES**

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

The application site is protected employment land in the 1996-2011 Warwick District Local plan and has an area of approximately 0.64 hectares and forms part of the larger Common Lane trading/industrial estate to the East of Common Lane. The site is situated to the North of a predominantly residential area and to the South of light industrial units that form part of the industrial site as a whole. The lower part of the site is also within a Flood Risk Zone 3.

### **Details of the Development**

This application is for outline planning permission for a care home facility comprising of a 3 storey building for 72 people situated within 6 groups of 12 to provide specialist care for dementia patients and the provision of associated services including communal internal and external areas, car parking, and supporting services. All matters are reserved, therefore it is only the principle of development that is under consideration.

The applicant has submitted supporting information with this application in the form of a Planning Statement, Design and Access Statement, Green Travel Statement, Supporting People Strategic review of Housing related Support Services for Older People, Sewer Record, Sustainable Building/Energy Efficiency statement, Planning Noise Assessment, Public Consultation Statement, Tree Survey, Marketing Statement, Stage 1 Bat Survey and a Traffic Assessment.

### **Assessment**

The main issues relevant to the consideration of this application are as follows:

- Loss of employment land
- The impact on the street scene
- The impact on the living conditions of nearby dwellings
- Parking and access
- Other matters

#### **Loss of employment land**

The relevant policy for the assessment of the loss of employment land is Policy SC2 of the Warwick District Local Plan. Policy SC2 seeks to protect existing and employment land and buildings from changes of use to non B1, B2 or B8 uses 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 the quality of land available for employment in accordance with the Plan. Although the amount of employment land that would be lost as a result of the development is limited (0.64ha), it would reduce the availability of land, particularly within Kenilworth which has limited areas of employment land available.

The applicant has put forward a number of arguments in favour of the proposal as material considerations to outweigh the conflict with policy. Supporting information has been submitted relating to the lack of demand for this site confirming that the site has been marketed since June 2010 and did not attract a buyer after being offered at auction in December 2010. This information has proved that there is little demand for this particular industrial site, and there is no evidence to suggest this will change meaning the site is likely to continue to make no contribution towards meeting local employment needs at least in the short term. The applicant also points to the fact that the proposed development would create approximately 46 full time staff and 50 part time staff which is potentially more than might be expected from an industrial use (were there demand for such a use).

Moreover, the National Planning Policy Framework states that "where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and relative need for different land uses to support sustainable local communities". In this context, the applicant argues that the care home would provide specialist residential care for which there is need. A shortage of quality dementia services is a national problem recognised locally by the County Council. The applicant has explored alternative sites to meet the need, however, no suitable and available sites have been identified within Kenilworth. This material consideration is strengthened further when considered alongside the NPPF and the requirement for significant weight to be placed on the need to support economic growth through the planning system.

In conclusion, the proposal is contrary to policy SC2 of the Local Plan. However, the material considerations taken together in this particular case are significant, namely; the limited harm caused to employment land supply through the loss of this particular site given its size; the contribution the proposal would make to meeting the need for specialist care for dementia patients in a sustainable location within the urban area; and the Government's statement in supporting economic growth. In total, these material considerations are considered sufficient to outweigh the conflict with policy and the harm caused through the loss of 0.64ha of employment land.

#### Impact on the street scene

As the appearance and layout of the building does not form part of this application, the only relevant issue to assess is whether the height of the proposed 3 storey building is appropriate in the context of the local area. As the land slopes downwards from north to south, the proposed building when viewed from Common Lane would not be significantly higher than the adjacent light industrial units to the north, and would be marginally lower than the ridge height of the residential properties adjacent to the southern boundary. In this context, the indicative layout and plans have shown that a care home of this scale can be accommodated on the site in accordance with Policy DP1 of the Local Plan.

#### Impact on the living conditions of nearby residents

The proposed care home would not lie immediately adjacent to any existing residential properties, as Finham Brook forms a barrier to the existing houses to the south. This provides a suitable buffer, and with sufficient space for an appropriate landscaping scheme to protect amenity, it is considered sufficient distance separation can be provided on site to the nearest properties to the

south. Furthermore, it is considered that the proposed care home replaces a building which would provide a much improved outlook for existing neighbours and with appropriate conditions and informatives in relation to noise disturbance, as such, would comply with Local Plan Policy DP2.

### Parking and Access

The parking requirement for a 72 bed nursing home in this location is 24 spaces, based on one space per three residents. The indicative layout demonstrates this can be accommodated and the proposed parking spaces for staff, visitors and ambulance/drop off area are sufficient for this type of development and comply with Local Plan Policy DP8. The Highway Authority are also satisfied the proposal has demonstrated sufficient space for parking, visibility splays and access details. No conditions are recommended as details of access would be subject to a subsequent reserved matters application.

### Other matters

The Environment Agency are satisfied the development would not have an unacceptable impact on the flood zone within the site and the adjacent Finham Brook, subject to conditions in relation to providing a buffer between development and the Brook, and ensuring a safe means of access to the Brook for maintenance and improvement. The applicant is willing to accept a condition requiring the development to satisfy the requirement for 10% renewable energy in accordance with Policy DP13, which is appropriate given this is only an outline application. The applicant is also willing to enter into an obligation to contribute towards improvements to local GP surgeries as requested by the NHS in accordance with Policy SC14. At the detailed stage of reserved matters, concerns raised by Warwickshire Police can also be more appropriately addressed.

## **RECOMMENDATION**

GRANT, subject to the completion of a Section 106 Agreement to secure a contribution towards health provision, and subject to the conditions listed below.

## **CONDITIONS**

- 1 The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **REASON** : To comply with Section 92 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 in accordance with the details shown on the application form, site location plan and approved drawing(s) 11/13/102(A), 11/13/103(A), 11/13/104(A) and 11/13/105 and specification contained therein, submitted on 18th January 2012, except as required by condition 3, 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 Notwithstanding the approved plans in condition 2, this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
- (a) access
  - (b) appearance
  - (c) landscaping
  - (d) layout
  - (e) scale
- REASON** : To comply with Section 92 of the Town and Country Planning Act 1990 as amended.
- 4 In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission. **REASON**: To comply with Section 92 of the Town and Country Planning Act 1990.
- 5 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.
- 6 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times 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 Details of the air conditioning, ventilation and flue extraction systems including particulars of noise levels shall be submitted to and approved by the Local Planning Authority before any works commence on site. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- 8 Work which is likely to give rise to noise off site should be restrict to the following hours:- Monday to Friday 7.30am to 5pm, Saturday 7.30am to 1.00pm with no working on Sundays and bank holidays. Best practical means shall be employed at all times to control noise and dust from the

site.

- 9 There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 5 metres of the top of the bank of the Finham Brook, unless agreed otherwise in writing by the Local Planning Authority. **Reason:** To maintain access to the watercourse for maintenance or improvements.
- 10 Prior to the submission of reserved matters, details shall be submitted to demonstrate that an access ramp to the Finham Brook will be provided as part of the final detailed design. The ramp shall be constructed in line with the details approved. **Reason:** To facilitate access to the Finham Brook for maintenance and improvement.
- 11 The premises shall be used as a care home with specialist dementia care facilities, with the rooms divided into six groups of 12 rooms over three floors, and for no other purposes (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). **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:

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