

**Planning Committee:** 12 June 2012

**Item Number: 14**

**Application No:** W 11 / 1670

**Registration Date:** 19/01/12

**Town/Parish Council:** Old Milverton

**Expiry Date:** 15/03/12

**Case Officer:** Sandip Sahota

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**Quarry Farm, Old Milverton Lane, Old Milverton, Leamington Spa, CV32  
6RW**

Erection of 80 bed residential care home (Use Class C2) after demolition of existing buildings and removal of commercial store FOR Opus Land, (Quarry Farm) LLP 4 Care UK

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This application is being presented to Committee due to an objection from the Parish Council having been received and because it is recommended that planning permission be granted subject to the completion of a legal agreement by July 31st 2012.

**SUMMARY OF REPRESENTATIONS**

**Old Milverton and Blackdown Joint Parish Council:** The Parish Council strongly objects to this planning application on the following grounds: The Parish Council is committed to the preservation of the Green Belt and in particular the protection and preservation of the environment between Leamington and Kenilworth. The artist's impression indicates an overcrowded group of buildings when viewed from the south, giving the appearance of the outskirts of a housing estate. It is aesthetically displeasing and again demonstrates the unsuitability of the development for this site. The proposed development will be substantially larger and taller than the existing buildings which are not derelict or in disuse. The construction of a care home is not regarded by PPG2 as an appropriate new building in the Green Belt. Quarry Farm is agricultural land with some industrial use containing agricultural buildings and sheds, some of which only remain owing to the invocation of the 'ten year rule'. Clearly the provision of care for the elderly and those suffering from dementia is extremely important but the Parish Council would not want the emotional connotations of caring to give undue weight to the argument that the development should be permitted because of very special circumstances. The quiet location cannot be regarded as a 'very special circumstance' for elderly and dementia sufferers. It is said that they need the 'stimulation' of contact with a strong (preferably familiar) local community providing social activities and facilities such as shops, cafes, churches, parks and day centres, to enhance their social well-being (ref. Joseph Rowntree Foundation). Whilst this location would offer some peace and quiet, it would also isolate residents' external stimuli and confine them to the sterile environment of their locus and might probably lead to institutionalisation; The Parish Council believes that the existing buildings, which are mainly agricultural in nature, are more in keeping with the Green Belt and rural nature of the location. The development of a two storey care home will have "a materially greater impact on the openness of the Green Belt than the site's existing use"; Whilst the proposal includes 27 spaces it remains concerned that this number would be insufficient for this rural location; There is very real concern about the proposed drainage treatment. The residue will certainly contain drugs which will probably not be removed by normal treatment, and it should,

therefore be linked to the main drainage system to keep it away from local watercourses.

**Warwickshire Police:** No objection.

**Cultural Services (Leisure & Amenities):** No objection, subject to condition requiring tree protection in accordance with submitted plan and permeable no dig surface below retained trees.

**Environment Agency:** "The Agency has no objections to the proposed development but wishes to make the following comments. Under the Environmental Permitting (England and Wales) Regulations 2010, the discharge of polluting substances (including sewage effluent) into surface waters or the ground requires the authorisation of the Environment Agency. This authorisation may be either an Environmental Permit to control the discharge or a registered exemption. The authorisation is irrespective of any Planning Permission granted and maybe withheld. The applicant should consult the Environment Agency's web-site for information regarding Environmental Permitting for discharges to surface waters or the ground (see:<http://www.environment-agency.gov.uk/business/topics/water/32038.aspx>) and if necessary discuss the proposal with the National Permitting Team".

**Warwickshire Fire and Rescue:** No objection, subject to a condition requiring fire hydrants.

**Environmental Services:** No objection.

**Severn Trent Water:** No objection, subject to a condition regarding drainage.

**Cultural Services (Open Space):** No comments received on current application. However, the following comments were received in respect of application ref: W11/0483, and are equally relevant to the current application: "Since the application is for a residential care home, it can be assumed that many of the elderly residents will not be using local green space for recreational purposes due to age and health. Therefore it would seem inappropriate to request for an offsite contribution".

**Contract Services:** No objection in principle.

**WCC Ecology:** Recommend a number of standard conditions and notes.

**WCC Highways:** No objection, subject to condition requiring development to be in accordance with drawing 1116/PA/004.

**NHS Care:** No comments received.

**WCC People Group:** Support the proposal in principle.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- 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)
- DP11 - Drainage (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)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- Warwickshire Landscape Guidelines SPG

### **PLANNING HISTORY**

- A planning application (ref: W/11/0483) for 'Erection of 80 bed residential care home (Use Class C2) after demolition of existing buildings' for the same site edged red as the current planning application, was submitted to the Local Planning Authority in April 2011 but was subsequently withdrawn in June 2011 to allow for further discussions to take place with a view to the submission of a revised scheme with additional supporting material to be submitted at a later date: i.e. the current planning application.
- Planning permission (ref: W10/1236) for 'Erection of 80 bed residential care home (Use Class C2) after demolition of existing buildings' was refused by Members on 2 February 2011. This application did not include the full extent of the site. The land area to the rear of the site (0.5 ha approx) which was granted a Certificate of Lawfulness (ref: W09/0649) (see below) was not included within the application site. The application was refused for the following reasons:

The proposed development did not fall within any of the categories listed as exceptions to inappropriate development in PPG2 and it was considered that very special circumstances sufficient to justify departing from this Guidance had not been demonstrated. The proposed replacement building would have a far greater impact on the openness of the Green Belt than the existing and approved buildings due to its additional bulk and mass; It was considered the proposed C2 use and the established commercial use on the adjoining land to the west were incompatible in land use planning terms and that the potential for noise and disturbance was such that adequate living conditions for the occupiers of the development could not be secured. The absence of footways in the vicinity of the application site also meant that it would not be possible for residents to be taken for walks directly from the application site and would not form part of a mixed community; It was considered that the contemporary modernist design of the proposed building incorporating extensive areas of glazing was not synonymous with the rural setting and would appear as an incongruous feature in the landscape, contrary to the Warwickshire Landscape Guidelines SPG; It was considered that the proposed development was contrary to the provisions of Policy SC2 which seeks to protect existing the existing employment uses.

- An application for a certificate of lawfulness (ref: W10/1068) for 'operational development and use of land as primary access road to the equestrian land

area and as a secondary access road to the rear storage land area at Quarry Farm' was refused on 17 June 2011.

- An application for a certificate of lawfulness (W09/0649) for 'existing use of land as a storage place for containers used for storing equipment and materials and for open storage of vehicles and machinery on a commercial basis deposited on the site by tenants and with access arrangement from Milverton Lane' was granted in March 2010.
- Planning permission (ref: W05/1601) for 'redevelopment of existing development site, including demolition of existing buildings and erection of a 1600 square metre, 8.5 metre high, two storey building purpose built for self storage and furniture manufacture/ storage together with associated car parking and loading bays was granted in December 2005. The building is to be located in the north-west corner of the site, with car parking to the south and east. All pre-commencement conditions have been discharged and a material commencement has been made to this development in order to keep the permission "alive".
- Planning permission (ref: W97/0148) for 'change of use from redundant agricultural building to (a) furniture storage/ ancillary manufacture, (b) furniture storage and the erection of front boundary wall and gates' was granted in April 1997. This relates to the land directly to the west of the application site.

## **KEY ISSUES**

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

The application site is washed over by Green Belt and is categorised as Arden Parklands in the Council's Warwickshire Landscape Guidelines Supplementary Planning Guidance (SPG). The site is long and thin running east/ west. It has an area of some 0.83 ha (2.05 acres) located on the west side of Old Milverton Lane, approximately 300 metres from the Blackdown roundabout on the A452 Kenilworth Road. The existing use of the site is for commercial storage with a large proportion of the material on-site representing long-term storage arrangements. Opposite the site, on the east side of Old Milverton Lane, is the Warwickshire Nuffield Hospital a large-scale building complex with extensive car parking. To the north, adjoining the roundabout on Kenilworth Road, is the Woodland Grange Management Training Centre, a large-scale building complex, with further extensions recently approved and completed.

The northern boundary of the site is defined by the edge of the existing storage sheds, with the boundary treatment comprising a 1 metre high post and rail fence supplemented with trees/hedge with an average height of 9 metres. Beyond this is an open field between the application site and Woodland Grange. The eastern boundary of the site faces Old Milverton Lane and provides the sole access to the site. This entrance is defined by a red brick wall which leads visitors into the site. Beyond this there is a small forecourt which is used for parking. There are a number of mature trees to the front of the site behind the front boundary wall. The southern boundary of the site is clearly defined by the existing storage sheds, with the boundary treatment comprising a post and rail fence. Land to the south and west is in agricultural/'horse' use, with an open field to the south and agricultural storage buildings to the west. The site is

located approximately 3 km north of Leamington Spa Town Centre and 4 km from Leamington Spa Railway Station.

A mixture of outbuildings, sheds and containers are currently arranged along both flanks of the site and are accessed by gravel roads with loading areas between the flanks. There are 23 existing buildings on the 'frontage site' with a total floor space in the order of 1590 square metres: 6 x steel containers; 5 x breeze block buildings; 5 x portacabins; 1 x brick building; 3 x timber buildings; 1 x caravan and 2 x corrugated iron sheds.

The larger buildings vary in height from approximately 6m to 7.4m high. Most existing buildings are in poor condition and do not appear suitable for refurbishment. The primary land uses at present include: storage falling within Use Class B8 and furniture manufacture falling within Use Class B2. Ancillary uses include offices used by businesses operating from the site. Some small buildings are also used for washroom/toilets and stables in connection with the horse related uses operating on agricultural land to the south.

The 'rear land' which has been incorporated into the application site, since the application was refused in 2010, has been used for storage purposes since 1997 and is currently occupied by a range of containers which are, primarily, situated along the southern and northern boundaries of the site interspersed with other portacabin buildings with an open central area to the site within which haulage and other vehicles are stored. The rear land extends to the position at which the slope of the land down to the river to the north of the site exists.

To the south lies equestrian land which, the applicants claim, has remained continuously in this use for at least 15 years, although there is no planning history relating to this land. This land shares an access from Old Milverton Lane with the rear storage land on its northern boundary. This access, currently secured by a 5 barred gate, extends to the rear of the overall land area. The Certificate of Lawfulness relating to this access was refused on 17 June 2011 and it is the subject of an open enforcement case.

A small area of land separated from the proposed care home at the western boundary is to be retained by the current owner to provide continued access to the 'stables', adjacent to the River Avon. However, given the refusal of the Certificate of Lawfulness for the access road referred to above, it is unclear how this area will be accessed.

### **Details of the Development**

The proposal is to construct a new care home (Use Class C2), with a specialist emphasis on dementia care, for 80 patients, together with ancillary accommodation to provide best practice care and support for the patients along with parking and landscaping after demolition of existing buildings.

The development process will be managed by Opus Land and the building will be operated by Care UK, a national independent provider of health and social care.

The following are identified as the main differences between the current application and the one refused by Members in February 2011:

1. The full extent of the rear storage land has been incorporated into the application site edged red.

2. The proposed care home has been totally redesigned in response to the previous reasons for refusal and has moved from a very contemporary structure to one more in keeping with the local vernacular.
3. The layout of the building on the site provides an open landscaped frontage to the street uncluttered by parking.
4. The amount of car parking provision has been increased from 25 to 27 spaces to satisfy the requirements of the Council's Vehicle Parking Standards SPD.
5. Enhancement of vegetation and landscaping screens and provision of a landscaped amenity area on the rear storage site.
6. The height has been reduced from a predominantly three storey building to a two storey building and the gross external footprint of the building has increased from 1612 square metres to 2125 square metres.

## **Assessment**

The main considerations in the determination of this application are:

1. Whether the proposed development amounts to inappropriate development in the Green Belt, and if so whether there are any very special circumstances to outweigh the harm by reason of inappropriateness and any other harm
2. Design
3. Whether the proposal would comprise sustainable development, having particular regard to the need to reduce travel by private car
4. Whether the proposal would provide adequate living conditions for future residents
5. Loss of existing employment site (B1, B2 & B8 uses, as defined in the Local Plan)
6. Renewables
7. Parking
8. Drainage
9. Trees/ landscaping
10. Flood risk
11. Contamination
12. Ecology

### Green Belt:

The Parish Council's view that the proposal constitutes inappropriate development when assessed against PPG2 is noted. However, these comments were submitted prior to the publication of the NPPF which supersedes PPG2.

Paragraph 89 of the National Planning Policy Framework (NPPF) sets out six categories where the construction of new buildings in the Green Belt is not considered to constitute inappropriate development. Notably, the sixth category

which was not contained in PPG2 is the one which the applicant considers is the one which applies to the proposed development. It states: *"Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development"*.

It is acknowledged that the application site is not a greenfield undeveloped parcel of land in the Green Belt but that it is brownfield land with a collection of buildings of varying sizes and forms of construction.

The Certificate of Lawfulness granted in 2009 entitles the use of part of the application site for open storage with no limitations as to the nature of storage, the height of storage or the hours of use.

The applicant contends that the site could be used for the storage of shipping containers as a 'fall back' position if the proposals for the care home are not granted. Two options have been drawn up illustrating how the site could be used. The options indicate that the use of the site could be 'intensified' from its current use within the scope of the Certificate of Lawfulness. Layout 1 proposes a configuration of containers over three levels, a format similar to a container depot. Layout 2 shows how the site could be configured over two storeys and used for 'individual storage units'.

Warwick District Council have commissioned an independent assessment, from a market perspective, as to the extent to which the two options represent realistic fall back positions. The report concludes that layout 2 is likely to be the most realistic fall-back position at the site given its location and size and that layout 1 is unlikely to be attractive from a market perspective, given the site's size, location and that it is not in an established logistics/ distribution location.

If option 2 was implemented the physical consequences of this form of development would be a continuous 'wall' of containers 114 metres long, 6 metres high and 16 metres wide. The Local Planning Authority would have no control over the colour of the containers, and the result could be a haphazard array of different coloured boxes. The two storey building granted under planning permission ref: W05/1601 which extends to 8.5 metres high with a floor area of 1600 square metres could also be built in addition to the storage containers.

The eaves height of the proposed care home is 5.55 metres high and the ridge height of the proposed care home is 9.38 metres high. However, the ridge height is broken up by pitched roofs and set down links. The length of the proposed building is 101 metres and the width varies between 13 and 34 metres.

It is considered that in undertaking a reasonably balanced judgement comparing the proposed development against the entitlement to the use of this land in the context of the Certificate of Lawfulness, the existing buildings on the site and planning permission W05/1601, the proposal enhances the Green Belt in causing less harm to the purposes of including land in the Green Belt and enhancing visual amenity. More significantly, it is considered that the proposal falls within category 6 of paragraph 89 of the NPPF in that it is the redevelopment of a brownfield site which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing

development. The proposal is therefore not considered to constitute inappropriate development in the Green Belt and is acceptable in principle.

In order to ensure that the granting of consent secures the cessation of use for open storage and the other uses on site all persons with an interest in the land within the application site will enter into a planning obligation to discontinue the storage use and the revocation of planning permission W05/1601 upon a material commencement of development taking place (Section 56(4)).

### Design:

The Warwickshire Landscape Guidelines produced by Warwickshire County Council and the Countryside Commission has been subject to public consultation and formally adopted as Supplementary Planning Guidance by the Council in 1994. The application site forms part of the Arden regional character and the Arden Parklands landscape type as defined in the SPG. Typical features include a dispersed settlement pattern of hamlets and farmsteads as an integral element of the landscape. an irregular and small scale field pattern, ancient woodlands and mature hedgerow oaks. The overall character and qualities of the Arden Parklands landscape is described as an enclosed, gently rolling landscape defined by woodland edges, parklands and belts of trees. The overall guidelines for the Arden area intend that the built character should be conserved by ensuring that new development reflects the vernacular style, with particular attention being given to scale, building materials and the incorporation of traditional features. The characteristic features of this landscape includes large country houses set in mature parkland.

The existing buildings on the application site generally appear from public vantage points as typical agricultural outbuildings. The approved replacement building was designed to reflect the appearance of grain stores. As such, both the existing and approved buildings sit relatively comfortably within this rural location.

The proposed building has been totally redesigned from the 'contemporary modernist' design of the preceding scheme to reasonably reflect the form and scale of surrounding large scale institutions including the Nuffield Hospital and the conference venue at Woodland Grange. The character of the proposed development presents the form of a country residence fronting Old Milverton Lane which is typical of the locality. The overall design reflects a series of enlargements to the perceived 'original building' which is again typical of the pattern of development approved in the locality. The building is designed in a core and wings layout, with a distinctive street presence but set back with sufficient landscaped frontage to give it its own setting. The street frontage therefore has no requirement for parking, main entrance activity, patient amenity activity or feature lighting. The frontage will therefore be a quiet and uncluttered space with minimum lighting where the existing landscaping will be enhanced by new managed planting.

The care home will be limited to 2 storeys in height and will be a simple and uncluttered design. The roof will be pitched and tiled with a ridge line set at a height appropriate to traditional 2 storey rural build. The highest ridge line is designed to be 9.38m above ground floor level, the dimension from ground floor level to underside of eaves is 5.55m. The massing of the overall form will be a series of connected elements differentiated by elevation recesses and varying roof heights. The building will be of a plan scale in keeping with neighbours but



will be lower in roof line than others. The site topography slopes gradually from east down to west. To enable a uniform and level floor for ease of accessibility the building will be cut into the site on its east edge and with floor level flush to natural ground at its west edge.

The predominant materials will be a red facing brick to walls and a plain tile to pitched roofs. A central string course of re-constituted stone will visually tie the various elements together and corbel brick courses define the eaves of the various masses. This approach to design will accord with the Arden area vernacular style, materials and detailing. Windows are modestly sized with a balance to allow adequate daylight to patients' rooms and to take advantage of open views out to the countryside but to avoid large areas of glazing that may cause concerns of light spill during times of darkness. The only large areas of glazing are to ground floor at the main entrance and from the cafe to its external patio garden but these areas will generally not be used by patients in hours of darkness. The fundamental change in the approach to the design of this development removes the concerns raised in the earlier scheme regarding the "extensive areas of glazing". The site layout has also been redesigned to avoid car parking at the front of the building and the consequent need for lighting facing Old Milverton Lane other than at the access. Some provision is required for lighting in the interests of safety for staff and visitors. The draft lighting scheme submitted with the application makes it clear that the focus is on low energy products with a philosophy of downward light only. It is considered that the extent to which the lighting is required would not be discordant with the general provision of lighting in this area. This can be secured by condition.

It is considered that the proposed development upon completion will become assimilated into its rural setting and will result in less encroachment than the lawful use for open storage which will appear visually incongruous in this setting. It is considered that, as amended, building will reinforce the vernacular style which is characteristic of the Arden area and the proposal would therefore comply with the objectives of the aforementioned SPG and Policy DP1 of the Warwick District Local Plan 1996-2011.

#### Sustainable development/ transport:

Paragraph 34 of the NPPF states that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

The application site is located in a predominantly rural location and as such access by walking and cycling is limited. However, there is potential for the footway that runs south along Old Milverton Lane from the roundabout upto the first entrance for the Nuffield Hospital to be extended for approximately 80 metres along the eastern side of Old Milverton Lane. An informal crossing point could also be constructed and this would allow pedestrian access from the proposed development to Kenilworth Road and the bus services that are the most convenient for accessing the site. The applicants state that they have undertaken negotiations with the Highways Authority and are prepared to provide the necessary contributions to enable this to be secured. It is therefore considered that the site could be made accessible to the urban area by walking, cycling and public transport, by a suitably worded Section 106 agreement.

A Transport Assessment has been submitted with this application. The existing traffic and transport conditions have been analysed, and the potential traffic

generation of the extant permitted development has been calculated using TRICS. It has been established that there is likely to be a reduction in trips between the current and proposed developments. As a result of the reduction in traffic intensity from the site, it is considered that the development will have a positive impact upon the local highway network, potentially reducing the number of trips to the site.

The Highway Authority, whose remit includes assessing the sustainability credentials of proposals, have not objected to the scheme and agree with the applicant's findings that the proposal has shown to decrease the amount of vehicular movements associated with this site. Whilst clearly conscious of the very different nature of the existing lawful uses on the site and the nature of the development proposed, it is concluded that in terms of traffic generation, this proposal would not undermine local and national planning objectives of creating more sustainable patterns of development, subject to a legal agreement for contributions to secure the provision of an extended footpath on Old Milverton Lane.

The Travel Plan submitted with the application contains a package of measures that aim to promote the use of sustainable modes of travel and to reduce reliance on the private car.

#### Living conditions:

I note the concerns raised by the Parish Council regarding amenity. However, the care home will be designed to current CSCI standards and will also look to the future and include larger than minimum area bedrooms, extra day space and a range of communal facilities all in excess of minimum standards. Open and sheltered private garden areas will also be provided to all ground floor accommodation together with the large landscaped amenity area to the rear of the site.

The revised scheme increases the area of amenity space accessible to residents by approximately 50%. It does this by introducing large westerly facing gardens and repositioning the building more generously on the enlarged site. The incorporation of the rear land in to the scheme enables a larger curtilage for the development proposal and a more expansive area of amenity value about the built form. More significantly, however, the introduction of the rear land into the scheme enables the full removal of the commercial storage use from this area which, it is considered, overcomes the previous reason for refusal relating to the proximity of the two incompatible land uses and the resultant harm to the living conditions for the future residents.

In terms of the previous reason for refusal relating to the rural location of this site which means that residents in this development will not form part of a mixed community with easy access to a range of community facilities and other services, the case put forward by the applicant is that regrettably, the spatial integration of a specialist care home for the elderly suffering from dementia is unlikely to be practical if embedded within a housing development that primarily provides for general housing needs. The internal layout of this building is designed specifically to contribute to the management and treatment of residents. For those patients with acute forms of dementia they will not venture out beyond the care home. Others will be able to venture out accompanied by a carer. The availability of urban facilities beyond the care home is not of

particular significance because the resident have very limited use of such facilities.

It is therefore considered that the proposed development would comply with the provisions of Policy DP2 of the Warwick District Local Plan 1996-2011 and would not undermine the Government's objective of creating inclusive and mixed communities as set out in the NPPF.

#### Loss of existing employment site:

Saved Policy SC2 of the Warwick District Local Plan 1996-2011 seeks to protect employment land from development for non-employment purposes, unless certain criteria are met, of which the most relevant is that the proposal would not have the effect of limiting the level and quality of land available for employment. Employment uses are defined as B1, B2 and B8 in the supporting text to Policy SC2.

While the proposed care home is likely to bring forth some 75 new jobs which compares to the existing level of employment of some 8 persons, the proposed care home is not an employment use in accordance with Policy SC2.

Conflict with the provisions of Policy SC2 has been raised recently by the Local Planning Authority against another specialist care home at Tournament Fields, South West Warwick which was refused. At appeal, the Inspector identified one of the main issues as being: "The effect of the proposed development on the availability of employment land". In paragraph 7 of the Appeal Decision issued on 22 December 2011, the Inspector stated: *"Although the C2 care home use is not an employment use in accordance with the LPA's definitions the equivalent of 70 full time jobs would be created and it is anticipated that most staff would be local. Whilst this number is likely to be lower than would result from an office development of a similar scale, industrial or warehouse use could result in fewer jobs. The employment generating use of the site should be seen in the context of the recent Ministerial Statements which seek to encourage economic activity and job creation"*.

Further, paragraph 19 of the NPPF states that "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system".

It is therefore considered that these material considerations outweigh the conflict with Policy SC2.

#### Renewables:

The Renewable Energy and Sustainable Construction Statement submitted with this application demonstrates that the building would achieve a BREEAM rating of 'Very Good' and be designed and built to high levels of energy efficiency. It also indicates that consideration has been given to various forms of renewable technologies with Combined Heat & Power (CHP) technology found to be the most appropriate method in this case. It is proposed that a packaged CHP plant will be provided and sized to meet the basic domestic hot water demand for the development, equivalent to 27% of the energy requirement of the development.

CHP units burn gas or oil to generate both heat and power and are therefore a much more efficient way of producing energy. CHP can also provide significant carbon emission reductions. However, as stated in the Council's Sustainable Buildings SPD, unless it is powered by bio fuel it is not considered to be a renewable technology.

It is therefore considered appropriate for a condition requiring the submission of further details to be submitted for approval to be added to any approval granted in order to meet the requirements set out in Policies DP12 and DP13 of the Warwick District Local Plan 1996-2011 and the Council's Sustainable Buildings SPD.

#### Access/ Parking:

The access into the site will be by way of the existing junction off Old Milverton Lane with the on site roadway sweeping north as tightly as practical to maintain maximum streetfacing building. The roadway will lead to drop-off and parking out of sight from Old Milverton Lane. Parking will be provided on the north edge and west side of the site in dispersed zones. A 2m footpath is provided in addition to the on-site roadway.

The Council's Vehicle Parking Standards SPD sets out the maximum car parking standards in accordance with Local Plan Policy DP8. The principle set out in the SPD is that the maximum standards should be applied unless circumstances exist which indicate that a lower level of provision is appropriate. The standard set for C2 residential institutions is 1 parking space per 3 residents (including 2 disabled spaces) plus provision for an ambulance. It also specifies that cycle parking is required but that numbers are to be considered on merit. Applying the standard set out in the SPD means that 27 spaces are required.

The proposed development includes 27 parking spaces (including 3 disabled spaces) split over two locations. 10 of these spaces (including the disabled spaces) will be provided near to the main entrance, some 40 metres into the site offering those less physically able visitors and staff a convenient access to the building. The remaining spaces will be located at the rear of the development. Provision has also been made for ambulance waiting. Ten secure cycle parking stands will be provided in front of the development for staff and visitors.

It is therefore considered that the proposed development complies with Policy DP8 and the Vehicle Parking Standards SPD.

#### Drainage:

The current owner of the site has indicated that foul drainage from the existing development drains to a cesspool, which is emptied by tanker.

Severn Trent water records confirm that there are no existing Public Foul Sewers adjacent to or in the immediate vicinity of the proposed development site. It is therefore considered that a mains sewerage connection for the disposal of domestic sewage from the site would not be a viable option. The applicants have held discussions with the Environment Agency, who have confirmed that as there are no Public Foul Sewers in the vicinity of the site, a package sewage treatment plant would be an acceptable alternative for the disposal of foul flows. The proposed solution is the provision of a suitably sized Package Sewage

Treatment Plant. Following treatment it is proposed to discharge the treated water to the River Avon. The detailed design will have to take into account discharge limits to be agreed in conjunction with The Environment Agency. The Environment Agency have confirmed that the proposed drainage scheme would be acceptable provided the applicant applies for a suitable permit to discharge to the river.

Preliminary site investigation works have indicated that the site is underlain by Bromsgrove Sandstone, and therefore the use of soakaways or other infiltration system may be feasible subject to further testing to determine infiltration coefficients. The applicants have been in discussion with The Environment Agency regarding the proposed use of soakaways at the site. Initial feedback from The Environment Agency would suggest that they are happy for an infiltration system to be utilised at the site for the disposal of surface water, subject to satisfactory site investigation results. As such, it is intended that should soakaway testing produce satisfactory results, surface water runoff from the development will discharge to a soakaway system.

Site access, parking and delivery zones will be used by cars and heavy vehicles and therefore be made of paving and tarmac. The majority of external spaces will be constructed for porosity to avoid surface water run-off.

It is therefore considered that the proposed development meets the requirements set out in Policy DP11 of the Warwick District Local Plan 1996-2011.

#### Trees/ landscaping:

The site is at present comprised entirely of buildings or hard standing and is of little value to the natural environment, except for a small area along the Old Milverton Lane boundary where there are several mature trees. Existing boundary hedges, where they are, are generally thin or with gaps.

The plans and the tree report show all existing trees along Old Milverton Lane are to be retained but all others to be removed. The Arboricultural Report submitted with this application categorises the trees shown to be removed to be of a fair/ poor physiological and poor/ dead structural condition. In my view none of these trees makes a significant contribution to the amenity of the area and would not be worthy of a Tree Preservation Order. The Council's Arboricultural Officer has raised no objections to the proposed tree works, subject to conditions.

The site is categorised as Arden Parklands in the Warwickshire Landscape Guidelines SPG, where the general development guideline is to soften the built edges through increased planting within the site and for off-site woodland planting to help link the development into the wider landscape. Along the northern boundary of the site the existing native hedge will be managed in an attempt to reinvigorate the hedge. Additional native species planting will be carried out where suitable to fill gaps and add diversity of species. The other site boundaries will be defined by a timber post and rail fence with clipped native hedges in keeping with the character of the area. This hedge will have an alternating mix of large stature and small stature native trees planted within it to provide both screening and increase biodiversity. The fence type chosen reflects the agricultural nature of the area immediately surrounding the site.

It is considered that the loss of the proposed tress will not cause harm to the amenity of the area and that the increased planting proposed will help to link the development into the wider landscape in accordance with the guidelines set out in the SPG.

#### Flood risk:

The River Avon is sited some 200 metres to the west of the application site. A Flood Risk Assessment has been submitted with this application which advises that the site is in Flood Zone 1 and is not susceptible to fluvial flooding. The site of development is on a high level ridge some 15 metres above the River Avon 100 year flood level and there is minimal risk of pluvial flooding (overland) from surrounding sites. Site surface water drainage will also be designed to minimise the risk of surface water flooding within the site boundary. It is therefore considered that the proposed development will not be susceptible to flooding.

#### Contamination:

The site may be contaminated with materials as a result of its current and former uses. Typical contaminants could include metals and inorganic compounds such as fuels, lubricants, pesticides, etc. Information gathered from the desk study and observations made during the fieldwork by the applicant's Environmental Engineers suggest limited potential sources of pollution on the site. For the proposed site use, the contaminated land assessment submitted with the application states that the risk of significant harm to human health and to controlled waters has been assessed qualitatively as low. The report considers it prudent to simply remove the hydrocarbon impacted topsoils. The Environment Agency agree and do not see the need to condition any further site investigations or risk assessments, as they consider they are not warranted.

It is therefore considered that the proposed development satisfies the requirements set out in Policy DP9 of the Warwick District Local Plan 1996-2011.

#### Ecology:

The site has no nature conservation designation. There are no records of protected species within the application site. There are records of protected species, namely bats, badger, otters, great crested newt, smooth newt and common frog in the surrounding area.

An Extended Phases I Habitat Survey and a Bat Survey were submitted as part of this application. County Ecology have seen these reports and have no objections subject to a number of standard conditions and notes.

### **CONCLUSION/SUMMARY OF DECISION:**

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

In the opinion of the Local Planning Authority the proposed development is considered to constitute appropriate development in accordance with paragraph 89 of the NPPF. The development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of parking, highway safety, trees and ecology, drainage or loss of employment which would

justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.

### **RECOMMENDATION:**

GRANT, subject to the completion of a Section 106 Agreement to secure a contribution towards highway improvements and to provide that the use and development in the Lawful Development Certificate ref: W/09/0649 and planning permission ref: W/05/1601 are not implemented, and subject to the conditions listed below. Failure to complete the agreement by July 31st 2012 may result in the application being refused.

### **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.
- 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 drawings (drawing numbers 1116/PA/001, 1116/PA/002, 1116/PA/004, 1116/PA/005, 1116/PA/006, 1116/PA/007, 1116/PA/008, 1116/PA/010, 1116/PA/011, 1116/PA/012, PO3), and specification contained therein, submitted on 28 December 2011. **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 The development hereby permitted (including any works of demolition) shall not be commenced until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **REASON:** To secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 4 Samples of all external facing and paving 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.

- 5 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 Local 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.
- 6 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **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.
- 7 The landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. 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.
- 8 The use of the development hereby permitted shall operate only in strict accordance with the approved Travel Plan, submitted on 28 December 2011, unless otherwise agreed in writing by the District Planning Authority, in consultation with the Highway Authority. **REASON**: To satisfy the aims of the NPPF in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site and in accordance with Policy DP7 of the Warwick



- 9 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the buildings 2 and 6 (as annotated in Extended Phase 1 Habitat Survey and Bat Survey report) to be demolished. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England and WCC Ecology Unit are consulted for further advice. In addition to this the qualified bat worker shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected species are not harmed by the development, and to satisfy the requirements of Policy DP3 of the Warwick District Local Plan 1996-2011.
- 10 No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes for swallows to be erected on buildings within the site has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the box(es) shall be installed and maintained in accordance with the approved details and thereafter shall not be removed or altered in any way without the prior consent of the Local Planning Authority. **Reason:** To ensure that protected species are not harmed by the development.
- 11 Prior to the first occupation of the development hereby permitted the scheme for the disposal of storm water and foul sewage shall have been fully implemented in accordance with the drainage statement submitted to the Local Planning Authority on 28 December 2011 and thereafter shall not be removed or altered in any way without the prior written approval of the Local Planning Authority. **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
- 12 The proposed car and cycle parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be kept free of obstruction and be available for those purposes at all times thereafter. **REASON:** To ensure that adequate parking facilities are provided and retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 13 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.
- 14 The development hereby permitted shall be used as a care home with specialist dementia care facilities and for no other purposes (including any other purpose in Use 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.

15 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

16 No development shall be carried out on the site which is the subject of this permission, until details of a fume extraction system have been submitted to and approved by the District Planning Authority and 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.

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