Planning Committee: 22 February 2011 **Item Number:**

Application No: W 10 / 1249

Registration Date: 23/09/10
Town/Parish Council: Old Milverton **Expiry Date:** 18/11/10
Case Officer: John Beaumont
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Former North Leamington School, Cloister Way, Leamington Spa
Development of a new 78 bed residential Nursing Home providing a Specialised Care Centre for people with Neurological Disability The development comprises bedrooms with a mixture of long stay, short stay and respite rooms. Support accommodation for residents and staff is provided along with facilities to provide, hydrotherapy, physiotherapy and occupational therapy to residents.
FOR Royal Midland Counties Home for Disabled

This application forms part of a major redevelopment of the former North Leamington school site which is a Major Developed Site within the Green Belt. The application is referred to committee for decision since local plan policy SSP2 indicates that employment use is the preferred use of the site and the proposed use does not fall into that category. An objection has also been raised by the Town Council.

SUMMARY OF REPRESENTATIONS

Leamington Town Council: an objection is raised for the following reasons:

1) style of architecture of new buildings inappropriate to current housing styles
2) lack of harmonization with existing settlement ; DP1 layout and design of the Warwick DC Local Plan refer

Old Milverton and Blackdown Joint Parish Council - No objection

WCC Highways -no objection subject to condition requiring submission of green travel plan.

Environment Agency - originally raised objection but following clarification of certain drainage matters, have now withdrawn their objection, subject to condition requiring details of a surface water drainage design based on sustainable principles for the site to be submitted and approved.

Severn Trent Water - no objections subject to approval of details of foul and surface water drainage.

Sport England - no comments.

Warwickshire Police- no objections.

WCC Fire and Rescue - no objections subject to condition requiring provision of fire hydrants.

WDC Green Infrastructure Manager - raises objection to the loss of significant trees which are covered by the proposed building footprint,(labelled 63 and 65 on the plans) which is contrary to policies DP1 and DP3 of the Local Plan.

WCC Ecology- have no objections subject to a number of conditions requiring presence of a qualified bat worker during demolition works, protection of retained trees and submission of a landscape and ecological management plan.

WCC Archaeology- were first consulted at pre-application stage and confirmed the works will no have a significant archaeological impact.

Public response: Letters received from a Cloister way resident and the owners of a Cloister Way property. Both letters are of broad support but concern expressed about the gated entrance off Cloister Way, which could affect free flow of traffic into the site and cause tailbacks.

RELEVANT POLICIES

- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- SSP2 - Major Developed Sites (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)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Planning Policy Guidance 2 : Green Belts

PLANNING HISTORY

The site has been developed for school purposes over a long period of time until the school moved to its new site off Sandy Lane in 2010. The buildings formerly occupied by the school remain on the site.

KEY ISSUES

The Site and its Location

The application site relates to the now disused Lower School section of the former North Leamington School site served off Cloister Way and has an area of 1.3 hectares. The site contains a large number of buildings ranging from single storey to four storeys in height , with the main school block sited relatively close to the eastern boundary of the site , with a long wing extending towards the western boundary. The buildings date from the 1960's and are of little architectural merit.

The site abuts an established residential area to the north-east and is adjoined by houses off Cloister Way, Almond Avenue and Garway Close to the east ; by the disused upper school buildings to the north (subject of an application for housing W10/1250 discussed elsewhere on this agenda) ;while to the west are playing fields and a hard surfaced tennis court retained in the ownership of WCC. At the entrance to the site via Cloister Way is the site of a former staff bungalow (now demolished) which has been disposed of separately and has permission for a two storey replacement dwelling.

There is a distinct fall in levels across the site from east to west and a number of existing trees, mainly along the north-western boundary and the south west towards the playing fields. Some trees near the western boundary are proposed to be removed as a result of the development. From the west, the elevated nature of the site can be viewed from the Kenilworth Road with the four storey school buildings prominent on the skyline.

Details of the Development

The proposal is for a residential nursing home for people with neurological disability, with 78 ensuite bedroom (each with a balcony) , comprising a mix of long stay, short stay and respite rooms. Alongside the residential accommodation, there will be a range of clinical care spaces plus dedicated areas for Occupational Therapy, Physiotherapy and Hydrotherapy as well as a variety of "day" spaces for the residents plus kitchen and laundry facilities. The new facility is intended to replace the existing 57 bed Castel Froma premises off Lillington Road.

The proposed building will be set in landscaped grounds and has a broadly cruciform plan , with a three storey hub at the core of the building and three storey bedroom wings orientated towards the site's western boundary, overlooking the green belt. Towards the east ,closer to residential properties, are single and two storey elements mainly with support services , but with bedrooms on the ground floor facing the boundary to houses on Garway Close and Almond Avenue. The siting of the building takes advantage of the site levels so that its floor level is some 1.5- 2 metres lower than the adjacent ground level at the boundary thereby mitigating its impact on the houses and their gardens to the east. The level floor plan for the building results in it being slightly out of the ground at the western boundary.

The approach to the building is via Cloister Way with car parking (62 spaces for staff and visitors) at the front of the building covered cycle store is also shown on the plans, with space for 10 bikes and room for possible future expansion to accommodate a further 10.

In terms of elevational treatment, the scheme utilises extensive green roofs which overhang elevations of brickwork with white "through coloured" rendered blockwork above, with contrasting coloured bands to give life and vibrancy to the appearance. The aim is to create a building of crisp, clean , contemporary architectural lines which sits within its landscaped site. The landscaping will comprise hedging, trees and shrubs along the exposed western boundary , with existing planting undisturbed along the northern and eastern boundaries . The positioning and orientation of the building towards the western boundary does result in the loss of some mature trees but has the advantage of moving the mass of building away from the adjacent houses compared to the present set of buildings.

Assessment

I consider the main issues which need to be addressed in the assessment of this application are:-

- the acceptability of the proposed land use for the site in terms of policy.
- the impact of the development on the character of the area
- the impact of the proposed buildings on adjoining properties
- traffic and parking considerations
- Sustainability issues

The proposed land use for the site

The site is part of a Major Developed Site within a green belt designation and policy SSP2 of the Local Plan applies. This states that..."appropriate limited infilling and redevelopment for employment or other uses identified in the supporting text as being appropriate" will be permitted. In the case of the former North Leamington School site, no "other" uses are listed in the supporting text and employment use is therefore the preferred land use for the site. However, following an extensive marketing campaign after WCC decided to dispose of the site in early 2009, all but one of the companies who ultimately bid for the site were residential developers, the other (as part of a bid for the whole) being for the care home scheme. The agents have further confirmed that at no point did they receive an expression of interest to redevelop the site for employment purposes (B1,B2 or B8).

Given this lack of interest for use of the site for employment purposes, it is necessary to look at the merits of the proposed use as opposed to the preferred employment use. In this context, the character of the area adjoining the site has an established residential character and B2 industrial or B8 warehousing uses would be in marked contrast to the site's surroundings. A B1 Business use , if achievable, could be more compatible but again would represent a departure from the established residential character of the area.

In view of the lack of interest in the site for employment purposes as evidenced by the extensive marketing campaign and the quasi-residential nature of the proposed use, my conclusion is that the proposed care home use will be compatible with its surroundings and will be a beneficial use of this site. It should also be noted that in employment terms, the care home will provide full and part time employment for up to 150 staff members.

The impact of the development on the character of the area

The paramount consideration here is the impact of the development on the green belt. Policy guidance in this respect is provided by Annex C of PPG2 relating to "Major Developed Sites". This states in para. C4 that any redevelopment should

(a) have no greater impact than the existing development on the openness of the green belt and the purposes of including land within it, and where possible have less;
(b) contribute to the achievement of the objectives for the use of land in green belts;
(c) not exceed the height of the existing buildings;
(d) not occupy a larger area of the site than the existing buildings (unless this would receive a reduction in height which would benefit visual amenity).

Para C5 further confirms that the relevant area for the purposes of (d) is the aggregate ground floor area of the existing buildings (the "footprint") excluding temporary buildings, open spaces with direct external access between wings of a building, and areas of hardstanding.

Taking these criteria in reverse order, for purposes of (d) the aggregate area of existing buildings on the site has been agreed between WD officers and WCC and communicated to the applicants, for this application and for W10/1250 relating to the northern part of the site. The relevant overall floor area for this criteria is 6,367 sq.m. which has been split between the two sites , giving a

figure of 2,950 sq.m. for the smaller southern site subject of the care home application. The new build proposal for this site with an overall floor area of 2869 sq.m. complies with this criteria.

In relation to criteria (c), the new buildings do not exceed the height of the existing buildings. Survey information for the site indicates that the roof level of the existing 4 storey element of the current buildings is 87m relative to the ordnance survey datum located on 69 Lillington Road of 76.53 m. The 3 storey elements of the replacement development have a height relative to the same datum of 81.70 m, over 4 metres lower than the current buildings so this criteria is complied with

Criteria (a) and (b) are more subjective and require the overall form and character of the proposals to be examined against the existing pattern of development on the site. Currently the site is occupied by run-down utilitarian buildings up to four storeys in height which are particularly prominent in views across the green belt from Kenilworth Road and also dominant when viewed from adjoining houses. The previous use of the site and its landscape were defined by the functional needs of the school with large unattractive permanent buildings supplemented by temporary mobile classrooms sited as and where was simplest. The landscape was secondary to the buildings and the functional hard surface play areas that dominate the site. The current scheme seeks to sit the new building within a designed landscaped context and helps to improve the visual amenity of the green belt.

In terms of the adopted design approach, the form and design of the development will be in marked contrast to the adjacent predominantly 1960's suburban housing but is considered to be acceptable for an urban edge location against the backdrop of an established built up area.

The contemporary design approach adopted for the care home has some resonance with the new modern school buildings with their green roofs to the north on the former Manor Hall site, which similarly replaced an existing range of large modern buildings on that site. I do not consider, therefore, that the new building proposed on the former lower school site will appear at variance with its surroundings.

Criteria (a) requires redevelopment to have no greater impact on the openness of the green belt than the existing situation. The existing monolithic four storey block which dominates the site significantly intrudes into openness and is prominent on the skyline. The new development is lower in height and with its articulated plan form with landscaped spaces between the various elements is considered to enhance openness compared with the current situation.

The loss of some of the mature trees (two oaks) on this site is regretted, but to achieve the necessary level of accommodation and to site the bulkier three storey wings of the development away from residential properties does mean that some trees are inevitably affected. Compensatory planting is proposed and extra heavy standard trees are included in the overall landscaping scheme to replace these trees. Given the need to respect existing residents' amenities and the carefully designed overall form of the development which results from its specialist requirements, I am not of the view that the loss of these trees in itself causes such harm that it warrants refusal of the application.

The impact of the development on the amenities of adjoining properties

The site adjoins a number of residential properties off Garway Close and Almond Avenue, which have their side gables and gardens running along the common boundary. The existing part 4 storey school buildings have a dominating effect on the outlook from these properties, particularly the two houses at the head of Almond Avenue, with single storey classroom buildings close to the boundary with 32 Almond Avenue and 9 Garway Close. The new building will have its taller elements towards the western boundary of the site away from the houses , with the closest elements being either single storey or two storey. The two storey wing which lies a minimum of 13 metres off the common boundary to the houses contains ancillary accommodation at first floor level, with resident bedrooms at ground floor only. The design of the fenestration to the upper level seeks to minimise overlooking by using high level windows.

Clearly, the new care home will have a substantial presence within the outlook to the adjacent properties but I am satisfied that sufficient attention has been paid to the need to protect their amenities in the design and positioning of the nearest element. The overall impact in terms of massing, proximity and overlooking is, therefore, considered to be acceptable on planning grounds and meets the requirements of policies DP1 and DP2, particularly having regard to the potential "fallback" position of the existing buildings being retained on the site.

The other main component of the impact on residential amenity relates to potential noise and disturbance from the activities and traffic likely to be associated with the use of the site. Compared with the previous school use, the proposed use is an "institutional" use of an inherently quiet nature . Traffic disturbance was a feature of the previous school use with its marked a.m. and p.m. peaks when parents were dropping off/collecting students. The traffic flows associated with the proposed use do not have such concentrated peaks and levels of disturbance are likely to be less.

Traffic and Parking Considerations

A Transport Statement has been submitted with the application and WCC Highways have confirmed a "no objection" response.

The provision of car parking on the site reflects the pattern at the existing care home where, in order to meet the special needs of the residents, a number of staff need to use their vehicles . Potential new residents would be visited by specialist staff several times and the catchment area for the home covers the Midlands. Accordingly, the on site car parking provision is well above the standard in the Council's Vehicle Parking Standards SPD

Traffic data for the lower and upper schools was set out in the planning application for the replacement school. This indicated volumes of 24 staff cars and 112 parents cars entering or leaving the lower school site area between 0800 and 0900 hours, producing 248 vehicle movements. Feedback from local residents identified that the most significant local nuisance factor was the afternoon collection time when almost all parents cars would be parked up on local roads totalling up to 112 vehicles. The pattern for Castel Froma is a reflection of the home's staggered staff shift patterns generally away from rush hour peaks, with the highest volume being no more than 58 vehicle movements between 0700 and 0800, with the numbers actually falling into the 0800-0900 slot being a low single figure and spasmodic in nature, giving a large reduction in movements during the peak hour.

In relation to service vehicle movements for the new care home, the Transport Statement concludes that this will not be significantly different in overall numbers compared to the lower school .

Sustainability issues

A comprehensive sustainability statement is contained within the Design and Access Statement for the development. This sets out the various heating options for the building and demonstrates that a number of heat pump solutions can achieve the 10% renewable energy requirement set out in policy DP13. At this stage, the proposal includes the provision of roof mounted plant, which is worst case solution from an aesthetic perspective but alternatives will be examined in connection with a future building regulations application and the building regulations applicable at that date.

The use of Green roofs will reduce the impact of the development on surface water drainage systems and the use of rainwater collection systems is being considered for use in maintenance of the garden and grounds. A comparison of the extent of roofed and hard paved areas between the former lower school and the new development indicates a reduction of around 20%, but when the green roofs are taken into account, the reduction in surface water run off compared to the existing situation is much greater - circa 47 %.

I am satisfied, therefore, that the development meets the requirements of local plan policy DP13 and the Sustainable Buildings SPD.

Conclusion

In land use terms, the proposed residential institutional use is considered to be in keeping with the established character of the area and is an acceptable alternative to the employment use suggested for this site in the Major Developed Site policy in the Local Plan.

In relation to the physical impact of the development, clearly, the new care home will be a substantial building of contemporary design which will be viewed across the green belt and from the established residential area to the east. Compared to the existing school buildings, however, it will be lower in height and achieves both a reduction in overall mass and bulk when viewed on the skyline from Kenilworth Road and also will be less dominating on the houses to the east as a result of the orientation and positioning of the new building. The design incorporates a number of measures which mitigate the impact on the houses to the east, by using ancillary rooms at first floor level with high level windows only on the part of the building which is closest to them.

Traffic impact is likely to be less in terms of overall volumes and movements than previously, with disturbance from general activity and traffic to local residents likely to be lower than with the operation of the lower school.

RECOMMENDATION

GRANT subject to the following conditions.

CONDITIONS

1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** :

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 1001/A/PL/G/01F,02A,EX/04,EX05,EX06,00/01C,00/02B,00/03.01/01B, 01/02C,01/03,02/01B,02/02B,02/03,03/03,04/01A,ELE/01B,ELE/02B,E LE/03B,ELE/04C,PL/93/01A, SEC/01, SEC/02, SEC/03, SEC/04, SEC/05, SEC/06, and SEC/07and specification contained therein, submitted on 23rd September 2010 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

4 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 site, or in the locality, 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.

5 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

6 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.

7 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should also include details of habitat creation measures including creation and management of bat roosting opportunities (e.g. setting up bat boxes), nesting bird opportunities (e.g. setting up bird boxes), creating areas of wild flower grasslands (including the protection of the existing rare plant species on site), as well as details of managing the whole site for wildlife. It should also include details of enhancement of existing habitat – in particular supplementary planting of suitable buffer zones with appropriate native species. Details of species used and sourcing of plants should be included. The plan should also include details of long-term monitoring of the site, including further species-specific monitoring surveys such as an additional bat survey 1 year after completion of works. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with PPS9 and Warwick DC Policy DP3.

8 No work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **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.

9 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety.

10 A Travel Plan comprising the following details shall be submitted to and approved in writing by the District Planning Authority, in consultation with the Highway Authority, within 3 months of the date of the first occupation of the development hereby approved and should include the following:-
(i) a target for the proportion of employees who will travel by means other than single car occupancy;
(ii) a strategy for achieving the target(s);
(iii) a management programme;

(iv) a process for monitoring the process towards achieving the target(s); and
(v) measures should targets not be achieved.
Thereafter the use of the site shall operate in strict accordance with the approved Travel Plan, unless otherwise agreed in writing by the District Planning Authority, in consultation with the Highway Authority.
REASON : To satisfy the aims of PPG13 : Transport 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 District Local Plan 1996-2011.

11 The cycle provision shown on the approved plans shall be completed before the care home is occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

12 The car parking for staff and visitors 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 and shall thereafter be kept available at all times for the parking of vehicles visiting this site. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996 - 2011.

13 The premises shall be used for purposes within Class C2 of the Town and Country Planning (Use Classes) Order 2005, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). **REASON** : To clarify the terms of the permission hereby granted. for the avoidance of doubt.

14 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 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 meet the requirements of policy DP3 of the Warwick District Local Plan.

INFORMATIVES

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

In the opinion of the District Planning Authority, the use of the site for a residential institution is an acceptable land use for this former school site and the submitted scheme achieves acceptable standards of layout and design.

Furthermore, there are considered to be no harmful effects in terms of traffic or other site specific impacts which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.