Planning Committee: 05 July 2011 **Item Number:**

Application No: W 11 / 0483

Registration Date: 11/04/11
Town/Parish Council: Old Milverton **Expiry Date:** 11/07/11
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

This application is being presented to Planning Committee as a similar application (ref: W10/1236) was refused by Members at the Planning Committee Meeting on 2nd February 2011 and this application has been submitted by the applicants to seek to address the objections raised on the previous proposal. This proposal was also discussed at the Proposed Development Forum on 23rd March 2011.

SUMMARY OF REPRESENTATIONS

Old Milverton & Blackdown Joint Parish Council: OBJECTS STRONGLY on the following grounds: Inappropriate development in the Green Belt and very special circumstances to outweigh the harm by reason of inappropriateness have not been put forward.

WCC Highways: "The proposal has shown to decrease the amount of vehicular movements associated with the site. Therefore, although the visibility splay is insufficient ordinarily, the Highway Authority's response to your consultation in regard to the above application which was received by the Council on 20/09/2010, is one of NO OBJECTION, subject to the following conditions(s): 1. The development shall not be occupied until a turning area has been provided within the site so as to enable all anticipated vehicles to leave and re-enter the public highway in a forward gear. Notes for inclusion: The Travel Plan submitted with the application will need to be secured via a Section 106 agreement".

WCC Fire & Rescue: "No objection, subject to the imposition of the following condition on any planning permission which may be granted: 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 Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. REASON: In the interests of fire safety".

Warwickshire Police (Community Protection): "In relation to the above planning request Warwickshire Police have no objections to this application. I have examined the application and it meets the criteria of part 1 Secured By Design. I would recommend that they strive to achieve part 2 as it would go some way if they are meeting BREEAM".

WDC Contract Services: "No objections to the development in principal however the following details should be noted:

1. The waste would be classed as Schedule 2 waste. The Council will provide a quote for removal of the waste on request. Alternatively a commercial waste provider can be used.
2. External storage space for bins should allow for a minimum of 100 litres of capacity per room per week for non-recyclable waste and 35 litres of capacity a week for recyclable waste.
3. Storage locations should not be more than 25m from the collection point".

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

Cultural Services (Leisure & Amenities): "No objection, subject to a condition requiring tree protection to be in place in accordance with the submitted Tree Constraints Plan (Barry Chin, contract 1147/10 Drg 02 Rev A) prior to any work commencing and to remain in place until the completion of work".

Environment Agency: "Provided the details for the foul drainage were the same as when we removed our objection previously, we would have no further comment".

Cultural Services (Open Space): "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".

Environmental Health: No objection.

RELEVANT POLICIES

- 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)
- Planning Policy Guidance 2 : Green Belts
- Planning Policy Statement 25 : Development and Flood Risk
- 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 Policy Statement 7 : Sustainable Development in Rural Areas
- Planning Policy Guidance 13: Transport
- Planning Policy Statement 3 : Housing
- Planning Policy Statement 4 : Planning for Sustainable Economic Growth

PLANNING HISTORY

- 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:

1. The site is situated within the Green Belt and Planning Policy Guidance Note 2 states that, within the Green Belt, the rural character of the area will be retained and protected. It also contains a general presumption against "inappropriate" development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed in the Guidance and, in the Planning Authority's view, very special circumstances sufficient to justify departing from this Guidance have not been demonstrated. By reason of its additional bulk and mass over and above the existing buildings on the site and the approved building, in the opinion of the District Planning Authority the proposed replacement building would have a far greater impact on the openness of the Green Belt than the existing and approved buildings. The proposed development would therefore be harmful to the Green Belt by reason of inappropriateness and because of its adverse impact on openness.

2. Policy DP2 of the Warwick District Local Plan 1996-2011 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/ or does not provide acceptable standards of amenity for future users/ occupiers of the development. The land immediately to the west of the application site is in active commercial use. In the opinion of the District Planning Authority, the proposed C2 use and the established commercial use on the adjoining land to the west are incompatible in land use planning terms. Given the proximity of the west wing to the adjoining site, it is considered that the potential for noise and disturbance is such that adequate living conditions for the occupiers of this part of the development cannot be secured. Furthermore, given the location of the application site and the absence of footways in the vicinity of the application site, it will not be possible for residents to be taken for walks directly from the application site and given the rural location of the site, residents will not form part of a mixed community with easy access to a range of community and other services. The proposal is therefore contrary to the provisions of the aforementioned policy and the Government objective of creating inclusive and mixed communities as set out in PPS3 : Housing.

3. The application site forms part of the Arden regional character and the Arden Parklands landscape type as defined in the Warwickshire Landscape Guidelines 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. In the opinion of the District Planning Authority the existing buildings on the application site generally appear from public vantage points as typical agricultural outbuildings and the approved replacement building was designed to reflect the appearance of grain stores. In comparison, it is considered that the contemporary modernist design of the proposed building

incorporating extensive areas of glazing is not synonymous with the rural setting and would appear as an incongruous feature in the landscape. This would be exacerbated at night when the rooms behind the glazing were lit. In addition, the visual impact of the proposed lighting scheme and of light pollution in this sensitive site would significantly harm its distinctive rural character by introducing a type of development that is more typical of an urban area. It would thereby constitute an encroachment into the countryside and conflict with one of the purposes for including land in the Green Belt. The building would fail to either harmonise with the rural setting of this site or reinforce the vernacular building style characteristic of the Arden landscape. The proposal would therefore clearly conflict with the objectives of the aforementioned SPG and Policy DP1 of the Warwick District Local Plan 1996-2011.

4. Policy SC2 of the Warwick District Local Plan 1996-2011 states that redevelopment or change of use of existing and committed employment land and buildings for other uses will not be permitted unless the location and/ or nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses, and an applicant can demonstrate that it would not be desirable to seek to replace this with any other employment use; or the applicant can demonstrate that there are valid reasons why the use of a site for the existing or another employment use is not economically viable. In the opinion of the District Planning Authority the existing employment use does not have an unacceptable adverse impact upon adjacent residential uses and the applicant has not demonstrated that there are valid reasons why the use of the site for the existing or another employment use is not economically viable. The proposed development is therefore contrary to the provisions of the aforementioned policy.

- 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 approved building is arranged internally to provide a wide range of storage options from 1-50 square metres. Direct access and drive in units are accessible to vehicles and a service lift serves the first floor. Whereas the existing buildings are arranged around the perimeter of the site, the approved building is sited in the part furthest away from public view helping to create open views of the countryside currently blocked by buildings thereby enhancing the open character of this part of the Green Belt. The approved building is designed to reflect the appearance of grain stores. To this end, the building is designed as three pitched-roofed elements orientated northeast-southwest, linked by a flat roofed element. This design helps to reduce the scale and mass of the building and hence the visual impact. The building materials for the approved

building are block work/ bricks below with profiled steel cladding above. The pitched roofs are coloured profiled steel and the flat roof leaded. The approved building is to be set into the contours by up to 1 metre to ensure the ridge height is no higher than the existing buildings. To further reduce the visual impact, the colour of the building is the subject of approval by the District Planning Authority. 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 Warwickshire Landscape Guidelines. 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, the Warwickshire Nuffield Hospital has developed into a high quality, large-scale building complex with extensive car parking. To the north, adjoining the roundabout on Kenilworth Road, the Woodland Grange Management Training Centre has also developed into a high quality large-scale building complex, with further extensions recently approved and completed.

The north 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 east 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. The south 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 a poor condition 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 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 it's 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 separated from the 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

Erection of 80 bed residential care home (Use Class C2) with associated ancillary accommodation, parking and landscaping after demolition of existing buildings. The following are identified as the main differences between the current application and the one refused by Members in February:

1. The full extent of the rear storage land has been incorporated into the application site edged red with a commitment that, on implementation (occupation), this land will be cleared of the commercial storage uses.
2. The overall built form has been moved some 25 metres further back into the site from the road frontage.
3. The entrance forecourt is now approximately twice the size and the amount of car parking provision has been increased from 25 to 37 spaces.
4. Enhancement of vegetation and landscaping screens and provision of a landscaped amenity area on the rear storage site.
5. The height of the main part of the building (circular section) has been reduced by approximately 550mm.
6. The west elevation has been redesigned to improve the relationship of the care home's main day space to its gardens. The footprint of the building has increased from 1612 square metres to 1637 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. Whether the proposal would comprise sustainable development, having particular regard to the need to reduce travel;

3. Whether the proposal would provide adequate living conditions for future residents.

4. Loss of existing employment site (B1, B2 & B8 uses, as defined in the Local Plan).

5. Renewables

6. Parking

7. Drainage

8. Trees/ landscaping

9. Refuse

10. Flood risk

11. Contamination

12. Ecology

Green Belt:

Paragraph 3.4 of Planning Policy Guidance 2: *Green Belts* sets out five categories where the construction of new buildings is considered to be appropriate development in the Green Belt. The proposed care home does not fall within any of these categories and is therefore inappropriate development. PPG2 states that there is a general presumption against inappropriate development within Green Belts and that such development should not be approved, except in very special circumstances. It goes on to add that inappropriate development is, by definition, harmful to the Green Belt and that it is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Substantial weight shall be attached to the harm to the Green Belt when considering any planning applications concerning such development.

Whilst the footprint of the proposed building is approximately the same as the total footprint of the existing buildings, the proposed building will be arranged over a combination of two and three storeys (heights ranging between 6.5 to 9.5 to 11.3 metres) and generate a total gross internal floor area of approximately 4000 square metres. In comparison, the existing site only contains single and two storey structures, while the approved scheme only has a two storey building. With maximum lengths and widths of 78 and 33 metres the proposed building is arranged along the central spine of the site. Whilst the front and rear boundary distances have been significantly increased as a result of the incorporation of the rear land, the side boundary distances are in the order of 5 metres and down to 2 metres in places. The proposed development will also impact on the existing site levels as a level access street entrance to the building

and levelled exits from all ground floor areas to the gardens form part of the proposal. The number of cars to be parked on the site would also result in some loss of openness within the Green Belt.

Whilst I note the percentage of the footprint of the proposed building in relation to the total site area is in the order of 20% and that the proposed building would be set in the middle of the plot set back from the road frontage, I consider that the additional bulk and mass of the proposed building would result in a loss of openness to the Green Belt. Paragraph 1.4 of PPG2 states that the most important attribute of the Green Belt is its openness and, for the above reason, I conclude that the scheme would be harmful in this respect. The fact that the existing and proposed planting may result in some degree of screening of the proposal does not mean that the effect on openness is improved. Green Belt policy applies with equal force throughout the designated area and reduced visibility of proposals from public vantage points does not confer acceptability. It is the physical bulk of the building that would result in this detrimental effect.

PPG2 advises, in paragraph 3.15, that the visual amenities of the Green Belt should not be injured by development visually harmful through siting, materials or design.

Planning Policy Statement 7 states that all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

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 existing buildings on the application site, in my view, 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.

With regards to the design of the proposed building, the applicants state that "The proposed building represents a new approach to care homes for the future and an expression of a widely held contemporary vision for community health care - forward thinking, modern and sophisticated. For the above reasons, it is appropriate that the architecture embodies current style, technology and building practice and responds to contemporary aspirations of living, care and sustainability". They go on to state that "The contemporary form of the building is emphasised by the staggered vertical elements which, with the setback elevations, minimises the height of the building in the landscape. It also helps to maintain important sight lines in contrast to a more traditional building which would produce much greater vertical emphasis, particularly if capped by pitched

roofs. The development proposal relies upon functional storey height and minimum roofspaces".

While the characteristic features of this landscape includes large country houses set in mature parkland, I take the view that the contemporary modernist design of the proposed building incorporating extensive areas of glazing and the ratio of built development to open space is not synonymous with the rural setting and would serve to make the building an incongruous feature in the landscape. This would be particularly prominent at night when the rooms behind the glazing were lit. The sizeable building would be a prominent feature in the landscape which would weaken the countryside character. Notwithstanding detailing such as the living wall, the building would fail to either harmonise with the rural setting of this site or reinforce the vernacular building style characteristic of the Arden landscape. The proposal would therefore clearly conflict with the objectives of the aforementioned SPG and Policy DP1 of the Warwick District Local Plan 1996-2011.

An indicative external lighting scheme to provide functional, amenity and security lighting to the pedestrian pathways including around the gardens, general walkway around the building, the entrance areas and the car park as well as on the building in line with architectural features forms part of the proposed development. The lighting report submitted with the application is scaled down from the previous application and indicates that 14no. 18LED luminaries mounted upon 4 metre columns are proposed for within the car parking areas; 33no. 70W 1m high bollard luminaries are proposed on the pedestrian pathways within the garden and general walkways around the building; 8no. buried LED marker guide lights around the entrance and 17no. wall mounted 35W downlight luminaries around the building. The Warwickshire Landscape Guidelines for the Arden Special Landscape Area highlight the influence of urban expansion in eroding its rural character. Within development control guidelines the dangers of suburbanising influences of new development are mentioned. Whilst upward lighting has been avoided and the column lighting uses LEDs with lens optics to distribute the luminous flux downwards, in my view, the visual impact of new lighting columns and of light pollution in this sensitive site within the Green Belt and Special Landscape Area would significantly harm its openness and distinctive rural character. Whilst the columns would have a marginal impact on openness, they would introduce a type of development that is more typical of an urban area. As such, I consider they would constitute an encroachment into the countryside and therefore conflict with one of the purposes for including land in the Green Belt. Consequently, I am of the view that they amount to inappropriate development in the Green Belt. I consider that the proposed lighting would detract from the quality of both the day and night time landscape. I appreciate that the hours of illumination could be restricted by condition but I am not satisfied that this would be sufficient to overcome the harm to the character of the area.

The following arguments have been put forward by the applicant as very special circumstances:

1. The application site cannot be regarded as open countryside.
2. The application site is an employment site which provides the potential for substantial and intrusive commercial activity.
3. The removal of the existing use will provide environmental enhancement.
4. The need for dementia care, particularly in the local area.
5. The countryside location would provide natural environment and peace and tranquility for the proposed care home.

6. There are reasonable relocation prospects both for business relocation and commercial storage.
7. The proposed development will introduce substantial new employment into the area (150 in construction phase, 74 direct employment & 75 indirect employment).
8. The proposed development is in accordance with the thrust of recent Central Government advice regarding economic development.
9. The changes made to the proposal address the previous reasons for refusal.
10. The removal of the storage use on the rear land and its reversion to open land.
11. The proposed building would be a contemporary structure which integrates into the adjoining landscape.

I note the considerations put forward by the applicant to add weight to the argument for granting planning permission and these have been weighed in the balance. However, PPG2 states that the necessary very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. When all of the above is weighed, I conclude that the harm by reason of inappropriate development, the loss of openness to the Green Belt and the harm to the character and appearance of the area are not clearly outweighed by the other considerations put forward in support of the scheme. The very special circumstances necessary to justify the development do not therefore exist.

Sustainable development:

Planning Policy Statement 7: *Sustainable Development in Rural Areas* states that away from larger urban areas, planning authorities should focus most new development in or near to local service centres where employment, housing, services and other facilities can be provided close together to ensure that facilities are served by public transport and provide improved opportunities for access by walking and cycling. National planning policies for transport in PPS13 include promoting accessibility by public transport, walking and cycling and reducing the need to travel, especially by car

The application site is located in a predominantly rural location and as such access by walking and cycling is limited. The closest public transport link is the bus stop located on the A452 Kenilworth Road approximately 400 metres from the site and Leamington Spa Railway Station is located approximately 2.8 kilometres away. However, there is no footpath on Old Milverton Lane in order to access the site by foot. To the south of the development site, Old Milverton Lane is a narrow, rural, minor road and there is no footway on either side of the carriageway. Along the site frontage, the carriageway widens, however, there is no footpath along this section of the road. Immediately to the north of the site, there is a footway on the eastern side of the road that runs south from the roundabout to the first entrance to the Nuffield Hospital, finishing approximately 80 metres north of the proposed development. Traffic speeds are also high and there is limited street lighting, which would be a further deterrent to walking.

However, the applicant states that there has been some discussion about extending the current footpath that connects the Blackdown roundabout to Nuffield Hospital along the east side of Old Milverton Lane and that it would be possible to do this and provide a 'courtesy crossing' opposite the entrance to the proposed development. 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. I am therefore satisfied

that the site could be made accessible to the urban area by walking, cycling and public transport, by a suitably worded Section 106 agreement.

On-site monitoring by the applicant in the 2005 application demonstrated that traffic levels generated by the existing employees and customers visiting the site amounts to less than 100 trips per day. The number of full time equivalent staff proposed as part of this application is 74 compared to 12 full time and 8 part time employees which are currently employed at the application site. It is proposed that 80 residents will occupy the proposed care home and receive visitors during daytime and evening hours. A Travel Plan and Transport Assessment have been submitted with this application. Research undertaken by the applicants has focused upon the TRIP generation from the existing development on site and from the proposed. The vehicular TRIP comparison shows that the proposed development would be less intensive than the extant approved development. 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, I am therefore satisfied that in terms of traffic generation, this proposal would not undermine local and national planning objectives of creating more sustainable patterns of development.

Living conditions:

I note the concerns raised by the Parish Council regarding amenity. However, the 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, in my view, 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.

To the south of the development site, Old Milverton Lane is a narrow, rural, minor road. There is no footway on either side of the carriageway. Along the site frontage, the carriageway widens, however, there is no footpath along this section of the road. The speed limit is reduced to 40mph at this point. Immediately to the north of the site, there is a footway on the eastern side of the road that runs south from the roundabout to the first entrance to the Nuffield Hospital, finishing approximately 80 metres north of the proposed development. The site will therefore make it impossible for residents to be taken for walks 'off-site' direct from the application site.

However, the applicant states that there has been some discussion about extending the current footpath that connects the Blackdown roundabout to Nuffield Hospital along the east side of Old Milverton Lane and that it would be

possible to do this and provide a 'courtesy crossing' opposite the entrance to the proposed development. 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. I am therefore satisfied that the previous reason for refusal relating to the absence of footways in the vicinity of the site can be overcome by a suitably worded Section 106 agreement.

However, 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 has not been overcome.

I am therefore of the view that the proposed development would be contrary to the provisions of Policy DP2 of the Warwick District Local Plan 1996-2011 and the Government's objective of creating inclusive and mixed communities as set out in PPS3: *Housing.*

Loss of existing employment site:

Policy SC2 of the Warwick District Local Plan 1996-2011 states that redevelopment or change of use of existing and committed employment land and buildings (defined as B1, B2 & B8 uses) for other uses will not be permitted unless the location and/ or nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses, and an applicant can demonstrate that it would not be desirable to seek to replace this with any other employment use; or the applicant can demonstrate that there are valid reasons why the use of a site for the existing or another employment use is not economically viable; or the proposal is for affordable housing; or the application is for a non-housing use, accords with all other policies in the Local Plan and the applicant can demonstrate that the proposal would not have the effect of limiting the level of provision and quality of land available for employment in accordance with the Local Plan. The supporting text to this policy states that, it is recognised that exceptional circumstances may exist on individual sites where the loss of part, or even all, of the employment use would be permitted. In assessing such proposals, however, the Council will expect an applicant to have demonstrated that all other employment uses have been fully explored before considering a non-employment use for the site.

In the previous application the applicant recognised that the existing employment use at the site does not specifically impose upon existing uses within the surrounding area but put forward the case that the proposed use would be more acceptable and complimentary to neighbouring uses in the area. However, in the current application the applicant states that with the inclusion of the rear storage land which can operate without restrictions has the potential to impose upon adjacent uses and provides cause for concern The case is also made that the proposed use would bring forward a more stable employment use for this site. An assertion is also made as to the future viability of the existing use as the site owners do not anticipate that manufacturing employment has a significant future within the existing site.

I note the case put forward by the applicant, but consider that it does not provide sufficient justification to overcome the policy objection. Employment land is defined in the policy as B1, B2 and B8 uses and therefore the argument that the proposed development would provide a greater number of jobs than existing is not relevant to this policy. I am also of the view that insufficient information has been submitted to lead me to conclude that the use of the site

for the existing or another employment use is not economically viable. The fact that the land to the west was originally to be retained for this use would suggest that it is.

The applicants have sought to establish the amount of "available" industrial land and buildings in the local area by commissioning a detailed analysis of the second hand industrial property market from local chartered surveyors and commercial property advisors, Bromwich Hardy. The results of this analysis demonstrates that a range of properties and building sites exist in the local area (15 in Leamington and 39 in Warwick). However, the proposal is not considered to be for a non-housing use and therefore demonstrating that the proposal would not have the effect of limiting the level of provision and quality of land available for employment in accordance with the Local Plan does not overcome the Policy objection. In any case, I am of the view that simply listing the availability of other B1, B2 and B8 in Leamington and Warwick fails to demonstrate that the proposal would not have the effect of limiting the level of provision and quality of land available for employment . Furthermore, the circumstances set out in Policy SC2 where changes of use of existing employment land and buildings will be allowed may well apply to some of the sites which have been identified which may allow them to be lost to other more appropriate uses.

I am also mindful of the advice in PPS4: Planning for Sustainable Economic Growth, but do not consider there is anything therein which would prejudice Local Plan Policy SC2 or lead me to come to another conclusion than that above.

Renewables:

The Renewable Energy and Sustainable Construction Statement submitted with this application demonstrates that the building has been designed to maximise passive solar heating. 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 which will be utilised to provide at least 10% of the energy demand of the proposed building.

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.

Subject to a condition requiring the CHP to be powered by biomass, I am satisfied that the proposal would 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.

Parking:

The Council’s Vehicle Parking Standards SPD sets out maximum car parking standards in accordance with PPG13 and 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 a car park at the east boundary of the site off Old Milverton Lane with provision for 37 spaces of which 2 are for disabled users. Provision has also been made for a drop off zone, ambulance waiting space and cycle parking for up to 10 cycles. Deliveries by service vehicles will take place via the car park. This represents an increase of 12 spaces above the 25 spaces which were proposed in the previous application.

A Travel Plan has been submitted to support this application, the main objectives of which are: to reduce unnecessary vehicle usage by employees and visitors; to promote the use of more sustainable methods of transport by employees and visitors and to reduce the proportion of employees and visitors parking at the care home. However, the increase in the number of parking spaces from 25 to 37, 10 more than the maximum standard set out for this development in the Council's SPD, is completely at odds with stated aims of the Travel Plan. I am therefore of the view that the proposed development would be contrary to Policy DP8 *Parking* which states that development will only be permitted that makes provision for parking which, inter alia, does not encourage unnecessary car use.

Drainage:

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.

I am therefore satisfied 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. Where car parking bays overlap the root protection areas of retained trees a suitable 'no-dig' construction method is proposed to be used. 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.

I am of the view 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.

Refuse:

Refuse storage and disposal is to be located to the south west corner of the car park, closest to the kitchen and service area of the proposed building. I am satisfied that this aspect of the proposal has been adequately addressed. WDC Contract Services have raised no objections.

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.

I am therefore satisfied 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 that are not warranted.

I am therefore satisfied 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.

In conclusion, whilst noting the changes made to this application following the refusal of the previous scheme for a residential care home on a similar site in this location, reference W/10/1236, I continue to be of the view that the proposal remains unacceptable.

RECOMMENDATION

REFUSE, subject to the refusal reasons listed below.

REFUSAL REASONS

1 The site is situated within the Green Belt and Planning Policy Guidance Note 2 states that, within the Green Belt, the rural character of the area will be retained and protected. It also contains a general presumption against "inappropriate" development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed in the Guidance and, in the Planning Authority's view, very special circumstances sufficient to justify departing from this Guidance have not been demonstrated.

By reason of its additional bulk and mass over and above the existing buildings on the site and the approved building, in the opinion of the District Planning Authority the proposed replacement building would have a far greater impact on the openness of the Green Belt than the existing and approved buildings. The proposed development would therefore be harmful to the Green Belt by reason of inappropriateness and because of its adverse impact on openness.

2 Given the rural location of the application site, future residents will not form part of a mixed community with easy access to a range of community and other services. The proposal is therefore contrary to the Government's objective of creating inclusive and mixed communities as set out in PPS3: Housing.

3 The application site forms part of the Arden regional character and the Arden Parklands landscape type as defined in the Warwickshire Landscape Guidelines 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. In the opinion of the District Planning Authority the existing buildings on the application site generally appear from public vantage points as typical agricultural outbuildings and the approved replacement building was designed to reflect the appearance of grain stores. In comparison, it is considered that the contemporary modernist design of the proposed building incorporating extensive areas of glazing is not synonymous with the rural setting and would appear as an incongruous feature in the landscape. This would be exacerbated at night when the rooms behind the glazing were lit. In addition, the visual impact of the proposed lighting scheme and of light pollution in this sensitive site would significantly harm its distinctive rural character by introducing a type of development that is more typical of an urban area. It would thereby constitute an encroachment into the countryside and conflict with one of the purposes for including land in the Green Belt. The building would fail to either harmonise with the rural setting of this site or reinforce the vernacular building style characteristic of the Arden landscape. The proposal would therefore clearly conflict with the objectives of the aforementioned SPG and Policy DP1 of the Warwick District Local Plan 1996-2011.

4 Policy SC2 of the Warwick District Local Plan 1996-2011 states that redevelopment or change of use of existing and committed employment land and buildings for other uses will not be permitted unless the location and/ or nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses, and an applicant can demonstrate that it would not be desirable to seek to replace this with any other employment use; or the applicant can demonstrate that there are valid reasons why the use of a site for the existing or another employment use is not economically viable.

In the opinion of the District Planning Authority the existing employment use does not have an unacceptable adverse impact upon adjacent residential uses and the applicant has not demonstrated that there are valid reasons why the use of the site for the existing or another employment use is not economically viable. The proposed development is therefore contrary to the provisions of the aforementioned policy.

5 Policy DP8 of the Warwick District Local Plan states that development will only be permitted that makes provision for parking which, inter alia, does not encourage unnecessary car use. The Council has also has an adopted Supplementary Planning Document entitled 'Vehicle Parking Standards'.

The maximum car parking standard for the proposed development as set out in the Council's SPD is 27 spaces. The proposal includes the provision of 37 spaces. The proposal is therefore considered to encourage unnecessary car use and is contrary to the provisions of the aforementioned policy.