Planning Committee: 02 February 2016 **Item Number:** 13

Application No: W 15 / 2109

Registration Date: 14/12/15
Town/Parish Council: Blackdown **Expiry Date:** 08/02/16
Case Officer: Jo Hogarth
01926 456534 jo.hogarth@warwickdc.gov.uk

Helen Ley House, Bericote Road, Blackdown, Leamington Spa, CV32 6QP
Application for removal of condition 3 of planning permission W/80/1495 (restriction of use to a care home). FOR Ms M Bawden

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This application is being presented to Committee due to an objection from the Parish Council having been received.

RECOMMENDATION

Members of the Planning Committee are recommended to agree to the removal of the condition.

DETAILS OF THE DEVELOPMENT

The application seeks the removal of condition 3 of planning permission (ref: W/80/1495) which related to the construction of the second phase of a short stay rest home for patients with multiple sclerosis and which requires that:

"The development hereby approved shall be used only as a Multiple Sclerosis Short Stay Rest Home within the terms of the application by Helen Ley Charitable Trust and for no other purpose including any other purpose in Class XIV and XV of the Schedule of the Town and Country Planning (Use Classes) Order 1972".

THE SITE AND ITS LOCATION

The site relates to a two storey complex of buildings accessed off Bericote Road within the designated West Midlands Green Belt. It provides specialist care for people between the ages of 18 and 65 who suffer from complex neurological conditions which include Multiple Sclerosis. The building comprises of 35 rooms with ensuite bathrooms and the organisation offers both respite and full care facilities.

PLANNING HISTORY

There have been a number of planning applications over the years which include extensions, lighting columns and a temporary office. The most recent being in 2007 (ref: W/07/2006) for alterations and improvements in order to meet changing care regulations.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Old Milverton & Blackdown Joint Parish Council: Objection by reason of the absence of exceptional circumstances.

ASSESSMENT

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

- The Principle of the development and the impact on the Green Belt
- The impact on the living conditions of nearby dwellings
- Car Parking and Highway safety
- Renewables
- Health and Wellbeing

The Principle of the Development

The reason given for attaching the condition to the original planning approval for the development and extension of the site for a care home was that other uses within the same Use Class may not be appropriate as the site is located within the designated Green Belt.

It should be noted that subsequent permissions granted for extensions in the years that followed did not include this condition such that its application across the site is inconsistent. As such part of the site is covered by the restrictive condition and other parts of the site are not.

The NPPF does not seek to restrict the re-use of buildings of permanent and substantial construction within the Green Belt as long as they preserve its openness and don't conflict with the purposes of including land within in it. In that respect, it is considered that the removal of this condition would be acceptable particularly, should the occupier of the site wish to provide care to a wider range of patients.

The removal of the condition would enable the site to be used for any use falling within Class C2 of the Use Classes Order which relates to the provision of residential accommodation and care to people and is considered acceptable including in terms of its continued use in a manner which is no less sustainable to the current position.

The impact on the living conditions of nearby dwellings

The application is not considered to give rise to any additional harm to nearby neighbours who are not immediately next to the site, and would thereby be in accordance with Policy DP2 in the Local Plan.

Car Parking and Highway Safety

No alterations are proposed to the existing access on to Bericote Lane or to the car parking areas within the grounds of the site. Accordingly it is considered that there would be no harm in terms of car parking or to highway safety which would justify a refusal of permission. The Council's adopted Vehicle Parking Standards state for a Class C2 (residential institution) use that the parking provision should be 1 space per 3 residents plus space for an ambulance. In this case it would be 12 car spaces. This is achieved on site, however it should be noted that due to the nature of the care provided it is unlikely that patients visiting the site would have cars.

In terms of sustainability, within Class C2 with governs residential institutions it is considered unlikely that traffic movements would increase and thereby the removal of the restrictive use condition is not considered unacceptable.

Renewable Energy

The application would not increase the energy requirement of the building such that the requirement for renewables has been triggered. The proposal is thereby in accordance with Policy DP13 in the Local Plan and with the Council's adopted Supplementary Planning Document on Sustainable Buildings.

Health and Wellbeing

The site would continue to provide important respite and care which would enable the organisation to improve and support the quality and enjoyment of life and environment of both patients and carers/family.

SUMMARY/CONCLUSION

It is considered that the removal of condition 3 of planning permission W/80/1495 is appropriate and would be in accordance with the NPPF which does not seek to restrict changes of use or whether the premises are used for one form of residential care or another within the Green Belt.

CONDITIONS

1 The proposed means of access to the abutting highway shall be laid out and formed to the reasonable satisfaction of the District Planning Authority in consultation with the Highway Authority. **REASON:** In the interest of road safety.

2 Any part of the boundary hedge that obstructs the vision splay areas shall be removed and the hedge re-planted behind the vision splay lines on each side of the proposed access. **REASON:** In the interest of road safety.

3 The landscaping scheme incorporating existing trees and hedges to be retained and new tree and hedge planting for the whole of those parts of the site not to be covered by buildings shall be in accordance with the proposals shown on the revised plan 5090/4/11a and this approved scheme shall be completed in all respects not later that the first planting season following the completion of the development hereby permitted and any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within two years of planting shall be replaced by trees or hedge planting of similar size and species to those required to be planted. Existing trees and hedges which are shown as being retained shall be protected to the satisfaction of the District Planning Authority during all site and building works. **REASON:** To protect and enhance the amenities of the area.

4 As confirmed by letter dated 4th March 1977 from applicant's agents the following facing materials are approved for use in construction of the development hereby approved.
(a) Use of Colorec wall cladding units in colour red as sample submitted.
(b) Use of Landhouse glass fibre reinforced bitumen strip slates, roof covering in colour slate grey 107 as sample square submitted.
REASON: To ensure that the amenities of the area are not adversely affected by reason of the appearance of the type and colour of the materials to be used in the proposed development.

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Kenlea
Helen Ley Care Centre
Blackdown
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25m
50m
75m
Promap
WDC PLANNING
Ref
Office
14 DEC 2015
SCANNED