Planning Committee: 21 June 2016 **Item Number:** **5**

Application No: W 16 / 0356

Registration Date: 15/04/16
Town/Parish Council: Bishops Tachbrook **Expiry Date:** 10/06/16
Case Officer: Jo Hogarth
01926 456534 jo.hogarth@warwickdc.gov.uk

Tollgate House, Banbury Road, Bishops Tachbrook, Leamington Spa, CV33 9QJ

Replacement of Tollgate House and The Bungalow with 6 new dwellings, 2 of which are affordable. FOR Guide Dogs for the Blind Association

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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 grant outline planning permission subject to the conditions listed.

DETAILS OF THE DEVELOPMENT

The proposal is for an outline planning application for six dwellings following the demolition of the two buildings that exist on site with access being considered as part of the application. All other matters - appearance, landscaping, layout and scale are reserved. Two of the dwellings would be affordable units.

THE SITE AND ITS LOCATION

The application site is in a rural location, outside the designated Green Belt, to the south-east of the built up area of Warwick/Leamington. The site is accessed off Banbury Road, and is bounded to the south by an access road to Tollgate Farm, and with farm land to the north, east and south. The buildings on the site comprise of the previous main HQ building for the Guide Dogs Association (GDBA) and a bungalow extending in an area of 1.3 hectares in size. These two building have been empty since the GDBA moved into their new headquarters on the adjacent land and were previously used for offices and staff accommodation before securing a change of use to residential use in 2012.

PLANNING HISTORY

In 2009 (ref: W/09/0644) planning permission was granted for the construction of a new GDBA Headquarters on the site south of the application site. This has been completed with the previously used buildings remaining vacant.

In 2012 (ref: W/12/0650) planning permission was granted for a renewal of permission for the refurbishment and change of use of Tollgate House and the adjacent bungalow into residential use from offices.

In 2012 (ref: W/12/1221) outline planning permission was granted for the erection of six dwellings, with two being affordable. This was a planning committee item.

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)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)

SUMMARY OF REPRESENTATIONS

Bishops Tachbrook Parish Council: No objection subject to a condition that provides a pedestrian footpath using PRoW112 to the M40 bridge and to the end of the footpath leading to the new Bloors development.

Severn Trent: No objection subject to a condition on drainage plans for the disposal of surface water and foul sewage.

Fire Officer: No objection subject to a condition relating to the provision of adequate water supplies and fire hydrants.

WCC Ecology: No objection subject to a condition on further bat surveys and a badger check is to be undertaken which can be secured by condition together with standard notes on nesting birds and Great Crested Newts.

WCC Landscape: No objection.

WCC Archaeology: No objection subject to a condition on a written scheme of investigation, archaeological programme and mitigation strategy.

WCC Highways: No objection subject to conditions on visibility splays and no structure, tree or shrub exceeding a height of 0.6m within the spays.

WDC Housing Strategy: No objection, two units have been accepted previously and Housing Strategy are content that this commitment is sufficient.

WDC Green Space: No objection subject to provision of open space contributions.

Tree Officer: No objection.

ASSESSMENT

It is considered that the main issues relating to this proposal to be as follows:

- Principle of development
- Access
- Renewables
- Other matters
- Health and wellbeing

Principle of development

It is considered that there have been no changes in site circumstances since the previous approval in 2012. The proposed development is contrary to Policy RAP1 of the Local Plan by virtue of its nature and rural location. However, the NPPF states (para 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy RAP1.

In these circumstances, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. This states (para. 54) that in rural areas local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing. It also requires local planning authorities to consider whether allowing some market housing would facilitate the provision of significant additional housing to meet local needs. The latest housing needs survey for Bishops Tachbrook was undertaken, albeit, in 2009 and identified the need for 11 affordable dwellings. The proposal provides two affordable units in accordance with Policy SC11 and this is a clear benefit of the scheme to be secured by a Unilateral Undertaking (UU). A UU was submitted with the application and this is being dealt with by the Council's legal team. It has yet to be signed and agreed, but is currently being worked on.

A further material consideration relates to the existing lawful residential use of the land. The overall floor area of the existing two buildings on the site equates to 848 square metres and the applicant proposes that the floorspace of the proposed dwellings will not exceed that amount. In view of the previous grant of planning permission and the absence of any significant intensification of the use of the land, the principle of development is therefore considered to be in accordance with the NPPF having regard to the material considerations in these specific circumstances.

Access

Access to the site is to be considered as part of this application, and no objection is raised by the County Council as Highways Authority the visibility splays which currently exist are acceptable in serving the proposed development. As such this element of the application is considered acceptable with no conflict with the objectives of Policy DP6 in the Local Plan. It is not considered that any additional traffic generation from the proposal would be significant to warrant refusal of permission.

Renewables

The applicant proposes to incorporate the use of solar thermal panels to provide 10% of the predicted energy requirement of each of the new dwellings. An energy statement has been submitted which demonstrates that this is achievable and therefore, subject to a condition it is considered that this is acceptable and meets the requirements set out in the Council's adopted 'Sustainable Buildings Statement' and the criteria within Policy DP13 in the Local Plan.

Other matters

With regard to the impact on neighbours and the character of the surrounding area, this will be assessed as part of the Reserved Matters application. A block layout plan has been submitted; however this is indicative only and demonstrates that six dwellings can adequately be accommodated within the site with necessary parking and bin storage without causing harm to the amenity of nearby dwellings.

In relation to drainage, Severn Trent have raised no objection subject to a condition relating to the submission of drainage details which is also considered to be acceptable.

In relation to potential noise nuisance from the adjoining Farm, the existing lawful use of the land is residential. The Environmental Health Officer did not object to the previous (identical) proposal, subject to noise monitoring and mitigation as appropriate which can be secured by condition and addressed at the reserved matters stage. Other environmental issues, in relation to ecology, archaeology and contamination, can all be addressed by condition and it is considered appropriate to attach the previous conditions.

A contribution towards off site open space is not considered reasonable as this was not attached on the previous application and the site circumstances have not changed. This approach was taken in the previous determination when public open space contributions were requested.

The request by the Parish Council is noted, however, there is no requirement for the public footpath to be created and extended to meet with the Bloors development as this is outside of the applicant's ownership and it is considered unreasonable. As such a condition requiring this to be carried out has not been attached.

Health and wellbeing

The benefits of this scheme are the provision of affordable units within a rural area which would allow a greater choice for local people in where they live.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, as there have been no changes in circumstances since the previous approval, the proposed development would not result in adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF, or cause unacceptable harm to access. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

1 This permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-

(a) the layout,
(b) scale
(c) appearance and,
(b) details of landscaping.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 as amended .

2 In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be

made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission. **REASON**: To comply with Section 92 of the Town and Country Planning Act 1990.

3 The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **REASON** : To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4 The development hereby permitted shall be carried out strictly in accordance with the details shown on the submitted drawing 03 and specification contained therein, submitted on 15 April 2016, as amended by any reserved matters approval, 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.

5 Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011.

6 Prior to commencement of the development hereby approved, details of a porous surface treatment for the drive or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, shall have been submitted to and approved by the District Planning Authority. The drive shall be constructed and surfaced, in full accordance with the approved details. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.

7 A sample of the 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.

8 Prior to the commencement of development hereby permitted, a contamination survey of the whole of the site (including details of the timing and phasing of the remedial measures) shall be submitted to and approved in writing by the District Planning Authority. These works shall be carried out in strict accordance with such approved details and timescale. **REASON** : To protect the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.

9 The development hereby permitted shall proceed only in strict accordance with the recommendations of a noise assessment, which shall be submitted in accordance with the principles of the NPPF. The noise assessment shall include results for LAeq, LA10, and LA90 noise descriptors, together with a calculated arithmetical average for the LAeq. The assessment will demonstrate by calculation that internal noise levels for the proposed residential property meet the 'Good' criteria set out in British Standard 8233 'Sound Insulation and Noise Reduction for Buildings' together with any mitigation measures that are required to achieve this. Prior to the first occupation of the building any necessary mitigation measures shall have been implemented in full accordance with the recommendations of the noise assessment and thereafter shall not be removed or altered in any way without the prior written approval of the local planning authority. **REASON:** To ensure no harm to future occupiers of the dwellings through noise and disturbance and to satisfy the requirements of Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011.

10 The applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. **REASON:** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011.

11 The development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details and monitoring) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development.

12 Prior to the commencement of the development hereby permitted, the site to be surveyed for the presence of badgers immediately before any development takes place. If evidence of badgers is found at this time, a full badger survey should then be carried out by a badger expert. The results of any badger survey, and recommendations made relating to this to be kept confidential, and taken into account during development design and implementation. N.B. If evidence of badgers is found, Natural England should be consulted, as badgers and their setts are protected under the 1992 Badger's Act. **REASON:** To ensure appropriate measures are taken in relation to protected species.

13 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.

14 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO^2 emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

15 The off street car parking area to serve the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted. **REASON**: To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 and the Vehicle Parking Standards SPD of the Warwick District Local Plan 1996-2011.

16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Classes A, B and E within Part 1 of Schedule 2 of this Order. **REASON**: This site is within the rural countryside wherein the District Planning Authority wishes to retain control over future developments in accordance with Policy RAP2 in the Warwick District Local Plan 1996-2011.

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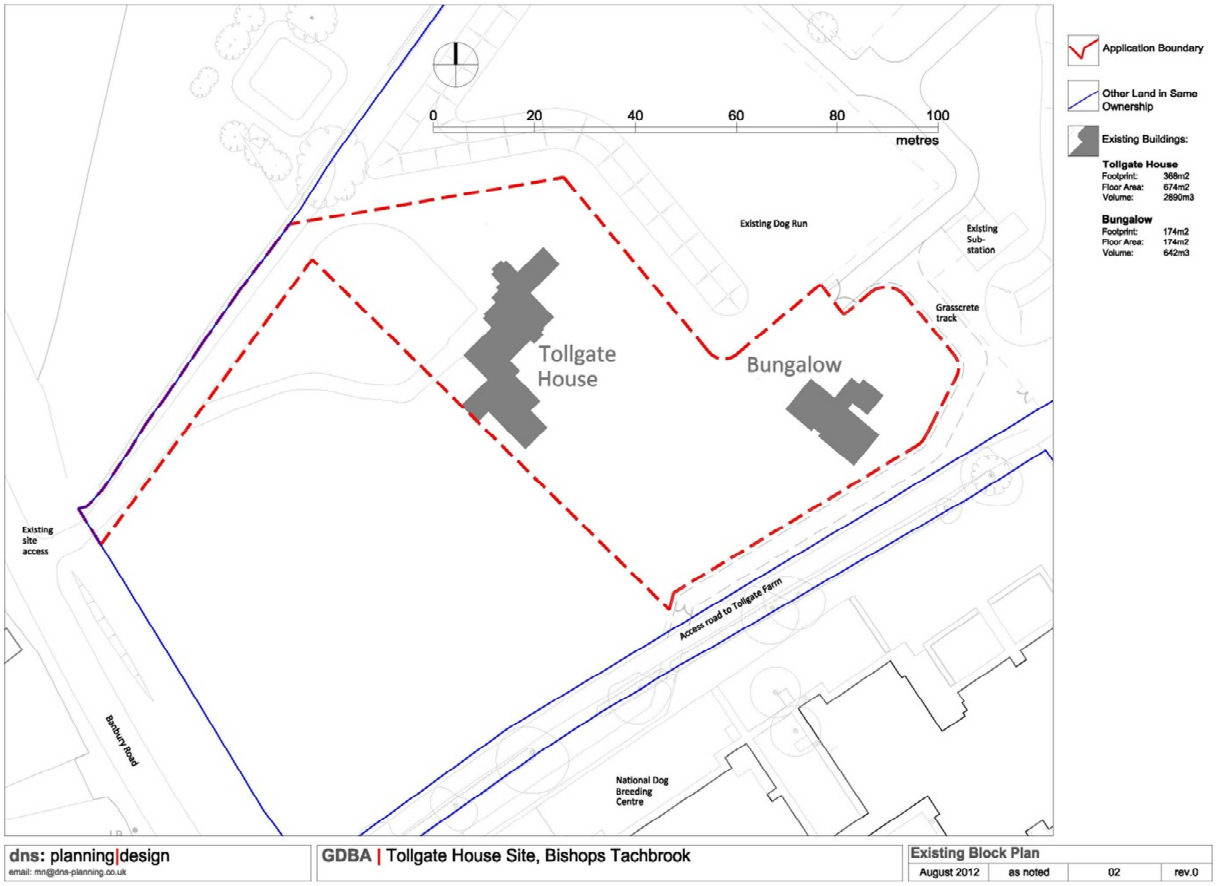
dns: planning|design	Location Plan			
email: mn@dns-planning.co.uk	August 2012	as noted	01	rev.0

GDBA | Tollgate House Site, Bishops Tachbrook


0
20
40
60
80
100
metres
Application Boundary
Other Land in Same Ownership
Existing Buildings:
Tollgate House
Footprint: 368m2
Floor Area: 674m2
Volume: 2890m3
Bungalow
Footprint: 174m2
Floor Area: 174m2
Volume: 642m3
Existing Dog Run
Existing Sub-station
Grasscrete track
Tollgate House
Bungalow
Existing site access
Access road to Tollgate Farm
Banbury Road
National Dog Breeding Centre
dns: planning|design
email: mn@dns-planning.co.uk
GDBA | Tollgate House Site, Bishops Tachbrook
Existing Block Plan
August 2012
as noted
02
rev.0

Schedule of Accommodation
01 110m2 affordable/ in curtliage parking/ 2 storey
02 110m2 affordable/ in curtliage parking/ 2 storey
03 160m2/ in curtliage parking/ 2 storey
04 160m2/ in curtliage parking/ 2 storey
05 160m2/ in curtliage parking/ 2 storey
06 160m2/ in curtliage parking/ 2 storey
0 20 40 60 80 100
metres
Application Boundary
Other Land in Same Ownership
Buildings to be Demolished
Retained Trees
Retained Trees RPA
Existing Dog Run
Existing Sub-station
Grasscrete track
turning head
Existing site access
Banbury Road
Access road to Tollgate Farm
National Dog Breeding Centre
dns: planning|design
email: mn@dns-planning.co.uk
GDBA | Tollgate House Site, Bishops Tachbrook
Proposed Block Plan
August 2012
as noted
03
rev.0