

Planning Committee: 15 January 2013

Item Number: 6

Application No: W 12 / 1221

Town/Parish Council: Bishops Tachbrook
Case Officer: Jo Hogarth

Registration Date: 12/12/12
Expiry Date: 06/02/13

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**Tollgate House and The Bungalow, Banbury Road, Bishops Tachbrook,
Leamington Spa**

Outline permission for the demolition of Tollgate House and the bungalow and the erection of 6 replacement dwellings FOR Guide Dogs for the Blind Association

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

RECOMMENDATION

Planning Committee are recommended to grant outline planning permission subject to conditions.

DETAILS OF THE DEVELOPMENT

The purpose of this report is to consider the above outline planning application which proposes to erect 6 no houses following the demolition of Tollgate House and the adjacent bungalow.

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 (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.

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.

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)
- 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)
- National Planning Policy Framework
- 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 : Objection:

"The Parish council recognises that part of the site is a brownfield site and given that the two properties are unused, there is potential for considering some development. But the whole site should be considered in context to relate properly to its surroundings and its rural locality. The Parish Council is in the process of preparing a Neighbourhood Plan that will have to relate to the new Local Plan. Any development on this site must be considered within the plan for the whole neighbourhood and until that process is complete there is not a plan (in NPPF terms) that will allow a planning approval at this stage. The applicants Design & Access statement refers to the NPPF presumption in favour of sustainable development but does not demonstrate how this proposal is sustainable in environmental, social and economic terms. The Parish Council, therefore, objects to the proposal as submitted at this stage.

1. In addition, if replacement dwellings did qualify for replacement, there is nothing in the policy clauses that allows anything other than a dwelling for dwelling replacement and the replacement dwelling must not be more dominant than the existing dwelling in the landscape. The replacement of one single storey bungalow and one 2-storey house albeit a large house, with six 2-storey houses having the footprints shown on the drawing across 0.58ha will be more dominant than the two existing dwellings. In addition, the application is for only part of the site between the existing dog run and the Banbury Road. It is shown only with the existing trees and planting on the site with landscaping as a reserved matter. It is a total of 1.3 ha and it is essential to consider the whole site conceptually at the outline approval stage to establish the principles upon which any landscaping or housing scheme should be based.

WCC Highways: No objection, the existing access to serve the proposed development provides adequate levels of vision splays.

WCC Ecology: The level of bat survey is sufficient however recommend condition for more detailed mitigation measures. The recent assessment for Great Crested Newts and breeding birds is sufficient and no further survey work is recommended. 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 Archaeology: No objection and recommend a condition requiring a written programme of archaeological work and scheme of investigation.

WDC Housing Strategy: Support the application as the plan identifies 2 of the proposed dwellings to be provided as affordable which complies with Policy SC11 in the Local Plan and meets the identified need within the rural parish of Bishops Tachbrook carried out in August 2009.

WDC Contract Services: No requirement for on site contributions however would apply the contribution rate of £628.00 per 1 person as set out in the 'Open Space Supplementary Planning Document'.

WDC Environmental Health: Recommend a contamination survey is carried out which can be secured through condition. Also recommend a condition requiring a noise survey to be carried out including both day and night time measures.

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

Public response(s): 2 letter of objection have been received on grounds that there would be a conflict between the working farm known as Tollgate Farm and the new houses with regards to potential noise, odour, dust and nuisance which could lead to a complaints to the Council regarding the farm; the proposal does not meet the NPPF, is not in keeping with the rural character of the area, outside of surrounding villages and creates a precedent. Six houses will generate noise and traffic and is too large.

ASSESSMENT

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

- Principle of development
- Access
- Renewables
- Other matters

Principle of development

The proposed development is contrary to Policy RAP1 of the Local Plan by virtue of its nature and 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. Whilst the Council can demonstrate a five year supply against the requirements of the adopted RSS 2008, these requirements do not reflect the most up-to-date evidence in terms of assessed housing need. 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 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 Section 106 Agreement.

A further material consideration relates to the fall back position in terms of 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 with a volume of 3,523 square metres, and the applicant is prepared to condition the scale of the replacement dwellings to this amount. As the residential use of the land is not therefore being greatly intensified, it is not considered the proposal will significantly conflict with the NPPF by locating new residential development in a less sustainable location.

In the submitted Planning Statement, the applicant has also argued that the main Tollgate House has been altered in the past and therefore any original features have been lost, and the building therefore is of poor architectural design and does not add to the rural character of the area. In addition, therefore, the re-use of this brownfield site is in accordance with paragraph 111 of the NPPF.

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 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 does not object to the 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.

A contribution towards off site open space is not considered reasonable in these circumstances given the proposal will not significantly intensify the residential use of the site.

The objections raised by the Parish Council are noted, however, there is no requirement for the wider site to be assessed as a whole and the Neighbourhood Plan is not sufficiently advanced to be a material consideration in this decision, nor can it prevent the determination of applications.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, 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 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.
- 5 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.
- 6 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.
- 7 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. The report shall also demonstrate that outdoor garden and leisure areas associated with this development meet the 55dB limit as required by the World Health Organisation (WHO). 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 that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 8 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.

- 9 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.

- 10 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.

- 11 No development shall commence unless and until schemes and appropriate details have been submitted and approved in writing by the local planning authority to provide for:-

i) affordable housing in accordance with Policy SC11 of the Warwick District Local Plan 1996-2011, which shall indicate the numbers, plots, disposition across the site and tenure of the affordable units.

The facilities shall be implemented in accordance with the approved details prior to the occupation of any of the residential units hereby permitted, unless otherwise agreed in writing by the local planning

authority. **REASON :** To ensure the necessary facilities are provided in accordance with Policy SC11 of the Warwick District Local Plan 1996-2011.

- 12 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.
 - 13 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.
 - 14 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **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.
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