

Application No: W 11 / 0621

Town/Parish Council: Bishops Tachbrook
Case Officer: Sandip Sahota

Registration Date: 09/08/11

Expiry Date: 04/10/11

01926 456554 planning_east@warwickdc.gov.uk

Tollgate House, Banbury Road, Bishops Tachbrook, Leamington Spa

Installation of 8 no. pole mounted CCTV cameras along site perimeter and the installation of health and safety flood lighting to roof mounted plant for essential maintenance purposes (Retrospective Application). FOR Guide Dogs for the Blind Association

This application is being presented to Committee due to the number of objections received and because it has been requested to be presented to Committee by Councillor Brookes.

SUMMARY OF REPRESENTATIONS

Public Response: 1 letter of objection has been received from the occupiers of the neighbouring property at Tollgate Farm on the following grounds: Invasion of privacy and infringement of human rights; Lights shine directly into their dwelling. 4 other letters of objection from outside the district have been received on grounds of intrusions on private property, in respect of Tollgate Farm.

Cllr Richard Brookes: Has requested that this application be presented to Planning Committee for the following reasons: "a) There is a close, supportive relationship between WDC and the GDBA via the recycling scheme and sponsorship of guide dogs. For reasons of open-ness and transparency in decision-making, I feel that it ought to come to planning committee (same as applications by councillors, members of staff at WDC - simply to ensure that the relationship is transparent when determining the planning application). b) The application is for CCTV and lighting systems. These are urban features being brought to a rural location".

Bishops Tachbrook Parish Council: "The Parish Council, whilst supporting the application for external lighting to roof walkways and a CCTV security system, has concerns about the effect of both matters on the adjacent neighbours at Tollgate Farm.

1. The amount of external lighting on the side of the building facing the farm is significant and is said to be on all night. This is unacceptably intrusive to the neighbours at the farm. We think that the approval should include a requirement that all external lighting that can be seen from the farm should be on a time switch with a movement detector override to ensure that lighting is off when not required at night by staff using the external walkways.
2. The application is only for health & safety lighting to roof mounted plant essential for maintenance purposes. It does not cover, nor show, the significant amount of general lighting columns around the site, which also

have a high impact of the rural nature of the adjacent farm at night. The normal traffic in the access roads between the GBDA buildings and the farm is minimal at night yet this lighting is also on all night. These lights should be on a dual technology heat and movement detector, either individually or in limited zones to ensure that they are on only when required with a time delay turn off when movement ceases. A requirement for such control should be included in the approval.

3. The Design & Access Statement indicates that privacy masking has been installed to 2 external cameras and undertakes to invite neighbours to view the pictures as required by Data Protection Legislation. The area masked out on the drawing is for all parts of the farm, but not the farm access road from Banbury Road. There are 5 cameras that should have privacy masking because they potentially can intrude into the neighbours privacy on the northwest and north east boundaries of the GBDA site. The approval should have a condition requiring the applicant to provide privacy masking to all cameras that can see into the farm and its access road and to require the applicant to demonstrate to surrounding neighbours the privacy masking applied both initially and on a reasonably regular basis as requested by the neighbours so that they can be reassured that the privacy of their premises is maintained and that the installation complies with all applicable Data Protection Legislation as it does or may apply in the future".

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)
- Warwickshire Landscape Guidelines SPG

PLANNING HISTORY

The Guide Dogs Breeding Centre has been on the adjacent Tollgate site for over 30 years where there has been a succession of permissions for individual buildings over the period of occupation of the premises. This site has now ceased operation.

Planning permission (ref: W09/0644) for 'Erection of a replacement dog breeding centre' on the application site was granted in 2009 and the new facility has recently been completed and is now occupied and in use.

KEY ISSUES

The Site and its Location

The application site relates to a former open grassland site which has recently been developed into a modern facility to provide the National Breeding Centre for the Guide Dogs for the Blind as a replacement to the adjacent facility which has been closed. The site is situated in a rural location to the south-east of the built up area of Warwick/ Leamington Spa. The site itself is bounded by Banbury Road to the west, the former breeding centre to the north west but separated from it by an access road leading to Tollgate Farm which lies to the north east,

and farmland further to the east and south. On the opposite side of the Banbury Road are Oakley Wood Cottages.

Details of the Development

Installation of 8no. pole mounted CCTV cameras along site perimeter and the installation of health and safety flood lighting to roof mounted plant for essential maintenance purposes (Retrospective Application). The application has subsequently been amended through negotiations and "Guard Parallel Protection Fins" have been proposed as a means of obscuring the CCTV cameras from the adjacent property at Tollgate Farm and vice versa. The dimensions of the screens have been designed to totally obscure the view of the cameras from Tollgate Farm's garden. These have now been installed to the cameras on site.

Assessment

The main issues in the determination of this application are:

1. The affect of the proposal on the character and appearance of the area.
2. The affect of the proposal on the living conditions of the occupiers of the neighbouring property at Tollgate Farm.

character and appearance:

In relation to the impact of the development on the rural landscape, it should be noted that the site is within the "Feldon" designation within the Warwickshire landscape categories which has an open, flat hedged landscape. In terms of appearance, the new complex has a modern rather than a traditional appearance, reflecting its function. The relocation of the complex onto the more open grassland site closer to the main road has resulted in a facility with a greater degree of prominence from the road frontage. However, the majority of the existing trees on the site have been retained and extensive new planting carried out, including provision of semi- mature trees behind the roadside hedge (some of which have already been transplanted from other locations within the site). To the south, there is a substantial existing woodland area, Wiggerland Wood, which also assists in the assimilation of the complex into the local environment, whilst from the north, the existing tree screen along the track to Tollgate Farm mitigates the landscape impact from that direction.

As the pole mounted CCTV cameras are seen in the context of a large developed site in the form of a modern national guide dog breeding centre, I am of the view that their impact on the character and appearance of the area is not unduly prominent or intrusive such as to justify a refusal of planning permission.

In terms of the installation of health and safety flood lighting to roof mounted plant for essential maintenance purposes, I am of the view that the physical nature of the installation and its siting would not lead to a material impact on the character and appearance of the area. However, it could result in harm to the rural character of the area when switched on in hours of darkness. On balance, however, as the proposal is for essential maintenance only, I am of the view that the harm would be minimal, particularly if a condition is applied to

ensure that it is only used on such occasions and also that it is switched off within a reasonable time period after the maintenance has been completed.

living conditions:

The amenity impact on the property in closest proximity to the site, Tollgate Farm, warrants careful consideration as this property is adjacent to the application site and has its rear garden along the north east boundary of the site.

3 of the 8 CCTV cameras are located on the north west boundary of the application site adjacent to the access road leading to the property at Tollgate Farm. One of these cameras is situated at the end of the access drive and is visible from both the property and the garden of Tollgate Farm. One of the other cameras which is situated further along on the north east boundary of the application site is also visible from further into the rear garden of Tollgate Farm.

I note the objections raised by the occupiers of Tollgate Farm in terms of loss of privacy. Indeed, I too shared those concerns with regard to the proposal as originally submitted. Whilst the applicants sought to clarify that although the cameras were capable of 360 degree vision they had been masked so as only to view within the site and along the perimeter, the issue of perceived loss of privacy remained an issue, as did the fact that the masking could be removed without knowledge. As such, the proposal has been amended and "Guard Parallel Protection Fins" have been proposed as a means of obscuring the CCTV cameras from the adjacent property at Tollgate Farm and vice versa. The dimensions of the screens have been designed to totally obscure the view of the cameras from Tollgate Farm's garden and access road. These have now been installed to the cameras on site. As amended, I am satisfied that the development will not result in unreasonable harm to the living conditions of the occupiers of Tollgate Farm such as to justify a refusal of planning permission.

In terms of the installation of health and safety flood lighting to roof mounted plant for essential maintenance purposes, I note the concerns of the neighbours and am of the view that it could result in harm to their living conditions when switched on in hours of darkness. On balance, however, as the proposal is for essential maintenance only, I am of the view that the harm would be minimal, particularly if a condition is applied to ensure that it is only used on such occasions and also that it is switched off within a reasonable time period after the maintenance has been completed.

I note the comments made by the Parish Council in respect of the other lighting installed around the site. This matter has been passed to the enforcement section to determine whether the lighting installed is as per the approval granted for the replacement breeding centre or not. The other lighting on site cannot be controlled through this planning application.

RECOMMENDATION:

GRANT, subject to the following conditions:

CONDITIONS

- 1 The development hereby permitted relates strictly to the details shown on the application form, site location plan, manufacturer's technical details, photographs and approved drawings (drawing numbers 63-1-

01, 700-10497-02-A), and specification contained therein, submitted on 11 May 2011, 9 August 2011, 29 November 2011 and 21 December 2011 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.

- 2 Within 1 calendar month of the date of this planning permission, the CCTV camera screens shown on the drawing submitted to the District Planning Authority on 29 November 2011 shall be installed on all of the CCTV cameras along the north east and north west boundaries of the application site and shall be retained in place at all times thereafter. **REASON:** To protect the privacy of the occupiers of the neighbouring property and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.
- 3 The flood lighting to the roof mounted plant hereby permitted shall only be switched on for essential maintenance purposes and shall be switched off within 30 minutes of any such maintenance being completed. **REASON:** To ensure that the amenity of the occupiers of nearby properties and the visual amenities of the area are protected and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of the visual amenity of the area or the living conditions of occupiers of neighbouring properties which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.
