

Planning Committee: 27 February 2018

Item Number: 14

Application No: [W 17 / 2347](#)

Town/Parish Council: Baginton
Case Officer: Helena Obremski
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Registration Date: 18/12/17

Expiry Date: 12/02/18

**Baginton School (Sunday School Rooms), Church Road, Baginton,
Coventry, CV8 3AR**

Erection of 2no. new dwellings and associated landscaping after demolition of former Sunday School building FOR Trustees of the Lucy Price Sunday School Trust

This application is being presented to Committee as the Parish Council supports the application and it is recommended for refusal.

RECOMMENDATION

Planning Committee is recommended to refuse planning permission for the reasons stated at the end of the report.

DETAILS OF THE DEVELOPMENT

The applicant seeks full planning permission for the erection of two semi-detached two storey, four bedroom dwellings, after demolition of Baginton School Rooms. Driveway parking is provided to the side of each property. The dwellings would be constructed from facing brickwork, with plain clay roof tiles, and oak window and door frames.

The scheme has been amended from the previous scheme (W/17/0809) which was refused for the following reasons:

The proposed development by reason of its location, nature, design, materials, bulk and massing would:-

- i. Result in the loss of an existing longstanding local community facility which the applicant has failed to demonstrate is either redundant; no longer needed, or provided in an alternative accessible location.*
- i. Comprise inappropriate development within the Green Belt to which there is an objection in principle and in respect of which no very special circumstances sufficient to outweigh that harm have been demonstrated;*
- i. Be harmful to i. the setting of the immediately adjacent Grade I Listed Church; and ii. the character and appearance of the Baginton Conservation Area within which the site is located and therefore the significance of those heritage assets. That harm, whilst less than*

substantial would not be outweighed by any public benefits offered by the scheme.

- i. Result in a development, the detailed design of which is incongruous and does not harmonise within the street scene to the detriment of the established character of this part of the village;*
- i. Make insufficient provision for car parking within the site and therefore increase the likelihood of additional parking within the public highway causing danger and inconvenience to other road users.*

The design of the proposed dwellings has been amended, to remove the dormer windows and incorporate minor design recommendations from the Conservation Officer such as the boundary treatment next to the Church and the design of the front elevations of the properties. The underpass serving one of the properties has also been removed and the driveways for each of the dwellings have been widened.

Additional information in relation to the loss of the community facility, including a Planning Statement and letter from the Parish Council have been submitted in support of the application.

THE SITE AND ITS LOCATION

The application site is positioned on the north side of Church Lane and is located within the Green Belt and Conservation Area. The site currently accommodates a single storey former school building which fronts directly onto the pavement serving Church Lane. To the sides and rear of the school building, there is hard surface providing car parking. To the rear of the site, the land level steps up and provides a small grassy area, with some overgrown vegetation and a high level boundary treatment to the north of the site.

To the west of the site lies St John the Baptiste Church, a Grade I listed building dating from the thirteenth century. To the east and south of the site, there are a number of residential dwellings, some of which are Grade II listed buildings and primarily front onto Church Lane.

PLANNING HISTORY

W/16/0606 - application refused for the demolition of the former school building and erection of 2no. dwellings.

W/17/0809 - application refused for the demolition of the former school building and erection of 2no. dwellings.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS18 - Green Belt (Warwick District Local Plan 2011-2029)

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: Support the proposal. Local open spaces and amenities have no development shortfalls that will be exacerbated by the development, so there should be no requirement for a contribution for the improvement to local open spaces.

Conservation Officer: No objection to amended scheme, concern expressed regarding the implications for the future growth of the church. Recommends that all facing materials and the design of the boundary treatments are covered by condition. A sample of the new boundary stone wall should be constructed on site and agreed in writing, permitted development rights should be removed to protect the setting of the Grade I church.

Private Sector Housing: No objection.

Waste Management: No objection.

Environmental Protection: No objection, subject to conditions.

Open Space: No objection, subject to contribution of £6,736 towards the improvement of local open spaces.

WCC Ecology: No objection, subject to conditions and notes.

WCC Highways: No objection, subject to conditions.

WCC Archaeology: No objection, subject to conditions.

Historic England: Comments awaited.

Public Response: 1 neutral comment has been received - the car park and playground are used every Sunday for parking for the Church services and special occasions, the building has asbestos within it, and the land behind the car park is believed to be contaminated. 1 letter of support has been received on grounds that the development will enhance the setting of the church, remove a dilapidated and unattractive building while providing additional village housing.

ASSESSMENT

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

- Principle of the development
- Loss of a community facility
- Whether the proposal constitutes appropriate development in the Green Belt and if not whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and harm to openness
- The impact on the character and appearance of the area
- The impact on the living conditions of nearby dwellings
- The impact on landscape and heritage assets
- Open space
- Archaeology
- Car parking and highways safety
- Drainage and flood risk
- Sustainable energy
- Ecological impact
- Health and wellbeing
- Other matters

Principle of the Development

Local Plan Policy H1 states that new housing will be permitted within:

- Urban areas
- Within allocated housing sites
- Within the boundaries of growth and limited infill villages

The proposal meets none of these requirements.

The policy also states that housing will be permitted in the open countryside where:

- The site is adjacent to the boundary of the urban area or growth village and;
- There is an identified housing need
- The proposal is for a small scale development that will not have a negative impact on the character of the settlement and capacity of the infrastructure and services within the settlement and

- The proposal is within reasonable safe walking distance of services or public transport and
- The proposal will not adversely affect environmental assets.

The application site is located adjacent to the growth village envelope, the proposal would be for small scale development which would not negatively impact the character of the area and local infrastructure. Furthermore, the proposed development would not adversely affect environmental assets. The site is also located within a 5 minute walk of local shops and a bus stop, and therefore meets some of the above criteria of Policy H1.

However, in this most recent Housing Needs Survey (2008), it was identified that there was a need for 18 homes, 12 of which would be for rent and 6 would be for shared ownership. As neither of the proposed dwellings would meet the identified housing need within the village, the development is not considered to be acceptable in principle. The proposal is therefore considered to be contrary to adopted Local Plan Policy H1.

Loss of a Community Facility

Local Plan Policy HS8 states that the redevelopment or change of use of community facilities that serve local needs will not be permitted unless: a) there are other similar facilities accessible to the local community by means other than a car; and either b) the facility is redundant and no other user is willing to acquire and manage it; or c) there is an assessment demonstrating a lack of need for the facility within the local community.

Under the previous application, it was considered that it had not been demonstrated that the facility was redundant and that no other users were willing to acquire it, or that there had been a formal assessment demonstrating a lack of need for the facility within the community.

Additional information has been provided as part of this application in support of the application. According to the Planning Statement, the building was used as a school by the Parish and closed in 1975. The building was then used occasionally as a Sunday School until it closed in 2010 due to its dilapidated state and being 'unfit for purpose'. The Sunday School is currently being held within the nearby Church.

The Planning Statement claims that the building has not been used as a community facility since 1975 and that over the last 7 years the condition of the building has significantly deteriorated. As there are two other community facilities (The Royal British Legion Club and Baginton Village Hall) within close proximity of the application site, the Planning Statement notes that if the Sunday School were to ever need more space, that they could use either of these facilities, and that therefore, the facility is redundant.

The agent submitted a letter signed from Baginton Parish Council as part of the application which states that the building was not used as a community facility after 1975 and that the requirement for a community facility is fulfilled by the Village Hall and Royal British Legion Club. The letter also states that the Parish Council believe that the purpose of constructing dwellings on the site and selling

them, is to provide funding so that the Trust can support the Sunday School. In the opinion of the Parish Council, it is their belief that nobody would ever purchase the site with the intention of using it as a community facility.

Officers note the contents of the letter from the Parish Council, however, this somewhat conflicts with the details provided by the agent. The agent states that the building was used occasionally between 1975 and 2010 as a community facility, whereas the Parish Council states that the building was never used as a community facility after 1975. Furthermore, a letter from one of the original Trustees states that the building was used as a community facility between 1975 and 2010. Whilst there are some discrepancies regarding how long the building was for used as a community facility, it is clear that it has not been used as such for the last 8 years.

The Planning Statement provides details on the number of bookings within the two other nearby community facilities, which demonstrates that there is capacity to accommodate additional bookings. It is therefore considered that it has been demonstrated that there are other similar facilities accessible to the local community by means other than a car.

It may be that the existing building is redundant, as it has not been used for 8 years. However, there has been no formal assessment provided as to whether another user is willing to acquire and manage the facility. The agent was asked to provide additional information such as a marketing report or a report from a commercial estate agent to indicate a lack of interest in this type of facility. However, no further details have been forthcoming. Neither has there been an assessment demonstrating a lack of need for the facility. It is therefore considered that the proposal has not met the requirements of point "b" or "c" of the policy.

As it has not been demonstrated that no other user is willing to acquire or manage the Sunday school, or that there is no longer a need for a community facility, its loss is not acceptable and the proposal is considered to be contrary to Local Plan Policy HS8.

Whether the proposal constitutes appropriate development in the Green Belt and if not whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and harm to openness

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that there is an objection in principle to inappropriate development within the Green Belt and determines that exceptions to inappropriate development in the Green Belt includes the partial or complete redevelopment of a previously developed site, so long as it does not have a greater impact on the openness of the Green Belt.

As the site is considered to be brownfield, redeveloping the site would be acceptable and would not be harmful to the Green Belt, so long as it does not have a greater impact on openness. The existing building has a gross floor space of 172sqm. There were two previous schemes on the site, which were refused due to the impact which the development would have on the openness of the

Green Belt. The original proposal was for two detached dwellings, which had a gross floor space of 326sqm, which was considered to be harmful to the openness of the Green Belt. Under the most recent application which was refused, the development was consolidated into two semi-detached dwellings, which represented a floor space of 308.3sqm which was still considered to be harmful to openness.

The current proposal still provides two semi-detached buildings but which have been reduced in size. However, the proposed gross floor space would be 290sqm, which is still over 100sqm larger than the existing building. Furthermore, the visual impression of the properties would be read as a two storey building which is materially larger than the existing property. The overall bulk and mass has been significantly increased from the existing single storey building and it is therefore considered that the proposal will have a greater impact on the openness of the Green Belt.

Whilst the site is previously developed land, the proposed dwellings would be considerably larger in scale, bulk and mass, significantly increasing the floor space from 172sqm to 290sqm which would have a greater impact on the openness of the Green Belt. Therefore, the proposed development is considered to be contrary to the NPPF and harmful by reason of inappropriateness and harm to openness.

The Impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

Following on from the refusal of the previous scheme, a meeting was held with the applicant's agent, Planning Officer and Conservation Officer. The proposed design of the dwellings was discussed. There is a cluster of traditional properties as you enter this part of Church Road, some of which are rendered and some are constructed from traditional red bricks, with gable features. Whilst there is some variety in the street scene, the overall impression is of a traditional village setting. Previously, the proposed dwellings had front facing dormer windows, which were considered to be an alien and incongruous feature within the street scene. Furthermore, the use of timber boarding was also considered to appear incongruous within this context. One of the proposed dwellings had an

underpass which was considered to be incongruous within the street scene, which has no similar features.

The current scheme has been amended to remove the dormer windows and underpass. The proposed dwellings now adopt a more simple design, with side facing gable roof, and modest porches. The brick soldier courses underneath the windows add architectural interest which replicate similar features within the street scene and headed arches above some of the windows are considered to be appropriate within the existing street scene.

Previously, it was considered that setting back the dwellings would be harmful to the street scene. The Glebe Barn is positioned opposite to the application property and is set back from the main highway. As the design of the dwellings has been amended to respect the character of the street scene, and the dwellings would be set back by only a maximum of 1.7 metres from the main highway, it is not considered that setting the dwellings back from the road would be so harmful which would warrant reason for refusal of the application.

Therefore, the proposed development is considered to be acceptable within the street scene and is considered to accord with the NPPF, Local Plan Policy BE1 and the Residential Design Guide SPG.

The Impact on Landscape and Heritage Assets

Warwick District Council adopted Local Plan Policy HE1 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state that development should respect the setting of Conservation Areas and should not impact on important views or groups of buildings from inside and outside of the boundary. The policy requires that new development within the Conservation Area should make a positive contribution to the local character and distinctiveness of the Conservation Area. Local Plan Policy HE1 also reinforces the NPPF by stipulating that works must not adversely affect the listed buildings special architectural or historic interest, integrity or setting. Local Plan Policy HE2 relating to unlisted buildings in Conservation Areas reiterates this by stipulating that alterations and extensions should be refused where they adversely affect the character, appearance or setting of a Conservation Area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Officers and Historic England previously raised concerns regarding the siting of the properties and the fact that the development provided two separate buildings rather than one. The amended scheme now only provides one building, and the Conservation Officer has stated, that subject to conditions requiring sample materials of the proposed dwellings and retaining wall next to the Church, that the development is acceptable. The Council is still waiting for a response from Historic England which will be included in the update report prior to the Planning Committee meeting.

The removal of the existing structure is not considered to cause harm to the Conservation Area; the building is not considered to be of any particular architectural merit which would warrant its retention. The Conservation Officer is now satisfied that the amended design would respect the context of the Grade I listed Church and that the dwellings would not be harmful to the wider setting of the Conservation Area.

It is not considered that the development would be harmful to the nearby listed building or Conservation Area. Therefore, the development is considered to be in accordance with Local Plan Policies HE1 and HE2, and the NPPF.

Open Space

Policy HS4 and the associated SPG state that contributions from developments will be sought to provide, improve and maintain appropriate open space to meet local and district needs.

The Open Space team have commented on the proposal and state that the additional residents brought to the area by this application will put more pressure upon existing open space. They recommend that a contribution of £6,736 would be an appropriate requirement for this proposal, however, they have requested that Baginton Parish Council are consulted to determine where the funds could be most appropriately placed. The Parish Council state that there are no development shortfalls where the open space contribution could be placed, and as such do not consider that it is necessary to provide the funds on this occasion. For this reason, no open space contribution is required for the proposed development.

The proposal is considered to accord with Policy HS4.

Archaeology

The proposed development lies within an area of significant archaeological potential, within the probable extent of the medieval settlement at Baginton (Warwickshire Sites and Monuments Record MWA 9492). There is therefore a potential for archaeological deposits, including structural remains, boundary features and rubbish pits, associated with the occupation of this area during the medieval and post-medieval periods to be disturbed by the proposed development. WCC Archaeology has therefore recommended conditions requiring the provision of a scheme of archaeological works and an archaeological mitigation strategy, which are considered to be acceptable.

The development is therefore considered to be in accordance with Local Plan Policy HE4 and the NPPF.

The Impact on the living conditions of nearby dwellings

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

The Glebe Barn is positioned opposite to the application site. This is a two storey dwelling and the minimum distance separation required for the proposed development would usually be 22 metres. The proposed dwellings are positioned 11 metres away from this neighbour. Whilst this does not meet the Council's minimum distance separation requirement, the guidance does state that within Conservation Areas, where the overriding need is to preserve or enhance the appearance of the area, the provisions of the guidance will not need to be directly applied. Therefore, in this instance it is considered that the requirement to apply this guidance is not needed. It is not considered that the proposed dwellings would have a material harm to the living conditions of the occupiers of Glebe Barn which would warrant reason for refusal.

The Old School House is positioned to the east of the application site and sits further forward than the proposed dwellings. There has been an objection from the occupants of this property that there will be a loss of light and privacy to the first and second floor windows to the neighbouring property. However, it is considered that there would be no loss of light or outlook as a result of the proposed development as it would be at least 7.5 metres from the proposed development at its closest point. Furthermore there are no first floor side facing windows which would overlook this neighbour. For these reason it is not considered that there would be material harm caused to the living conditions of the occupiers of Old School House which would warrant reason for refusal of the application.

The proposal is therefore considered to comply with Local Plan policy BE3 and the Residential Design Guide SPG.

Car Parking and Highways Safety

The previous scheme was refused partly because the proposed dwellings did not have adequate parking provision (the proposed driveways did not meet the minimum size requirements in accordance with the Council's adopted Vehicle Parking Standards SPD).

The driveways have been widened to 3.5 metres, and can accommodate two cars. This meets the Council's adopted Vehicle Parking Standards SPD. It is also

noted that WCC Highways have no objection to the development. Therefore, the proposal is considered to be in accordance with Local Plan Policies TR1 and TR3.

Drainage

There has been no information provided in relation to landscaping other than that shown on the block plan which makes reference to soft landscaping only. A condition could be applied to the application for the provision of a soft and hard landscaping scheme prior to commencement of works to ensure that sustainable drainage systems are provided.

Ecological Impact

WCC Ecology have commented on the proposal and consider that the application can be conditioned to ensure that protected species are not harmed. They recommend the inclusion of conditions which require the provision of a protected species method statement, a combined ecological and landscaping scheme and a tree protection plan all prior to commencement of works on site, and notes in relation to bats and lighting which affects animals. These conditions are considered to be reasonable.

Health and Wellbeing

No issues of health or well-being are raised; however, the proposal would provide additional homes.

CONCLUSION

The proposed development of two dwellings would represent the loss of a community facility and is considered to constitute inappropriate development in the Green Belt. Therefore, the proposal is considered to conflict with the NPPF and aforementioned Local Plan policies and guidance.

REFUSAL REASONS

- 1 Paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site is washed over by Green Belt and the proposed development of two dwellings does not meet any of the exceptions listed under paragraph 89 of the NPPF. No very special circumstances have been presented which outweigh the harm by reason of inappropriateness and harm to openness.
- 2 Policy HS8 of the Warwick District Local Plan 2011 - 2029 states that the redevelopment or change of use of community facilities that serve local needs will only be permitted where:
 - a) There are other similar facilities accessible to the local community by means other than the car, and either:
 - b) The facility is redundant and no other user is willing to acquire and manage it, or;
 - c) There is an assessment demonstrating a lack of need for the facility

within the local community.

It is not considered that it has been demonstrated that the facility is redundant and no other user is willing to acquire and manage it, and there has been no assessment provided which demonstrates whether there is a need for the facility by the local community. The development is therefore considered to be contrary to the aforementioned policy.
