

**Application No:** W 10 / 0865

**Registration Date:** 03/09/10

**Town/Parish Council:** Bishops Tachbrook

**Expiry Date:** 29/10/10

**Case Officer:** Rob Young

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**St Chads Church, Church Hill, Bishops Tachbrook, Leamington Spa, CV33 9RJ**

Erection of single storey church hall with ancillary accommodation FOR The PCC  
St. Chad's Church

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This application is being presented to Committee due to the number of objections received.

**SUMMARY OF REPRESENTATIONS**

**Parish Council:** Support the application.

**Public response:** A total of 303 objections have been received, including 247 standard letters (in 3 different formats). There is duplication in these overall numbers, with some people having signed more than one version of the standard objection letters, and some of the objectors who wrote individual letters have also signed one of the standard letters. Furthermore, some people have submitted more than one letter of objection and / or have submitted email / webform objections in addition to written objections. In most cases, individual occupants of the same address have signed separate letters of objection. Also, in some cases no address is given on the standard letters.

Nevertheless, a substantial level of objection has been raised on the following grounds:

- detrimental to the setting of the Listed Church;
- detrimental to the character and appearance of the Conservation Area;
- the design of the building would not be in keeping with the church or the adjacent houses;
- lack of parking and increased parking on surrounding residential streets;
- lack of suitable access;
- inadequate servicing arrangements;
- detrimental to highway safety;
- increased traffic congestion on surrounding streets;
- inadequate access for construction traffic;
- construction traffic and site compound will destroy the village green;
- builders' material and waste will wash over the green when it rains because the proposed site compound is on the crest of a hill;
- there is a public right of way across the site;
- loss of mature trees which make a significant contribution to the character and appearance of the area;
- detrimental impact on the health of retained trees;
- detrimental ecological impact;
- bats have been observed using trees in the church yard to roost;

- construction traffic will cause ecological damage and will damage retained trees and graves;
- loss of consecrated land suitable for burials;
- moving graves is unacceptable;
- the building would be very close to recent graves and this will impact upon people visiting the graves of loved ones;
- light pollution;
- the building would be too close to the adjacent dwelling;
- increased noise and disturbance for nearby residents;
- noise and air pollution from the air source heat pump;
- loss of light, loss of outlook and loss of privacy for adjacent dwellings;
- smells from any cooking facility;
- there is no need for a building of this size within the village;
- as there is no need for the building then the "community benefits" do not outweigh the disbenefits;
- adequate community facilities exist elsewhere, e.g. the Sports and Social Club in the village or the hall on Warwick Gates;
- more suitable locations for a new Hall have not been explored;
- loss of open space;
- the building will attract youths into the churchyard and will result in increased anti-social behaviour;
- the development will cause archaeological damage;
- the Leopard Pub has not offered it's parking facilities for use by the proposed development;
- there is a conflict of interest with members of the community serving both in the Church and on the Parish Council;
- a pledge of £50,000 from the Parish Council towards the proposed development has upset many residents;
- a recent village poll showed that the majority of those who voted were against the use of Parish Council funds to support the development;
- additional strain on sewerage system;
- the proposed soakaways will compromise the foundations of the Listed Building;
- the previous planning application did not go through the right process and should have been rejected;
- the Diocese have withdrawn their permission for the proposals; and
- a full Environmental Risk Assessment should have been carried out.

A total of 36 representations have been submitted in support of the application, some of which are in a standard format. In some cases, individual occupants of the same address have signed separate letters of support. Nevertheless, the following comments have been made in support of the application:

- the land in question was given to the church with the idea of the possibility of a church hall in future;
- the village has for many years tried to find a way to build a village hall but to no avail;
- this will provide a much needed facility for the Church;
- some meetings and activities are currently held in the Church itself but this is far from ideal because the kitchen and toilet facilities are basic and the seating and lighting unsuitable;
- the Centre would provide more appropriate modern facilities and space for activities;
- St. Chad's Centre would provide a much needed meeting place for all of the village community;

- there is no other community meeting space in the village that is not licensed and free for any resident to use without becoming a member;
- the attractive and proportionate design of the Centre fits well in the churchyard;
- the proposals will not overshadow the church;
- the provision of environmental forms of heating and planting of additional trees would compensate for the loss of two Lime trees;
- the overflow parking that has been arranged with the Leopard would help resolve parking concerns when the church has special services - this overflow parking would not be needed to meet the parking requirement of the new Centre;
- houses adjacent to the site have private garages at the rear and should be encouraged to use them rather than monopolise street parking;
- fewer local residents would need to drive to Warwick or Leamington for community meeting facilities and activities;
- the site is situated at the centre of the village and would be easily accessible for most users on foot;
- the new cycleway provides easy access for the residents of Warwick Gates;
- several local churches have had similar facilities built; and
- security in the surrounding area would be improved.

**English Heritage:** No comment. The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

**Severn Trent Water:** No objection, subject to a condition to require drainage details to be submitted for approval.

**WCC (Archaeology):** The site lies adjacent to the medieval church of St Chad. Although this area of the churchyard was only relatively recently brought into church ownership, an archaeological evaluation commissioned by the church in 2005 on the advice of the Diocesan Advisory Committee showed that part of the area affected by the church does contain burials, although at a lower density than is normally the case in medieval churchyards. One of the burials recorded in 2005 was associated with thirteenth century pottery. This indicates that the area concerned is likely to have been within St Chad's churchyard during the medieval period. There is therefore a high probability that the development will destroy further burials within the footprint of the proposed building and associated landscaping works.

I do not wish to object to the principle of development but do consider that some archaeological work should be required if consent is forthcoming. I therefore recommend that a condition should be imposed to require a programme of archaeological work to be carried out.

**WCC (Highways):** The Highway Authority acknowledges that there is no parking directly associated with the site. While it is accepted that this will have led to an increase in on-street parking during occasions of larger services, there are few parking restrictions in the vicinity of the church and as such it is noted that there is the capacity within walking distance of the site to accommodate this type of 'occasional' parking. It is further noted that there have been no injury accidents associated with the site in recent years. The applicant has indicated in the parking statement that the new centre is not going to be used at the same time as the church Monday to Saturday or independently from the church on Sunday and consequently the Highway Authority would not expect to see an

increase to the traffic already occurring on a Sunday. As the centre is being designed to meet a local need, the Highway Authority would also anticipate that many users will be able to walk to the site.

It is accepted that the proposal will attract some vehicles from outside the village during the week; however, such is the size of the proposal, it is not expected that this will have any more impact on parking around local roads than the standard Sunday church service. If an agreement is reached where overflow parking can be offered by the Leopard Pub then this would assist in alleviating on-street parking, however, it is understood this may only be made available during special services at the church so is unlikely to be available in connection with this proposal. The Highway Authority supports the improvement to the footpaths leading up to the site and strongly supports the provision of cycle stands to encourage visitors to cycle to the centre.

Having carefully considered the planning application the Highway Authority's response is one of NO OBJECTION.

**WCC (Ecology):** There are no records of protected species within the application site. There are records of protected and BAP species, namely bats, badger, common frogs and hedgehogs in the surrounding area. The application site is within the boundaries of Ecosite "Bishops Tachbrook Churchyard St. Chads", therefore a site visit was carried out to assess the diversity of the church yard flora.

The proposed church hall will be erected in area of amenity grassland which was short-cut at time of visit and was dominated by common species such as perennial rye grass, ribwort plantain, common chickweed, dandelion, germander speedwell, daisy, creeping buttercup, greater plantain, Yorkshire fog, red fescue and cow parsley. The flora is more diverse further along this area where more species are found including herb Robert, wood avens, violet, hoary plantain and hedgerow bedstraw. There are also areas (at north-west boundary) which are used for compost heaps and grassland is uncut providing suitable habitat for a variety of species including invertebrates, reptiles, amphibians and small mammals.

The proposed works will impact also on existing mature Lime trees of which two are planned to be removed. Trees should be retained where possible as they provide potential habitat for birds, bats, invertebrates, lichens and fungi. The trees due to be removed are tall mature specimens and provide significant habitat for nesting birds. These trees have a low potential to support roosting bats as no cracks or holes were recorded at time of visit which could potentially be in use by bats. However, a full assessment was not undertaken therefore the presence of bats in these trees cannot be ruled out. I therefore strongly recommend that a combined note relating to nesting birds and bats, as protected species, is attached to any approval granted.

As trees which provide nesting habitat for birds will be removed, we would recommend that bird boxes are incorporated in the new building design. There is an intact hedge of hawthorn, sycamore, privet, elder and yew within short distance to the location of the proposed hall. I therefore recommend that this hedge and trees within the extent of the application site are protected from works by a buffer zone of at least 2-3m between the works and the outer canopy.

We welcome the proposal for two trees to be planted within the north-west side of the church yard. These trees should be native species, ideally of local provenance. Native species have a far better value for local wildlife than non-native ones. At the location of the proposed planting an intact hedgerow exists, therefore care should be taken for the presence of nesting birds if part of the hedge must be cut down. Also, a compost heap exists within this area which may be used by other protected species. Residents commenting on this application indicated presence of reptiles and amphibians within the area. We do not have known confirmed reptile and other amphibian records apart from common frog within the vicinity of the site. However, amphibians and reptiles may be present in this area of uncut grassland and compost heap. I therefore recommend that a note relating to amphibians and reptiles, as protected species, is attached to any approval granted. Also, we have several records of hedgehogs in the surrounding area and it is highly likely that hedgehogs are present in the churchyard and utilise the area of compost heap. I therefore recommend that a note relating to hedgehogs, as UK Bap species of conservation concern, is attached to any approval granted. We also have records of badger within the surrounding area and it is likely that badgers are using the grassland on site for foraging. I therefore recommend that a note relating to badgers and development is attached to any approval granted.

Finally, churchyards and cemeteries are listed on the Local Biodiversity Action Plan (Local BAP) for habitats, thus we would welcome any enhancement of the site for local wildlife. As the majority of the grassland on site is closely mown, I would recommend more areas to be selected to fully grow to enhance diversity. The close mowing of the site would eventually cause further the loss of wildflower species. By leaving selected areas to grow (being cut 2 or 3 times a year on a rotational basis) a number of wildflowers is allowed to bloom and set seed. Compost heaps and dead-wood piles should be still placed within areas of uncut grassland and tall ruderal areas. For further advice, the Warwickshire Museum Ecology Unit would be able to assist (tel: 01926 418060).

**WDC Environmental Health:** Have no objection to the addition of the air source heat pump and repeat the comments that were submitted on the 2007 application:

"Should there be burials within 50 yards of the site of the new build then there may be contamination of the ground in which case remediation may be required. If no burials have taken place in the past 50 years, then contamination is likely to have disappeared and no remediation is required.

Should an application be made in the future, for a license under the Licensing Act for music / regulated entertainment etc. at these premises, then I would consider making representation at that time with respect to conditions such as a noise limiter etc. I feel that that would be the appropriate time to deal with such issues."

**WDC Neighbourhood Services (Trees):** I object to this scheme on the grounds of loss of protected trees of considerable landscape and amenity importance, and potential damage to retained trees forming an important part of the landscape character of Bishops Tachbrook. This is counter to policies DP1 (e, k), DP2 and DP3. As this is a resubmission of an expired consent I reproduce below the comments I originally made.

The two trees to be removed are a part of a group of mature limes which, because of their elevated position, form an important landscape feature which is widely visible in Bishops Tachbrook. There is also potential for damage to the retained trees from several sources.

Sections of path are shown within about 5m of the remaining three lime trees retained in the centre of the site. This is a significant encroachment on the root protection area which, given the size of the trees, should be between 180m<sup>2</sup> and 290m<sup>2</sup>, equivalent to a circle of between 7.6 and 9.6m radius. The final level of the path is shown as 99.75, 260mm below the existing level at the edge of one canopy of 100.01. With the construction of the path likely to be at least 250mm in depth this requires excavation to a depth of at least 510mm. Since the majority of tree roots are in the top 600mm of soil this could have a significant and adverse impact on the health of the retained trees.

I have serious doubts as to whether this scheme can reasonably be implemented without damage to trees further away. In particular, two cedars near the church will need protecting at 6m from the stem. This leaves insufficient space between the edge of the RPA and a block of relatively recent graves for access for construction traffic. A further mature tree to the North West of the site will require extensive protective fencing that will make access from that side of the site difficult.

Considerable effort will be needed to implement this scheme without undue damage to retained trees on the site. I am not convinced that it will be possible to do so and ideally permission should not be granted until the applicant has adequately demonstrated that they are able to implement the scheme without additional damage. The use of conditions is best avoided because of the possibility that it will transpire that it is impossible to both implement the consent and comply with conditions.

If it is decided to grant permission for this development a carefully worded tree protection condition should be included in the consent.

### **RELEVANT POLICIES**

- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (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)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- Planning Policy Statement 5 : Planning for the Historic Environment

## **PLANNING HISTORY**

In 2007 planning permission was granted by Planning Committee for "Erection of single storey church hall and ancillary accommodation" (Ref. W07/0221). This permission was not implemented and therefore it has now lapsed.

## **KEY ISSUES**

### **The Site and its Location**

The application site comprises the churchyard of St Chad's Church, a Grade I Listed Building dating from the 12<sup>th</sup> Century. The site is within the Bishop's Tachbrook Conservation Area. The surrounding area is predominantly residential.

The application relates to the part of the churchyard alongside the dwelling at No. 18 Church Lees. There are two ground floor windows in the side elevation of that dwelling, facing the application site. One is a secondary window to a rear extension for a 'day room' (the main windows for that room are in the rear elevation), while the other is the only window to the kitchen. A 1.6m high fence runs along the boundary with No. 18.

There are a number of substantial trees within the part of the churchyard that the application relates to. These include a group of 5 substantial Lime trees alongside the existing church and 2 Cedar trees adjacent to the front boundary that are all protected by a Tree Preservation Order.

The land on which the church hall would be erected is currently an open grassed area.

### **Details of the Development**

The application proposes the erection of a single storey hall for church and community use. The proposed building would be erected alongside the boundary with the adjacent dwelling at No. 18 Church Lees. The building would measure between 5.9m and 12.7m wide by 21.5m long, and would have an eaves height of 2.75m and a maximum ridge height of 6.6m. The building is proposed to be constructed of brick with a tiled roof. The building would be set 1.5m from the boundary with No. 18 Church Lees, and 2.8m from the side elevation of that property. The building would be set 5.4m from the church.

Two of the protected Lime trees on the site would be removed to make way for the proposals. A new path is proposed around the perimeter of the proposed building. The building would be accessed via an entrance porch facing onto the church. The building would include a multi-purpose hall served off a separate entrance lobby. The building would also include an office and a kitchen. The application also proposes the installation of an air source heat pump and cycle parking. No on-site car parking spaces are proposed.

The applicants have made the following comments regarding the community use of the proposed church centre:

"To ensure the Centre is managed appropriately, the PCC has resolved to establish a Management Committee which will comprise representatives of the various church and community groups (including the Parish Council) that would

ultimately use the facility. It is envisaged that the management committee will be properly constituted with terms of reference etc. to address the day-to-day use including arrangements for booking, setting rates, organising cleaning etc. In so doing, we are confident that the Centre will continue to be of benefit to the whole community in perpetuity."

## **Assessment**

As planning permission was granted for an identical building in 2007, the same decision should be made on the current application unless there has been a material change in circumstances relating to the proposals (see DCLG Circular 03/2009). The only differences between the current application and the scheme that was granted planning permission in 2007 are that drainage runs are shown on the current proposals and the current application proposes the installation cycle parking and an air source heat pump. The only material change in circumstances since the previous decision that might affect the assessment of the proposals is the adoption of the Council's Parking Standards in November 2007 and the Council's Sustainable Buildings Supplementary Planning Document in December 2008. Therefore, with the exception of the sections on car parking, renewable energy, and "other matters", this report is the largely the same as the report for the previous application that was put before Planning Committee in 2007. The "other matters" section has been expanded to address additional objections that have been raised in relation to the current proposals that were not raised in relation to the previous application.

I also note that the former government guidance in PPG15: Planning and the Historic Environment has now been replaced by PPS5: Planning for the Historic Environment. However, I do not consider that there is anything in the new guidance that would indicate that planning permission should now be refused for the proposed church hall.

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

- the impact on the setting of the Listed church and on the character and appearance of the Conservation Area;
- the impact on the living conditions of nearby dwellings;
- parking and highway safety;
- loss of trees and the impact on retained trees; and
- renewable energy and the impact of the proposed air source heat pump.

### Impact on the setting of the Listed church and on the character and appearance of the Conservation Area

The proposed church hall would undoubtedly have a significant impact on the setting of the Listed church and on the character and appearance of the Conservation Area. In terms of public views, the building would be most prominent in views from the south-west across the village green. It would also be prominent in views from the north from within the churchyard. In both views it would intrude to some extent into existing views of the church, but it would appear as a separate feature alongside the church, which would remain as the dominant feature on the site.

The main bulk of the proposed church centre would not project beyond the front building line of the adjacent houses in Church Lees, although the proposed entrance lobby would project forward by 5m. Nevertheless, the front of the



proposed building would still be set further back from Mallory Road than the church. The footprint of the proposed church centre would be smaller than the church, and in terms of height, it would be lower than the nave of the church. The roof has been broken up into smaller elements to limit the bulk of the structure.

In terms of design, the proposal is for a brick and tile building including stone dressings and a stone plinth. I am of the opinion that these materials would be appropriate in principle, subject to the approval of samples. I do not consider it necessary to copy the materials of the existing church, particularly since the proposal is for a detached building. I am satisfied that the proposed design would be appropriate for this sensitive location.

For the above reasons, I am satisfied that the proposals would have an acceptable impact on the setting of the Listed church and on the character and appearance of the Conservation Area.

#### Impact on the living conditions of nearby dwellings

The proposed church centre would be positioned alongside the dwelling at No. 18 Church Lees. The building has been designed to ensure that it would not infringe a 45-degree sight-line in relation to the windows in the rear of that dwelling. No. 18 does have a side kitchen window that benefits from an outlook over the application site. This is the sole window to the kitchen as a sun room extension has been constructed over the original rear facing kitchen window. Any building on this part of the churchyard will have some impact on this side window. However, in view of the fact that this is not an original window (it appears to have been added at the time that the sun room was constructed), I do not consider that it would be reasonable to withhold planning permission solely on the grounds of the impact on this window. Notwithstanding this point, efforts have been made to design the building to limit the impact on the side window. The roof of the church centre has been designed to limit the massing alongside No. 18 by breaking the roof up into three smaller hipped sections sloping down towards the boundary. Furthermore, the elevation facing No. 18 has been designed without any doors or windows to ensure that noise and disturbance and loss of privacy for that dwelling is minimised. Finally, I note that light and outlook for the affected window was severely impaired for a long time by the line of tall conifers that were only removed from this boundary a short time before the previous planning permission was granted.

For the above reasons, and taking into account the fact that the proposed building would be single storey, I do not consider that the proposals would result in unacceptable loss of light, loss of outlook or loss of privacy for No. 18 Church Lees.

With regard to the impact on the living conditions of nearby dwellings in general, the proposed church centre will undoubtedly increase the use of the site and the number of comings and goings associated with the site. However, this must be considered in the context of the long established use of the site as a church. Furthermore, the site is situated in the centre of the village, which is where such community facilities are commonly located. Moreover, the proposed building has been designed with no windows or doors facing the neighbouring dwellings, and with the main entrances facing the existing church. For these reasons, I do not

consider that the proposals would cause an unacceptable increase in noise and disturbance for nearby dwellings.

### Parking and highway safety

With regard to highway safety, the Highway Authority have not objected to the application. I note the concerns that have been raised by neighbours regarding parked cars obstructing traffic and increased traffic in general, but in the absence of an objection from the Highway Authority, I do not consider that the proposal would be detrimental to highway safety.

The church does not have the benefit of any off street parking, and none is proposed to serve the proposed church hall. It is not possible to provide off street parking given the constraints of the existing church yard and surrounding development. The applicant has made reference to overflow parking being provided at The Leopard Public House, although some objectors have disputed whether this has been agreed by the landlord. However, the applicant has confirmed that the overflow parking at The Leopard is only intended for special services within the existing church, and is not required for the proposed church hall.

The proposed development is a unique facility that doesn't fit well within any of the categories listed in the Council's Parking Standards. The Parking Standards specify a standard of 1 space per 10 sq m or 5 seats / person spaces for "Places of Worship". However, the proposed church hall does not fit easily into that category because it is intended to be used for a broader purpose to include a range of community uses. For "Public Halls" the standards state that each case should be considered on its own merits. It is also important to bear in mind that these are set out as maximum standards.

The decision that must be reached on the parking issue is whether the adoption of the Council's Parking Standards should cause a different decision to be taken compared with the decision on the 2007 planning application. In making this assessment, it is important to note that all other factors affecting the parking issue remain the same. The proposed building is still intended to serve the needs of the adjacent church and the local community and therefore it would be accessible by walking and cycling for a large proportion of the residents that it would serve. In addition, the current application proposes the installation of cycle parking.

Parking for the church currently takes place on surrounding streets. In assessing the 2007 application it was noted that the proposed church centre would increase the use of the site and therefore would result in an increase in parking on surrounding streets. It was noted that this may lead to an increase in the inconvenience and disturbance that is experienced by nearby residents and the same would be true now. However, taking into account the fact that on-street parking associated with the church is a long-established feature of the locality, it was concluded in 2007 that the likely increase in parking would not cause such harm to the living conditions of neighbouring residents as to warrant a refusal planning permission. Despite the adoption of the Parking Standards, I am of the opinion that this conclusion remains valid now. The provision of a church hall within an ancient village churchyard where off-street parking cannot be provided is a unique situation that cannot be adequately addressed by district-wide parking standards; indeed, there is no standard specified for this particular use. Therefore, for the reasons stated above, based on the merits of this case, I am

satisfied that the proposals would be acceptable in terms of parking and highway safety.

#### Loss of trees and the impact on retained trees

It is proposed to remove 2 mature Lime trees that are protected by a Tree Preservation Order. I note that the Council's Arboricultural Officer has objected to the loss of these trees on the grounds of their considerable landscape importance. Nevertheless, I am conscious that this objection is the same as an objection that was made to the 2007 planning application and at that time, taking these comments and all other considerations into account, Planning Committee decided to grant planning permission. In terms of the impact on trees, the development now proposed is identical to the development that was approved in 2007. Therefore, the assessment that follows is the same as the 2007 report.

I agree that the two Lime trees, together with the other 3 Limes in the same group, form an important landscape feature which is widely visible in Bishops Tachbrook. However, I am also conscious of the fact that the construction of the proposed church centre will have significant community benefits, although this has been disputed by the objectors. On this matter, however, I also note the strong support of the Parish Council, and their view that the proposals would provide a much needed facility in the village. Furthermore, the church have offered to undertake replacement planting. Having considered this matter carefully, I have concluded that the benefits of the proposed centre would outweigh any harm resulting from the loss of the two Lime trees.

The Council's Arboricultural Officer has also raised some concerns about the impact of the proposed building on the 3 retained Lime trees. These concerns relate to the path around the perimeter of the proposed building, which would be within 5m of the retained trees. This would represent a significant encroachment into the Root Protection Area of the trees. However, the precise location and footprint of the building is the result of extensive negotiations which have attempted to limit the impact on the dwelling at No. 18 Church Lees on one side, and the retained Lime trees on the other, whilst being constrained by graves that cannot be disturbed to the front. In order to fully address the concerns that have been raised by the Council's Arboricultural Officer, there would need to be a further reduction in the size of the building, or it would have to be redesigned and / or re-sited in a manner that would increase the impact on No. 18 Church Lees. On this matter, I remain conscious of the significant community benefits of the scheme that have been outlined previously. In this context, I am not convinced that a refusal based solely on the impact of the proposed paths on the trees could be successfully defended at appeal. Condition (6) is included to require protection works to the retained trees.

With regard to the concerns that have been raised regarding access for construction traffic and the impact on trees further away on the site, including those of the Council's Arboricultural Officer, I am of the opinion that this issue could be satisfactorily covered by a suitably worded condition.

#### Renewable energy and the impact of the proposed air source heat pump

The current proposals have added an air source heat pump to the scheme to meet the requirements of Local Plan Policy DP13 for on site renewable energy production. The heat pump would be located to the rear of the proposed

building, not far from the boundary with No. 18 Church Lees. The applicant has submitted calculations to show the noise levels at the nearest part of No. 18 Church Lees. Having considered these figures, Environmental Health have confirmed that they do not foresee any noise nuisance for the adjacent dwellings.

With regard to the visual impact of the heat pump, this will be mitigated by the provision of a timber screen. Therefore, taking into account the discrete position to the rear of the proposed building, I do not consider that the heat pump would harm the character and appearance of the Conservation Area or the setting of the Listed Building.

#### Other matters

I note the concerns that have been raised regarding moving graves and potential damage to graves during construction. However, these matters are not relevant to the consideration of a planning application, but are covered by other regulations. Furthermore, whilst I sympathise with the concerns of people who have loved ones buried near the site of the proposed building regarding a loss of tranquility in the churchyard, I do not consider that a refusal of planning permission is justified on these grounds.

With regard to the concerns about the principle of constructing this building on consecrated ground, this matter is regulated by the church and Diocese and is not a material planning consideration. Similarly, the availability of space within the churchyard for burials and the fact that there is no consent in place from the Diocese are separate matters and are not lawful reasons for refusing planning permission.

Neighbours have raised concerns about light pollution. However, in the context of the existing level of lighting in the area associated with the church, houses and street lights, I can see no reason why the proposed development should give rise to unacceptable light pollution for nearby dwellings. A condition is recommended to require details of any external lighting.

Concerns have been raised about the ecological impact of the proposals. However, as there has been no objection from the County Ecologist, I am satisfied that the proposals would be acceptable in this respect.

I see no reason why the proposed church centre would result in an increase in anti-social behaviour in the church yard.

A condition is recommended to require the submission of a contamination report due to the presence of recent graves near the site.

The proposed building would not impede any public right of way.

The suggested site compound on the village green would not require planning permission. Furthermore, subject to this being laid out sensitively and being appropriately managed, I do not consider that this would cause contamination or long term harm to the village green.

I do not consider that the cooking facility in the proposed building is likely to cause problems in terms of smells. Environmental Health have not raised any concerns about the cooking facility and if a problem did arise in the future and

this was deemed to be a statutory nuisance, then they have powers to remedy the problem.

With regard to the impact on archaeology, I note that there has been no objection from the County Archaeologist and a condition is recommended to require a programme of archaeological work to be carried out.

I note the concerns about drainage. However, Severn Trent have not objected to the proposals and therefore I am satisfied that the proposals are acceptable in this respect. A condition is recommended to require the submission of drainage details.

I do not consider that the proposed soakaways would compromise the foundations of the Listed Building. The nearest soakaway is shown to be 8m from the church and there has been no objection from the Council's Conservation Architect.

I note the suggestion that an "Environmental Risk Assessment" should have been carried out. However, there is no legal requirement for any such assessment to be carried out for the form of development that is proposed in this application.

### **RECOMMENDATION**

GRANT, subject to the conditions listed below.

### **CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 0303/P-11H, 0303/P-12E & 0303/13, and specification contained therein, submitted on 15 November 2010 & 24 November 2010, 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.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan.

- 4 Development shall not be commenced until there has been submitted to the District Planning Authority a survey report on the extent to which any part or the whole of the application site is contaminated by toxic or other noxious materials and on the remedial measures required to deal with the hazards. No development shall be commenced until all toxic or obnoxious materials have been removed or otherwise treated in accordance with details which have been approved in writing by the District Planning Authority. **REASON** : To protect the health and safety of future occupiers.
- 5 A landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan.
- 6 No works or development shall take place and no machinery or materials shall be brought onto site until a scheme for the protection of the retained trees has been agreed in writing with the District Planning Authority. No works shall take place other than in accordance with this scheme. The scheme shall include:
- (a) plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (see para. 5.2.2 of BS5837:2005 *Trees in relation to construction - Recommendations*) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
  - (b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.
  - (c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998:1989: Recommendations for tree work.
  - (d) the positions (shown on the plan at paragraph (a) above) of any Ground Protection Zones (see section 9.3 of BS5837) along with details of how ground will be protected from compaction and other damage.
  - (e) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (see section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take

place on the next phase until the Tree Protection Barriers are repositioned for that phase and the District Planning Authority have inspected and approved the barriers.

(f) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs, including storm and foul water (see section 11.7 of BS5837) and of the methods to be used for the installation of these.

(g) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (see para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

(h) the details of the construction and working methods to be employed for the installation of paths within the Root Protection Areas of retained trees, which must be permeable and so designed to minimise excavation.

(i) the details of the means of access to the site for all plant, machinery, materials and staff, including details of any measures to be employed to limit the size, weight or ground pressure of vehicles entering the site.

(j) the details of and location of all areas to be used for storage of plant, machinery and materials and all areas to be used for the mixing of cement and other material.

(k) the details of the location of and the method to be employed for the stationing, use and removal of site cabins.

(l) the details of tree protection measures for the hard landscaping phase.

(m) the details of the working methods to be employed with regard to the access for and use of heavy, large or difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.

(n) details of the means by which the requirements of this condition and any document produced in accordance with it shall be communicated to staff on site and of steps to be taken to ensure that this condition is complied with throughout the construction period.

No excavation, movement of machinery or storage or mixing of materials shall take place within the Tree Protection Barriers identified at paragraph (e) above.

No work shall be carried out to any retained tree on the site other than in accordance with details submitted under paragraph (c) above.

No fires shall be lit within 10m of the outside edge of the canopy of any retained tree.

**REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP3 of the Warwick District Local Plan.

- 7 No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District 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.

- 8 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 Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
- 9 Samples of all 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.
- 10 All rainwater goods for the development hereby permitted shall be metal. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan.
- 11 No lighting shall be fixed to the external walls or roof of the building hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority. **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.
- 12 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. **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.
- 13 The cycle provision shown on the approved plans shall be completed before the church hall hereby permitted is first used and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

## **INFORMATIVES**



For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development is of an acceptable standard of design which is in keeping with the architectural and historic character of the Conservation Area within which the site is located, and which would not adversely affect the setting of the Listed church. It is considered that the loss of the two Lime trees would be outweighed by the benefits of the proposed church hall. Furthermore, it is considered that the proposal would have an acceptable impact on the living conditions of nearby dwellings and would not be detrimental to highway safety. The proposal is therefore considered to comply with the policies listed.

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