

Planning Committee: 11 September 2018

Item Number: 11

Application No: W 18 / 1362

Town/Parish Council: Bishops Tachbrook
Case Officer: John Wilbraham

Registration Date: 24/07/18

Expiry Date: 18/09/18

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8 Savages Close, Bishops Tachbrook, Leamington Spa, CV33 9RL

Erection of 1no. dwelling after demolition of existing outbuildings FOR Mr & Mrs Wellsted

This application is being presented to Committee as the application is recommended for refusal and the Parish Council are supporting it and more than 5 letters of support have also been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks to demolish the existing curtilage listed outbuildings and replace them with a new 2 bed, single storey dwelling on a similar footprint to be constructed using a mix of materials. The existing garden would be subdivided to provide a separate long narrow garden for the new dwelling.

THE SITE AND ITS LOCATION

The application site is located at the end of a cul-de-sac that serves a number of dwellings. The site is located in open countryside outside of the village envelope of Bishops Tachbrook. The existing site forms part of the larger garden of 8 Savages Close which is a listed farmhouse located down a private road. The site is situated within the Bishops Tachbrook Conservation Area.

PLANNING HISTORY

Application number	Description of development	Decision
W/13/1526 and W/13/1527/LB	Replacement car port and rear lobby/porch to house	Granted
W/07/1307/LB	External alteration to existing outbuilding and installation of two double glazed timber casement windows	Granted

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (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)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Bishops Tachbrook Parish Council: Support application as it would create a home from a disused building, good use of old building, proposals sympathetic to and enhance the area and it would be a future proof dwelling

WCC Archaeology: No objection, subject to a condition requiring a written scheme of investigation

WCC Ecology: Object at present as additional survey work is required plus a condition should be attached for the placement of swallow nests and additional informative notes

WCC Highways: No objection

WDC Conservation Officer: The plans submitted indicate that none of the existing historic fabric is to be reintegrated into the new structure. The demolition of the existing curtilage listed barn would amount to a significant loss of a designated heritage asset; potentially harm the Listed building's overall historic interest as a former functioning farm. It would therefore also have an adverse effect on the appearance and character of the Conservation Area.

WDC Waste Management: No objection

CAF: Object due to loss of curtilage listed outbuildings, impact on listed building and unsympathetic design of dwelling

Public Response: 11 letters of support have been received on grounds that the proposal is a sensitive and sustainable design which respects the character of area.

ASSESSMENT

Principle

Local Plan Policy H1 states that housing development will only be permitted in the open countryside where:

- i. the site is adjacent to the boundary of the urban area or a growth village, and
- ii. there is an identified housing need to which the proposed development can contribute, and
- iii. the proposal is for a small scale development that will not have a negative impact on the character of the settlement and the capacity of infrastructure and services within the settlement, and
- iv. the proposal is within a reasonable safe walking distance of services (such as school and shop) or is within reasonable safe walking distance of a public transport interchange providing access by public transport to services, and
- v. the proposal will not adversely affect environmental assets (including areas of ecological value, areas of high landscape value and designated heritage assets) unless these can be suitably mitigated in line with other policies in the Plan.

As a single dwelling the proposal is small scale, and it is also adjacent to the boundary of the Growth Village of Bishops Tachbrook and its associated services. However, the scheme proposes the demolition of existing curtilage listed barns and does not meet an identified local need given the granting of 150 dwellings off Oakley Wood Road which is considered to satisfy the local need. As such the proposal fails to meet all of the criteria set out in Policy H1 and is unacceptable in principle.

Impact on the character and setting of Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant planning permission which affects a listed building or its setting.

Paragraph 193 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 195 of the NPPF states that where a proposed development will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm.

Policy HE1 states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

The proposal includes the complete demolition of the existing curtilage listed outbuildings which are considered to make a significant contribution to the importance of the heritage asset and the character and appearance of the Conservation Area. They are proposed to be replaced with a new single storey building to provide a new 2 bed dwelling for the current occupants of the farmhouse. The Conservation Officer was consulted on the proposals and is of the view that whilst the barns are showing signs of deterioration, their demolition would amount to a significant loss of a designated heritage asset and potentially harm the Listed building's overall historic interest as a former functioning farm.

There is a lack of justification for the demolition of the buildings rather than the retention, repair and conversion of them which is the thrust of the heritage policies and

the NPPF. Based on this it is considered that the proposal to demolish the curtilage listed buildings would cause substantial and unacceptable harm to the character and setting of the listed building contrary to Policy HE1 and the NPPF. It has not been demonstrated that the substantial harm/ total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Impact on the Conservation Area and character of surrounding area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policy HE2 of the Local Plan expects development proposals to have appropriate regard to the character and setting of Conservation Areas. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The proposed dwelling would be set on a similar linear layout to the existing building with a new flat roof element added at the end. The overall height of the new building would be taller than that of the existing by 0.25m along the main ridge and 0.15m at the highest point. The scheme proposes a mix of materials including oak cladding and brick for the elevations with a mix of zinc and sedum on the roofs. None of the original materials or features are proposed to be re-used in the new building.

Whilst the existing buildings show some signs of deterioration, their original special architectural and historic character remains and they form an important relationship with the main listed farmhouse and provide context for how the building was originally utilised. The lack of existing materials being re-used together with the choice of a zinc roof have been objected to by the Conservation Area due to being unsympathetic to the farmhouse and surrounding Conservation Area. The design itself breaks with the traditional form

of these type of ancillary barns by having windows in the rear elevation whereas they are would usually be blank, with rooflights inserted for light and ventilation if the building was converted.

Overall the proposal is considered to be contrary to Policy HE2 and BE1 due to its adverse impact on the character and setting of the Conservation Area and wider streetscape.

Impact on adjacent properties and amenity of future occupiers

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

There is a very close relationship between the main farmhouse and the existing buildings which would be replicated should the proposals go ahead. The scheme does not meet the requisite separation distances set out in the Council's adopted Residential Design Guide SPD and the 45 degree line is breached from some of the rear windows in the existing dwelling. Although the existing buildings breach the 45 degree line, the new building is taller and therefore the level of harm would be exacerbated. It is considered that the proposal would result in additional material harm to the living conditions of No.8 by reason of loss of light and outlook.

The neighbouring property to the north is No.7 Savages Close which has a detached garage to the rear adjacent to the application site boundary. This garage building is set 2m from the rear wall of the neighbouring property and contravenes the 45 degree line from the full height lounge windows. The proposed new building would be flat roofed at this section and set lower than the ridge line of the neighbouring garage. As the 45 degree line is already breached on this garage the proposal is not considered to exacerbate the situation to result in such a level that it warrants a refusal of planning permission in this instance.

Any new dwelling needs to meet the requirements for providing sufficient amenity space for the future occupants, which for a 2 bed dwelling amounts to 40sqm as set out in the Council's Residential Design Guide SPD. The current proposal has 248sqm which is well in excess of the amount required. A low level wicker fence is proposed along the boundary line although finalised details of this could be dealt with via a condition. In addition the proposal needs to provide sufficient outlook for the occupants from the main habitable rooms. There is some concern regarding the secondary bedroom which is served by only a horizontal strip window that looks out over the neighbour's driveway and also on to their side elevation. Although this window is labelled as high level the bottom of it is only 1.6m above floor level which means that there would be views into the room. It is not considered that this room benefits from an adequate level of outlook having regard to Policy BE3.

Considering all of the above the proposal is considered to be contrary to Policy BE3 due to the impact on the amenity of neighbouring properties and that of the future occupiers.

Access and Parking

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

County Highways were consulted on the application and given that the site is accessed via a private driveway they raised no objection. The proposal includes 2 parking spaces which would be provided within the existing carport. This is in accordance with the Council's adopted Parking Standards SPD which require that 2 spaces are provided for a 2 bed property. This takes away two spaces from the existing dwelling however there is space to park in front of the building and there are no restrictions as it is a private road.

Overall the proposal is considered to accord with Policy TR1 and TR3 and will not give rise to highway safety concerns.

Ecology

The County Ecologist has recommended that a further survey is carried out given that evidence of bats was found in the initial survey. This additional survey has not been carried out and as such the full impact on protected species cannot be assessed together with whether mitigation is possible if harm is going to be caused. As such it is considered that the application should be refused due to the unknown impact the proposal will have on protected species contrary to Policy NE3.

Low Emissions

The proposal will result in additional vehicular movements and therefore there is a requirement for the provision of an electric charging point in accordance with the Council's adopted Low Emissions Strategy. This could be secured by condition should the application be supported.

Water Efficiency

A condition to ensure compliance with Policy FW3 could be secured by condition should the application be supported.

Conclusion

The proposal is recommended for refusal for the reasons set out below.

REFUSAL REASONS

- 1 Policy H1 of the Warwick District Local Plan 2011-2029 directs new housing to the defined urban areas then previously developed land within specified Limited Growth villages where a specific local need has been identified.

The application site is not within the defined urban areas or one of the defined Limited Growth Villages and adequate evidence of local need has not been submitted with the application. The proposal is therefore contrary to Policy H1 of the Warwick District Local Plan 2011-2029 and constitutes an unsustainable form of development contrary to the NPPF.

- 2 Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Furthermore, policy HE2 of the Warwick District Local Plan 2011-2029 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

The proposal relates to a Listed Building within a Conservation Area and it is considered that the proposals would be seriously detrimental to the character and appearance of both the building itself and the Conservation Area as a whole, by reason of the demolition of curtilage listed buildings of special historic and architectural importance which would amount to a significant loss of a designated heritage asset and substantial harm to the Listed building's overall historic interest as a former functioning farm.

The development is thereby considered to be contrary to the aforementioned policies.

- 3 Policy NE3 of the Warwick District Local Plan 2011-2029 states that new development will only be granted where it protects, enhances and/or restores habitat biodiversity. Paragraph 99 of Circular 06/2005 *Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System* advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established *before* planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances. No such circumstances exist in this case and additional surveys are required to fully assess the impact on protected species. As such the application is considered to be contrary to Policy NE3 and Circular 06/2005.

- 4 Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby residents and future occupants. Furthermore, the District Council has also adopted a Supplementary Planning Document on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

The proposal is considered to exacerbate the impact on No.8 Savages Close by virtue of being taller than the existing buildings. It would also have direct views over the private amenity space of this property and a distance less than the required distances in the SPD. Concern is also raised in respect to the outlook from the second bedroom which is considered to be substandard.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policy.
