

Planning Committee: 08 October 2019

Item Number: 8

Application No: W 19 / 1183

Town/Parish Council: Bishops Tachbrook
Case Officer: Rebecca Compton

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Registration Date: 15/07/19

Expiry Date: 09/09/19

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

Erection of single storey dwelling with associated works following demolition of existing outbuildings (re-submission of application ref: W/18/2378) FOR Mr & Mrs Wellsted

This application is being presented to Planning 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 with a 1.8m dwarf wall and fence along the boundary between the application site and No.8 Savages Close.

Application references W/18/1362 and W/18/1363/LB were applications for the dismantling of the existing outbuildings and the construction of a new dwelling on the site. In terms of its design, the current proposal is broadly similar to that which was previously submitted and refused under application ref W/18/2378. However, the proposal has been amended and the key changes are as follows:

- Brick detailing with glazing behind on the north elevation have been omitted
- The high level windows on the north elevation are now obscure glazed
- The existing hedging along the shared boundary with 8 Savages Close is to be retained
- A proposed 1.8m boundary treatment along the shared boundary with 8 Savages Close consisting of a dwarf wall and fencing above
- A Local Housing Needs Survey for the Parish has been submitted.

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 boundary of Bishops Tachbrook. The existing site forms part of the larger garden of No.8 Savages Close which is a listed farmhouse located along a private road. The site is also situated within the Bishops Tachbrook Conservation Area.

PLANNING HISTORY

W/18/2378 - Erection of single storey dwelling with associated works following demolition of existing outbuildings - Refused 23/7/19 by Planning Committee, for the following 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 BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby residents and future occupants. The proposal is considered to have an unacceptable impact on the residential amenities of No.8 Savages Close by virtue of direct views over its private amenity space and also would result in the perception of overlooking of the private amenity area of No. 7. Concern is also raised in respect to the outlook from the second bedroom which is considered to be substandard in that it would result in a poor living environment. The proposal is therefore considered to be unneighbourly and contrary to the aforementioned policy.*

W/18/2379/LB - Demolition of existing outbuildings to be replaced with a single storey dwelling – Granted

W/18/1363/LB - Erection of 1no. dwelling following demolition of existing outbuildings - Withdrawn

W/18/1362 - Erection of 1no. dwelling following demolition of existing outbuildings - Withdrawn

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- H15 - Custom and Self-Build Housing Provision (Warwick 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)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Bishop's Tachbrook Parish Council: Support for the following reasons:

- This would create a home from a redundant building.
- A good use for a building which would otherwise fall more into disrepair and become an eyesore.
- The plans show a sympathetic design which we believe would enhance this area.
- The building is designed to accommodate elderly or disabled residents. It would enable elderly or disabled residents to be looked after in their own home without further extension.

WDC Waste Management - No objection

WCC Highways - No objection

WCC Archaeology - No objection, subject to condition

WCC Ecology - No objection, subject to condition and notes

Public Response - 10 letters of support from local residents have been received on the following grounds:

- Welcome the loss of dilapidated buildings
- Good design
- Improvement to the area.

ASSESSMENT

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

- The principle of development
- Impact on the character and appearance of the area and heritage assets
- Impact on neighbours
- Parking and highway safety
- Ecology

The Principle of Development

The adopted Warwick District Local Plan 2011-2029 has a settlement hierarchy for the location of new housing to encourage sustainable patterns of development. Under Policy H1 housing sites have been identified and allocated. In the open countryside, Policy H1 directs new housing to sites which meet the following criteria:

1. The site is adjacent to the boundary of the urban area or a growth village, and
2. There is an identified housing need to which the proposed development can contribute, and
3. 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
4. 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
5. 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.

The proposal is considered to satisfy 1, 3, 4 and 5 of the above list. However, fundamentally, it is considered that the proposal does not satisfy requirement 2.

It is noted that Bishop's Tachbrook have produced a Local Housing Needs Survey for the Parish which concludes that a total of 3 bungalows are required to meet the needs of the parishioners. However, what the Local Housing Needs Survey fails to take into account is the fact that within the Parish there are 3 housing sites allocated in the Local Plan; H02 (1605 houses), H46B (900 houses) and H49 (50 houses). Furthermore, planning permission has been granted for 150 dwellings off Oakley Wood Road.

Proposals are still awaited for some of the phases in the allocated sites, however, bungalows in excess of those identified in the Housing Needs Survey have been approved in the permissions on the allocated housing sites. Residential developments yet to come forward on the relevant allocations are

likely to provide more. As such the proposal fails to meet all of the criteria set out in Policy H1 and is unacceptable in principle.

Allowing a single dwelling in an unsuitable location without evidenced justification would set a precedent and undermine the Council's housing strategy as comparable applications would be difficult for the Council to resist.

Section 38 (a) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan, unless other material circumstances indicate otherwise. Policy H1 of the adopted Development Plan clearly sets out locations where new housing in the district is to be directed and the application proposal does not accord with that plan. There are considered to be no material considerations whereby a departure from the Development Plan is warranted in this case.

Character of the Area and Heritage

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act requires special regard to be had to the historic character of listed buildings. Section 72(1) seeks to ensure that development proposals preserve or enhance the character of the Conservation Area. Policies HE1 and HE2 of the Local Plan set similar aims. Policy BE1 of the Local Plan also requires attention to be paid to the character of the area and architectural detail. Policy HE4 is also noted in terms of protecting archaeological interest. The aims and objectives of the National Planning Policy Framework are also considered in respect of conserving the historic environment and achieving high quality design.

National policy explains that considerable weight should be given to the conservation of designated heritage asset (para. 193) and any level of harm should require a clear and convincing justification regardless of the level of harm (p. 194). In addition, paragraph 195 and Policy HE1 of the Local Plan explains that where a proposed development will lead to substantial harm to (or total loss of significance 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 or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

The main house is Grade II Listed and the outbuilding to be demolished is curtilage listed.

Listed Building Consent has been granted for the demolition of the existing building and for a replacement dwelling under application ref W/18/2379/LB. It has therefore been determined that the loss of the heritage asset is acceptable in principle. The existing outbuilding is in a severe state of disrepair, in addition, the building has changed substantially from its original inception and it was concluded that very little, if any, of the historic fabric now remains internally.

On balance, it was considered that the very nature of the existing site prevents any reasonable or viable usage due to its deteriorated state and condition. If left in its current state, the building is likely to deteriorate further, into a state of collapse, and on balance, in terms of heritage considerations, it was considered that bringing the site back into use outweighed the harm.

The proposed design generally reflects the form of the existing structure, including pitched gables and use of traditional materials but in a modern concept with a clear design ethos.

In terms of archaeology, the proposed development lies within an area of significant archaeological potential, within the medieval settlement at Bishop's Tachbrook (Warwickshire Historic Environment Record MWA 9502). No. 8 Savages Close is a 17th Century Grade II Listed timber framed cottage (National List Entry No. 1035226). There is a potential for the proposals to impact upon archaeological deposits, including structural remains, boundary features and domestic refuse pits dating from the medieval and post-medieval periods. In addition, the outbuildings which are proposed for demolition are shown on the 1880's Ordnance Survey mapping for this area indicating that they were present from at least this date. As such a scheme of archaeological recording is conditioned.

The proposals are considered to be in accordance with Section 66(1) and Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act and Policies BE1, HE1, HE2 and HE4 of the Warwick District Local Plan 2011-2029.

Impact on Neighbours

Policy BE3 of the Local Plan seeks to ensure that development does not adversely impact on the amenities of neighbours and also provides adequate levels of amenity for future occupiers of the development. The comments of neighbours have been carefully considered.

The proposals would be of similar bulk and mass to the existing building and the proposed building would not impact on the amenity of the adjoining neighbour to the north. The proposed windows are high level on the rear elevation and are proposed to be obscure glazed to not result in loss of privacy to the adjoining neighbour to the north.

There is concern regarding the second bedroom which is served only by one of these high level windows. It is considered that this would fail to provide an adequate outlook and therefore result in a poor living environment contrary to Policy BE1.

Concerns were raised under the previously refused application (ref: W/18/2378) due to a series of vertical glazed gaps on the rear elevation that would directly overlook into the private amenity space of No.7 Savages Close. These have been omitted under the current scheme. Concerns were also raised under the previous application regarding direct overlooking into the rear garden of No.8 itself. A new boundary treatment consisting of a dwarf wall and fencing to a height of 1.8m has now been proposed which is considered to address these concerns.

There is a very close relationship between the main farmhouse and the existing buildings which would be replicated should the proposals go ahead. However, the proposal 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. While the existing building breaches the 45-degree line, the new building is taller and therefore the level of harm would be potentially exacerbated. However, the existing and proposed buildings are more than 8 metres away along the 45-degree line and therefore this is considered to mitigate the harm.

No.7 Savages Close 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 already 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.

Considering all of the above, the proposal is considered to be contrary to Policy BE3 due to an inadequate outlook from a habitable room in the proposed dwelling.

Parking and Highway Safety

Policies TR1 and TR3 of the Local Plan seek to ensure appropriate levels of car parking and seek to ensure that proposals do not impact on highway safety. The Parking Standards SPD is noted in terms of the amplification to the guidance. In accordance with the National Planning Policy Framework, highway safety should only be used as a reason for refusal where the impact would be severe.

The Highways Authority 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 sufficient 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

Policy NE3 of the Local Plan requires the protection of biodiversity as part of development proposals. The County Ecological Advisor comments that appropriate notes should be added in relation to bats, hedgehogs and nesting birds. Whilst the protection of trees is noted there are no trees in the immediate vicinity to impact on.

Taking account of the comments of the Council's Ecological Advisor the proposals would not impact on trees or protected species and subject to appropriate conditions the proposals are capable of complying with Policy NE3 of the Local Plan.

SUMMARY/CONCLUSION

The proposal is considered to be unacceptable in principle, for the reasons set out above, and in terms of its impacts on the future occupiers' amenities.

The proposals have been carefully considered against the supportive comments received from neighbours and the Parish Council, but these do not outweigh the reasons for refusal as set out above.

It is recommended, therefore, that planning permission should be refused.

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 BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted which has an unacceptable adverse impact on the amenity of future occupants. Concern is raised in respect to the outlook from the second bedroom which is considered to be substandard in that it would result in a poor living environment.

The proposal is therefore considered to be contrary to the aforementioned policy.
