

Application No:W13 / 0095

Town/Parish Council: Bishops Tachbrook
Case Officer: Jo Hogarth

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**Land Adjacent School House, 1 Church Hill, Bishops Tachbrook,
Leamington Spa, CV33 9RJ**

Proposed new dwelling on land adjacent to the Old School House (revised design of previously approved dwelling, ref: W/11/0742) FOR Mr A Jones

This application is being presented to Committee due to the number of objections and an objection from the Parish Council having been received.

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to conditions.

DETAILS OF THE DEVELOPMENT

The proposal is to construct a new four bedroomed detached property with associated off street car parking.

THE SITE AND ITS LOCATION

The site relates to land measuring 0.07 hectares which was part of the former school playground. The school hall which is adjacent to the site was recently granted permission to be converted into residential use (ref: W/07/1151). The site is close to the corner of Church Hill and Oakley Wood Road within the designated Conservation Area and is within the 'Limited Growth Village' of Bishops Tachbrook as identified in the Local Plan. It is outside the Green Belt. To the rear of the site (south) are rear gardens serving numbers 1 and 2 Bishops Close. There are a number of trees on the site, with 2 Lime Trees covered by Tree Preservation Orders. Consent was granted (ref: W/CA/10/00083) in 2010 for the removal of some trees and these works have been carried out.

The Design and Access Statement states that the design of the proposed dwelling had been developed and refined following the principles laid down in the previous approval but enhancing the relationship with adjacent spaces to incorporate client specific requirements.

PLANNING HISTORY

In 2010 a planning application for the erection of a four bedroomed property (ref: W/10/1611) was withdrawn. A further application, ref: W/11/0742 was granted for a similar proposal. In 2012 (ref: W/12/1295) an application to vary the design of the dwelling was submitted but was withdrawn due to concerns expressed by the case officer.

RELEVANT POLICIES

- National Planning Policy Framework
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Distance Separation (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Bishops Tachbrook Parish Council: Object on grounds that the approved dwelling was a well thought out and considered scheme and that the proposed amended scheme would not be as sympathetic to the character, appearance and setting of the Conservation Area.

WCC Ecology: No objection subject to conditions on bat boxes and scheme for the protection of trees, together with notes on birds, hedgehogs, native plants and bird boxes.

WCC Archaeology: No objection subject to a condition relating to a programme of archaeological work.

WCC Highways: No objection (amended layout) subject to conditions relating to works within the highway and notes to applicant.

WDC Tree Officer: No objection. The Sycamore trees are prominent within the landscape, however, it would not be appropriate to protect this group by a TPO. Recommends conditions relating to a tree protection plan.

Public responses: 5 letters of objection on grounds of loss of trees and no landscaping proposal to act as a screen; request a scheme to replace them as there is concern regarding loss of privacy. Furthermore the previous scheme was half buried and will have a minimal impact on the historic village of Bishops Tachbrook. Also object regarding safety of vehicles and amenity through overlooking.

ASSESSMENT

It is considered that the main issues relating to this application are as follows:

- Principle of development;
- Impact on the Conservation Area and streetscene;
- Impact on neighbours;
- Impact on trees;
- Highways and parking;
- Renewables
- Public open space contributions
- Other matters

Principle of development

The principle of development was assessed during the consideration of the extant planning permission W/11/0742. There have been no changes to Local Plan Policy since this time and therefore Policy RAP1 in the Local Plan is still applicable. This policy approach is broadly reflected in paragraph 54 of the NPPF. As previously developed land within a Limited Growth Village (as defined on the proposals map), the community appraisal in the form of a Housing Needs Survey carried out by Bishops Tachbrook Parish Council in conjunction with Warwickshire Community Council identified a need for 14 additional homes within the village with the breakdown of the requirement as follows:

Rented:

5 x 2 bed houses
2 x 2 bed bungalows
2 x 3 bed houses

Shared ownership:

1 x 2 bed house

Owner occupied:

1 x 2 bed bungalow
1 x 3 bed house
1 x 4 bed house
1 x 5 bed house

Therefore as assessed in 2011, the application meets a local need and in principle is thereby acceptable.

Impact on the Conservation Area and streetscene

The key difference between this current application and the approved scheme is the design. The current application has been the subject of lengthy discussions with the applicant's agent following the receipt of consultation responses and as now amended, it is considered that the scheme is acceptable in terms of its impact on the character and setting of the Conservation Area. It should be noted that the overall height of the proposed dwelling would be no higher than the approved scheme and lower than the height of The Old School House to the east. It is considered that the objection raised by the Parish Council is addressed through confirmation regarding the height of the new building. The case officer considers that the design of the new dwelling would be acceptable and would respect the views from Church Hill through to the Grade I Listed St Chad's

Church, given its position within the site which is only nominally closer to the highway than the approved scheme.

In terms of the design of the proposal, the new house would be 'set' into the site with the majority of the accommodation (4 bedrooms, study and bathrooms) located beneath ground level, similar to the extant planning permission. It is proposed to use render and Rosemary roof tiles which are considered to be acceptable in this location.

With regard to the impact on the streetscene and wider Conservation Area, it is considered that the proposal, by reason of its design, siting, scale, materials and setting would meet the requirement set out in Policy DAP8 of the Local Plan to preserve or enhance the special architectural and historic interest and appearance of the Conservation Area.

Impact on neighbours

There would be no conflict with the Council's adopted Distance Separations with regards to nearby dwellings in Bishops Close to the south of the site and given the rise in ground levels it is considered that the new dwelling would not result in unacceptable overlooking or loss of privacy. Whilst objections have been received from residents regarding overlooking from Church Hill, the distance separations are 40 metres (the Council's Distance Separations are 22 metres) and due to the orientation of windows in the new property it is considered that there would be no direct overlooking into The Old School House as an existing garage interrupts views. It is considered that a refusal on these grounds would be difficult to sustain and the submitted proposal would not be contrary to the objectives of Policy DP2 in the Local Plan or to the aforementioned distance separations.

Impact on trees

Works to the trees were subject to a separate Tree Application (ref: W/CA/10/00083) and these have been carried out. There are two Lime Trees on the site which are protected by Tree Preservation Orders. As part of the application a tree report was submitted detailing the works. It is considered that it would not be appropriate to protect the group of 4 Sycamore trees through a Tree Preservation Order. The applicant has agreed to retain one of these trees (to the south west boundary) and a condition is to be attached which would secure their protection during construction. Furthermore, a landscaping scheme is to be submitted as a condition which would address some of the issues raised by local residents and the Parish Council.

Highways

No objections are received from the County Council as highways authority following an amended plan to demonstrate that visibility splays can be achieved in order to meet their requirements. Therefore it is considered that the proposal is acceptable and would meet the criteria set out in Policy DP6 in the Local Plan. With regard to parking, the proposed scheme meets the Council's requirements for the provision of two off street parking spaces and therefore there would be no conflict with Policy DP8 in the Local Plan or the adopted Supplementary Planning Document on Vehicle Parking Standards.

Renewables

It is proposed to incorporate an air source heat pump in order to provide the required 10% of the predicted energy to be generated by the new dwelling. As part of the applicants submission, an energy report has been submitted which demonstrates this. It is considered therefore that the application meets the criteria set out in Policy DP13 in the Local Plan and the Council's adopted Supplementary Planning Document on Sustainable Buildings.

Public open space contributions

As this is a rural location and no improvements for open space as a result of this proposal have been identified by the Parish Council, in this instance it is not considered appropriate to require off-site contributions to open space in accordance with Policy SC13 of the Local Plan.

Other matters

During the assessment of the previous approval, confirmation was received from Severn Trent to state that capacity exists within the main drainage system which would thereby meet Policy DP11 in the Local Plan. There is adequate space within the curtilage of the new dwelling for the storage of wheelie bins and recycling boxes thereby complying with the Policy DP1 in the Local Plan.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located. Furthermore, the proposal would not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 646.11; 646.13K; 646.14D; 646.15F and 646.16F and specification contained therein, submitted on 28 January 2013 and 15 March 2013. **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 1996-2011.

- 4 Samples of the 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 1996-2011.
- 5 Prior to the commencement of the development hereby permitted a soft landscaping scheme including a scheme to provide bat boxes for the site shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 6 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local 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 1996-2011.
- 7 No work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 8 The development shall not be commenced until an access for vehicles has been provided to the site not less than 5 metres in width for a distance of at least 7.5 metres, as measured from the near edge of the public highway carriageway. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District

Local Plan 1996-2011.

- 9 The access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 10 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 11 The development shall not be commenced until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway to the east and to the centre line of the carriageway to the west. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 12 The development shall not be commenced until a turning area has been provided within the site so as to enable the largest vehicle anticipated on site to leave and re-enter the public highway in a forward gear. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no building or enclosure shall be provided within the curtilage of, and no extension or addition erected or constructed to, any dwelling(s) hereby permitted without the prior written approval of the local planning authority. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 14 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 manufacturer's specifications. Micro generation equipment no longer needed for micro generation shall be removed as soon as reasonably practicable. **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.

- 15 Provisions for all hard surfaces shall be made to be permeable or porous or ensure that direct run off water is to a porous surface area within the curtilage of the dwellinghouse **REASON** : To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.
