Planning Committee: 20 June 2017 **Item Number:** **15**

Application No: W 17 / 0809

Registration Date: 05/05/17
Town/Parish Council: Baginton **Expiry Date:** 30/06/17
Case Officer: Helena Obremski
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Baginton School (Lucy Price Schoolrooms), Church Road, Baginton, CV8 3AR

Proposed demolition of existing school building and the erection of 2no. new dwellings, and associated landscaping. FOR Trustees of the Lucy Price Sunday School Trust

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

RECOMMENDATION

Planning Committee are recommended to refuse planning permission.

DETAILS OF THE DEVELOPMENT

The applicant seeks full planning permission for the demolition of Baginton School and erection of 2no. semi-detached two storey, four bedroom dwellings. Driveway parking is provided to the side of each property and one of the properties would benefit from an underpass to provide some covered parking.

The proposed dwellings include front facing dormer windows and would be constructed from facing brickwork and plain clay tiled roofs. The scheme has been amended from the previously refused scheme for the erection of two detached dwellings which provided off street parking to the front of the properties.

THE SITE AND ITS LOCATION

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

To the west of the site lies St John the Baptiste Church, a Grade I listed building dating from the thirteenth century. To the east and south of the site, there are a

number of residential dwellings, some of which are Grade II listed buildings and primarily front onto Church Lane.

PLANNING HISTORY

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

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (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)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: Supports the application for following reasons:
- The schoolroom is derelict and no longer functions as an asset, and there are other facilities available within the wider area.
- The building may become a hazard if left to deteriorate.
- The existing building is not sympathetic to the Conservation Area, but the proposed dwellings would fit well within the street scene.
- The proposed set-back mirrors that of Glebe Barn opposite.

Cllr Redford: Supports application, the existing building is derelict and not in keeping with the street scene. The proposed dwellings will enhance the area and setting of the church.

WCC Highways: No objection.

WCC Ecology: No objection, subject to conditions.

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

WCC Archaeology: No objection, subject to conditions.

Public Responses: Old School House: Objection, the plans accord with the NPPF in terms of use of previously developed land, but the proposed structures are considerably larger and higher elevation than the current building; the proposed dwellings are at odds with the established character of the Conservation Area and provide no public benefits; there will be a loss of light and privacy to the first and second floor windows to the neighbouring property.

Lucy Price House: Supports the application, as the existing building is derelict and inappropriate in the Conservation Area.

Baginton Parochial Church Council: Support the application, as the existing building is not useable on safety and practicality grounds. The Trust who owns the property is unable to afford to pay for its upkeep and there are other community facilities. The profits from the site will be used to construct a purpose built cabin on the churchyard which will allow the trustees to provide a Sunday school for the children of Baginton. The dwellings would also be an enhancement to the church.

Baginton Parish Council:
It is believed that our local public open spaces have no development shortfalls that will be exacerbated by this application, and hence the Parish Council do not think there should be a planning condition or an s106 agreement placed on the application in this respect.

The population of Baginton constantly fluctuates and our open spaces and other amenities can easily accommodate any overall increase in residents that this development may bring.

ASSESSMENT

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

- Principle of the Development
- Loss of a Community Facility
- Impact on the Green Belt
- The Impact on the Character and Appearance of the Area
- The Impact on the living conditions of nearby dwellings
- The Impact on Landscape and Heritage Assets
- Open Space
- Archaeology
- Car Parking and Highways Safety
- Drainage and Flood Risk
- Sustainable Energy
- Ecological Impact
- Health and Wellbeing
- Other Matters

Principle of the Development

The relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The proposals would be contrary to Policy RAP1 as the site is not located within a Limited Growth Village as identified within the policy. The proposal meets none of exceptions contained within RAP1 and therefore the development is not acceptable in principle.

Loss of a Community Facility

Adopted Local Plan policy SC8 states that the redevelopment or change of use of community facilities that serve local needs will not be permitted unless: there are other similar facilities accessible to the local community by means other than a car; and either the facility is redundant and no other user is willing to acquire and manage it; or there is an assessment demonstrating a lack of need for the facility within the local community.

According to the Planning Statement, the building was historically used as a school for poor children of the Parish and closed in 1976. The Trust in charge of the site then used the building as a Sunday School / Youth Centre until 2010 when the maintenance costs became unviable. The Sunday School is currently being held within the nearby Church but is only a short term option. The Planning Statement claims that the profits from the sale of the two dwellings would be used to fund the Trust's "objectives".

A letter from Baginton Parochial Church Council was submitted as part of the application. This letter confirms that the intension is for the funds made through the sale of the proposed dwellings to be used to construct a purpose-built cabin in the churchyard so that the Trust can provide a Sunday school.

Public comments submitted indicate that the site is redundant, however, this contradicts the aims of the Trust to construct a new building with the profits of the sale of the proposed dwellings to provide a permanent Sunday School. It appears to the Council that the building is not being used owing to its state of disrepair, rather than lack of need for the facility. The Planning Statement notes that there are "*other sufficient accessible underused facilities in the village such as the Royal British Legion Club and the Village Hall*". However, there has been no evidence submitted to support this claim which would clarify the current availability of these facilities and whether they could accommodate additional use, or why the Sunday school could not be carried out there.

It is not considered that it has been demonstrated that the facility is redundant and that no other users are willing to acquire it, or that there has been a formal assessment demonstrating a lack of need for the facility within the community. Therefore, the loss of this community facility is not acceptable in principle and the proposal is considered to be contrary to Local Plan policy SC8.

Impact on the Green Belt

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

Therefore, as the site is considered to be brownfield, redeveloping the site would be acceptable and would not be harmful to the Green Belt, so long as it does not have a greater impact on openness. Under the previous scheme, two detached dwellings with a gross floor space of 326sqm were proposed to replace the existing building which has a gross floor space of 172sqm. As the previous scheme was considered to be more harmful to openness than the existing building, the scheme has been amended from the previous submission; it now provides only one building overall, rather than two separate buildings which was considered to cause more harm to openness. However, the proposed development would provide a total floor space of 308.3sqm (note that the porches and underpass have been calculated within the gross floor space as these areas could be filled in without the need for planning permission at any time and still impact on openness). Therefore, whilst the development would provide one building, the overall bulk and mass has been significantly increased from the existing single storey building. The visual impression of the properties would be read as a two storey building which is substantially larger than the existing property, which does have a greater impact on openness.

Whilst the site is previously developed land, the proposed dwellings would be considerably larger in scale, bulk and mass, significantly increasing the floor space from 172sqm to 308.3sqm which would have a greater impact on the openness of the Green Belt. Therefore, the proposed development is considered to be contrary to the NPPF.

The Impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 1996 - 2011 policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the

importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

The previous scheme proposed parking to the front of the dwellings, which were set well back from the pavement. However, the prevailing character within the street scene are dwellings which are set directly against the pavement or highway. Therefore, the development was not considered to be appropriate within the street scene. The scheme has been amended to provide parking to the side of each semi-detached dwelling. However, the properties are still stepped back from the main highway. The Glebe Barn is the only residential property within the street scene which is set back from the main highway, and all of the other dwellings and the existing building are set hard against the main road. Therefore, whilst this one dwelling is stepped back, it is considered that it would be more appropriate for the dwellings to be set against the highway and that the proposed siting of the development is therefore harmful to the street scene.

Furthermore, the proposed design of the properties is incongruous and out of keeping within the street scene. There is a cluster of traditional properties as you enter this part of Church Road, some of which are rendered and some are constructed from traditional red bricks, with gable features. Whilst there is some variety in the street scene, the overall impression is of a traditional village setting. Conversely, there are no dormers within the street scene, other than one small flat roof dormer to the front of the The Glebe Barn. Owing to the very modest nature of this dormer, it is very discrete. The proposed dwellings would have four pitched roof dormers and three flat roof dormers in total across the front roof slope, some of which would have wavey edge timber boarding. These would provide dominant features which appear completely alien within the street scene and would be harmful. Furthermore, the timber boarding would also appear incongruous within this context.

The proposal also includes an underpass to provide a shelter for cars or storage. However, this feature is totally incongruous within the street scene, which has no similar features. The underpass would be out of keeping and inappropriate in this context and is considered to be harmful to the street scene.

The proposal would be a significant departure from the existing single storey structure, providing a large two storey building, rather than a single storey building. The development is not considered to respect the character of the wider street scene and is considered to detrimentally impact on the wider area by reason of it's siting and design. Therefore, the proposed development is considered to be contrary to the NPPF, Local Plan policy DP1 and the Residential Design Guide.

<u>The Impact on Landscape and Heritage Assets</u>

Warwick District Council adopted Local Plan policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state that development should respect the setting of Conservation Areas and should not impact on important views or groups of buildings from inside and outside of the boundary. The policy

requires that new development within the Conservation Area should make a positive contribution to the local character and distinctiveness of the Conservation Area. Adopted Local Plan policy DAP9 relating to unlisted buildings in Conservation Areas reiterates this by stipulating that alterations and extensions should be refused where they adversely affect the character, appearance or setting of a Conservation Area. Adopted Local Plan policy DAP4 reinforces the NPPF by stipulating that works must not adversely affect the listed buildings special architectural or historic interest, integrity or setting.

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

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

Officers and Historic England previously showed concern regarding the positioning of the properties and the fact that the development provided two separate buildings rather than one. The amended scheme now only provides one building, however, both the Conservation Officer and Historic England still raise concerns regarding the siting of the dwellings. It was recommended by the Conservation Officer and Historic England under the previous submission that the dwellings were positioned against the highway, however, this has not been accommodated.

The removal of the existing structure is not considered to cause harm to the Conservation Area; the building is not considered to be of significant architectural merit which would warrant its retention and it is not considered to enhance the Conservation Area. However, the proposed dwellings are considered to cause harm to the Conservation Area and setting of the Grade I listed church to the west of the site. The dwellings are not considered to respect the established character of this part of the Conservation Area, where dwellings are traditionally positioned against the highway. Historic England raise concerns regarding the impact which the proposed development would have on the setting of the Grade I listed church, such as the impact of the tall boundary fence positioned to the south western boundary, and would want to see the open views of church maintained, which is a view supported by Officers.

Furthermore, it is noted that there has been no detailed analysis of how the proposed elevations will relate to the listed church or assessment of views from the church of the proposed new dwellings. There has been no justification of

setting the dwellings back from the main highway and states that the proposed siting is harmful to the Conservation Area as the siting does little to screen the view of cars within the street scene. Furthermore, setting the dwellings back is not considered to enhance views of the church and introduces a more sub-urban layout to the village, which is harmful to both the Conservation Area and setting of the Grade I listed church.

Whilst the development would provide two new dwellings, it is not considered that the public benefits which this would bring, when considering the impact which these properties would have on the openness of the Green Belt and its rural setting, would outweigh the harm caused to the Conservation Area and setting of the adjacent listed building. The development is therefore considered to be contrary to the NPPF, Local Plan policies DAP8 and DAP4.

Open Space

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

Archaeology

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

The Impact on the living conditions of nearby dwellings

Warwick District Local Plan policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy DP2, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a

45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

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

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

The proposal is therefore considered to comply with Local Plan policy DP2 and the Residential Design Guide.

Car Parking and Highways Safety

The proposal provides a driveway for each dwelling to the side of each property, one which benefits from an underpass. However, the entrance to the underpass is only 2.45 metres wide. To meet the Council's adopted Vehicle Parking Standards, the underpass would need to be 3.5 metres wide as the space is between two walls, therefore this cannot be counted as a space. The space in front of the underpass is only 3.2 metres in depth, which should be 4.8 metres, so this also cannot be counted as a space. Therefore, only one space at the rear of the site is considered to meet the Council's adopted Vehicle Parking Standards, and the parking for this dwelling falls below the minimum guidance of 2 spaces.

The driveway parking provided to the other dwelling is 2.765 metres wide. As there would be a fence positioned to the boundary and a wall to the other side of the spaces, the minimum width for the car parking spaces would need to be 3.5 metres. Therefore, the proposal is not considered to provide any adequate parking which meets the Council's minimum standards for this dwelling.

WCC Highways have no objection to the development, however, on inspection of the dimensions of the underpass and driveway for one of the dwellings, it is not considered that adequate off street parking is provided by the proposed development. This could lead to a detrimental impact on amenity and therefore, the development is not considered to comply with adopted Local Plan policy DP6 and DP2.

Drainage

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

Sustainable Energy

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or a 10% reduction in CO^2 production through a fabric first approach would be appropriate. The agent has provided details to show that an air source heat pump will be used to provide renewable energy for the properties, however, further information is required in order to ensure that the minimum level of energy will be provided. This information could be secured by condition.

Ecological Impact

WCC Ecology have commented on the proposal and consider that the application can be conditioned to ensure that no harm comes to protected species. They recommend the inclusion of conditions which require the provision of a protected species method statement, a combined ecological and landscaping scheme and a tree protection plan all prior to commencement of works on site, and notes in relation to bats and lighting which affects animals. These conditions are considered to be reasonable.

Health and Wellbeing

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

CONCLUSION

The proposed development of two dwellings would represent the loss of a community facility and is considered to be harmful to the openness of the Green Belt and would have a detrimental impact on the Conservation Area, and setting of a Grade I listed building. There are no public benefits are considered to outweigh the harm caused to the Conservation Area or setting of the listed building. Furthermore, the development is considered to be harmful to the existing street scene and could also potentially cause harm to protected wildlife species. Therefore, the proposal is considered to conflict with the NPPF and aforementioned Local Plan policies and guidance.

REFUSAL REASONS

1 The application site comprises a building which until recently has had a longstanding community use and which is located in the Green Belt and the Baginton Conservation Area in close proximity to a Grade I Listed Church.

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

i. Result in the loss of an existing longstanding local community facility which the applicant has failed to demonstrate is either redundant; no longer needed, or provided in an alternative accessible location.

ii. Comprise inappropriate development within the Green Belt to which there is an objection in principle and in respect of which no very special circumstances sufficient to outweigh that harm have been demonstrated;

iii. Be harmful to i. the setting of the immediately adjacent Grade I Listed Church; and ii. the character and appearance of the Baginton Conservation Area within which the site is located and therefore the significance of those heritage assets. That harm, whilst less than substantial would not be outweighed by any public benefits offered by the scheme.

iv. Result in a development, the detailed design of which is incongruous and does not harmonise within the street scene to the detriment of the established character of this part of the village;

v. Make insufficient provision for car parking within the site and therefore increase the likelihood of additional parking within the public highway causing danger and inconvenience to other road users.

That development is therefore contrary to the National Planning Policy Framework and the following Development Plan policies:

The Warwick District Local Plan 1996 – 2011

- Policy SC8: Protecting Community Facilities
- Policy DP1: Layout and Design
- Policy DAP4: Protection of Listed Buildings
- Policy DAP8: Protection of Conservation Areas
- Policy DP8: Parking

The Emerging Warwick District Local Plan 2011 -2029

- Policy HS8: Protecting Community Facilities
- Policy DS19: Green Belt
- Policy BE1: Layout and Design
- Policy HE1: Protection of Statutory Heritage Assets
- Policy HE2: Protection of Conservation Areas
- Policy TR4: Parking