

Planning Committee: 03 February 2015

Item Number: 11

Application No: [W 14 / 1678](#)

Town/Parish Council: Leek Wootton

Case Officer: Anne Denby

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Registration Date: 24/11/14

Expiry Date: 19/01/15

Land Off, Hill Wootton Road, Hill Wootton.

Erection of 1 no. new dwelling FOR Mr Roger Wigglesworth

This application is being presented to Committee due to 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 application proposes the erection of a detached dwelling.

The dwelling will be two-storeys with a height of 8.4m. It will have a half-timbered upper storey with a brick base and will be 15.4m wide with an overall depth of 28m. This overall depth includes a single storey garage which projects from the main front elevation and a single storey conservatory to the rear. The depth of the main body of the proposed dwelling is 10.6m.

A new vehicular access is proposed from Hill Wootton Road and this will lead to a paved parking area and the attached garage at the front of the proposed dwelling.

THE SITE AND ITS LOCATION

The application site currently forms part of the residential curtilage to The Old Farm House, which is a Grade II Listed Building and has its frontage to the eastern side of Hill Wootton Road with the residential curtilage forming an 'L' shape. The highway makes a 90-degree turn to the north of The Old Farm house and then continues eastwards. The application site has a frontage to this section of Hill Wootton Road.

The site is situated within the Green Belt, within the village of Hill Wootton between the existing built developments of 'Cedar', a residential dwelling to the west, and 'Hillary Farm' to the east.

The site is currently laid out as a tennis court with associated hard surfacing and fencing and a vegetable patch used in association with the residential dwelling known as 'The Old Farm House' There is a substantial hedge to the western site boundary and trees and planting to the southern and eastern boundaries. The

site's frontage to the highway is approximately 27m in width and is defined by a hedge, which has recently been cut back, and wire fencing.

PLANNING HISTORY

None relevant to this current application

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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (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)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Leek Wootton Parish Council - Objection, for the following reasons:

1. In view of the recent refusal of Application W/14/1276 for an oak framed triple garage at Wootton Grange Farm on the grounds that it was development in the Green Belt, it would be inconsistent of WDC Planning Committee to grant consent for this development which is also in the same Limited Infill Village Boundary.
2. The access to this proposed development is to be off a narrow lane, a few yards west of a sharp right angle corner and on a short stretch of lane that already has access drives to The Tower House, Hilary Farm, Hilary Farm yard and Cedar Cottage. There are also two cottages, with parking on the roadside and a field gateway on the east side of the lane on the outside of the bend. We consider that an additional access would be excessive.

WCC Highways - No objection, subject to conditions

WCC Ecology - No objection, subject to conditions

WCC Archaeology - No Objection

Community Protection - No objection, subject to conditions

Public response - One letter in support of the application has been received, the details of which can be summarised as follows:

- it is appropriate infill in a hamlet that is expected to develop further in the future.
- will not detract from the village street scene or rural character of the area.
- the addition of an access will not add significantly to the current dangers of road traffic in Hill Wootton
- an entrance with maximum visibility for both existing and passing traffic is achievable.
- not aware of any serious road accidents in Hill Wootton in the last 35years.

ASSESSMENT

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

- the principle of development;
- the impact on the character and appearance of the area;

- the impact on the living conditions of nearby dwellings;
- car parking and highway safety;
- ecological impact of the proposals;
- heritage
- drainage and Flood Risk
- renewable Energy
- health and well-being.
- other Matters

The Principle of the Development

The site forms part of an existing residential curtilage and is situated within the village of Hill Wootton where the relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. However, the National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. Whilst the Council can demonstrate a five year supply against the requirements of the revoked Regional Spatial Strategy 2008, these requirements do not reflect the most up-to-date evidence in terms of objectively assessed housing need. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply.

The latest update to the Five Year Housing Land Assessment (November 2014) indicates that the housing land supply is 4.5 years. The five year requirement (2014-2019) is 5,573 dwellings. With 4,640 already provided, this leaves a shortfall of 993. Based on an annual requirement of 1,115 dwellings, this amounts to a 0.8 year shortfall.

Accordingly Policy RAP1 is clearly out of date and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. That means granting planning permission unless either:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- specific policies in the NPPF indicate development should be restricted.

Granting permission for this site will increase the supply of land for housing and will contribute towards helping the Council meet its five year requirement. This carries significant weight in the assessment of the application. While the Council has no control over whether a site will be delivered, it is nevertheless reasonable to assume that a site with planning permission would be deliverable with a realistic prospect that development on this site would be achievable within a five year period.

Green Belt policy

The site is located within the village of Hill Wootton which is washed over by the Green Belt. The adopted Local Plan within Policy RAP1 permits infilling within the larger "growth" villages, Hill Wootton is not identified in the current Development Plan as one of these "growth" villages, though the Draft Local Plan does identify Hill Wootton as a limited infill village. The Draft Local Plan is at an early stage in

the process towards adoption and little weight should be attached to it, though it does remain a material consideration. As discussed above Policy RAP1 cannot be considered as up-to-date and therefore the provisions of the NPPF are the most relevant.

Paragraph 89 of the NPPF identifies a number of exceptions where the erection of new buildings should not be considered to be inappropriate development within the Green Belt. One of these exceptions is "limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan". In a recent appeal decision the Inspector has clarified that in regards to "limited infilling in villages" the village does not have to be identified in a Local Plan and this requirement only applies in relation to the provision of affordable housing. While this Inspector did acknowledge that in the absence of government guidance on the matter the Council could reasonably take the alternative view, in this case it is considered, on balance, that as the site is allocated as a limited infill village in the Draft Local Plan the current proposal for the insertion of a single dwelling, between existing built development and fronting on to Hill Wootton Road could reasonably be considered to be 'limited infilling'. As such, it is considered that the proposal meets the exception under the fifth bullet point of paragraph 89 of the NPPF and thus would not be inappropriate development in the Green Belt.

Prematurity

The scale of the development does not raise issues of prematurity in relation to the progress of the Draft Local Plan, due to its size. The development of the application site would not prevent any other development sites identified in the Draft Local Plan from coming forward and it is not dependant on, nor incompatible with, any other development sites which have been or are being considered. On this basis the development of the application site would not prejudice the outcomes of the preparation of the Local Plan and it could not therefore be demonstrated that permission should be refused on the grounds of prematurity.

The impact on the Character and Appearance of the Area

The proposed dwelling house is considered to provide an acceptable design solution. The existing development within Hill Wootton is characterised by large detached dwellings within substantial plots and the proposed dwelling will reflect this established character. The dwelling house will be visible from Hill Wootton Road, however, it will be set well back from the front boundary with the highway and will be viewed within the context of the existing development along Hill Wootton Road.

The dwelling proposed will be two-storey with a half-timbered upper storey with a brickwork base. This style and design reflects other dwellings within the village and on that basis the proposal is considered to be in keeping with the overall character of the surrounding area. The existing site is well landscaped and it is considered important to ensure that existing landscape features are retained and a condition is also suggested to secure a suitable scheme for new landscaping, which will help to maintain the established landscaped setting of the site.

It will be important to ensure that the materials proposed match existing properties in the area to enable the new dwelling house to assimilate. A

condition is recommended to ensure sample materials are submitted for approval.

The proposals will retain the character of development with Hill Wootton of large detached dwellings in large landscaped plots, and the proposed dwelling house is not considered to erode or spoil the rural character of Hill Wootton or result in any significant impact upon the visual amenity of the street scene or character and openness of the surrounding Green Belt.

The impact on the living conditions of nearby dwellings

The proposed dwelling will respect minimum separation distances in relation to existing dwellings. To the west of the application site is Cedar Cottage which at the closest point is 18m from the side boundary with the application site. There is an existing hedge to the western side boundary with Cedar Cottage and this is shown to be retained as part of the proposals.

The proposed dwelling will be set further north than Cedar Cottage and will meet the minimum side-rear separation distance of 12m. There are windows proposed to the western elevation of the proposed dwelling which would increase opportunity for overlooking. However, considering the existing boundary hedge the windows to the ground floor are not considered to result in any overlooking that would be detrimental to residential amenity. A window to an ensuite is proposed at first floor and conditions are recommended to ensure this is obscure glazed and that no further windows are inserted at first floor to ensure the amenities of the adjacent property are protected.

The Old Farm House lies to the south-west of the site and there will be a minimum distance of 13.5m from the rear of the proposed property to the side boundary with this property. There will, however, be no direct relationship between the dwellings themselves and therefore the impact on the amenities of The Old Farm House and its setting will be limited. Although the site does currently form part of the garden area to The Old Farm House the plot is large and sufficient garden area will be retained for both the existing and proposed dwellings. The Conservation Officer has confirmed that he does not consider there would be any harm to the setting of the Listed Building as a result of the proposed development.

To the east of the site is Hillary Farm and there are barn buildings associated with this use located directly adjacent to the side boundary. The existing landscaping to the eastern boundary is to be retained and the proposed dwelling is set off the boundary by a minimum of 9m. This layout is considered to result in a satisfactory relationship to Hillary Farm to ensure the creation of a satisfactory residential environment and that the existing use of the adjacent barns is not compromised by the proposals.

The proposed dwelling is considered compatible with surrounding uses and the scheme, is not considered to result in any significant impact upon the amenities of the occupiers of surrounding properties.

Car Parking and Highway Safety

The proposal involves the creation of a new vehicular access from Hill Wootton Road. Concerns were initially raised by the Highways Officer with regards to

visibility splays. The applicants have submitted an amended plan which indicates that the required visibility splay of 2.4m by 43m is achievable. The Highways Officer has subsequently removed his objection to the proposals, subject to the imposition of appropriate conditions.

The proposals include the creation of a double garage and hardsurfacing to the front of the property which can comfortably accommodate 2no. parking spaces. The scheme is therefore considered to be in accordance with the Council's parking standards SPD and would not result in any highway safety issues.

Ecological Impact of the proposals

The site currently comprises an existing amenity area consisting of a tennis court with some trees to the site boundaries and shrub/ornamental planting. There is existing hedgerow to the front boundary of the site with Hill Wootton Road, though this has recently been significantly cut back.

The site is considered unlikely to provide habitat for any protected or notable species though there is potential for birds, reptiles and possibly amphibians to be present on the site. Therefore whilst the proposals are not considered to result in any significant impact to ecology on the site, conditions are recommended in relation to checks for nesting birds and tree protection.

Drainage and Flood Risk

The site is situated within Flood Zone 1 and there are no objections to the proposal in relation to flood risk or drainage. Conditions are recommended in relation to details of foul and surface water to be submitted for approval and therefore the proposals are considered to be acceptable in terms of flood risk and drainage.

Renewable Energy

The applicant has specified the use of air source heat pumps to meet the Council's 10% renewable energy requirement. This can be secured through condition. Such units are designed for domestic use and unlikely to raise any noise issues, however, a standard condition relating to maximum noise levels is proposed.

Health and Wellbeing

N/A

Other Matters

The Parish Council have made reference to an application for an oak framed triple garage at another site in Hill Wootton (ref: W/14/1276) That application was refused on the grounds that it was considered to be inappropriate development within the Green Belt and consequently had an adverse impact on the character and openness of the area which was not justified by any special circumstances.

In comparison, as discussed above, the current application proposes a new dwelling. The limited infilling in villages is considered as an exception within the

NPPF and therefore the principle of the development is appropriate. Therefore there is considered to be a difference between the two sites and that they are not directly comparable.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the proposed development is acceptable in principle and would not cause unacceptable harm to the character or openness of the Green Belt or visual amenities of the street scene. 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(s) 5104/04; 5104/01; 5104/06; 5104/07; 5104/03; 5104/02 and specification contained therein, submitted on 14th November 2014 and approved drawing(s) 5104/5A and specification contained therein, submitted on 23rd December 2014. **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 The development shall be carried out only in full accordance with sample details of the facing, roofing and paving materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 No use of the development hereby permitted shall commence unless and until a pavement and verge crossing has been constructed to the site in strict accordance with the approved drawings. **REASON:** To ensure that a pavement and verge crossing is available for use when the development commences thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

- 6 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwelling hereby permitted; and all planting 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, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **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.
- 7 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless tree protection measures have been put into place in full accordance with details submitted to and approved in writing by the local planning authority and thereafter shall remain in place during any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 8 Before the access is first used a turning facility within the site enabling vehicles to enter and leave in a forward gear, and a 2.4 metre by 43 metre visibility splay at the back of the footway on either side of the proposed access way, shall be provided in accordance with the approved drawings. At all times thereafter the turning facility shall be kept free of obstruction and available for its intended use, and nothing in the visibility splay shall exceed 600mm in height, unless otherwise agreed in writing by the local planning authority. **REASON:** In the

interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

- 9 The dwelling hereby permitted shall not be occupied unless and until the means of access to the site has been provided in full accordance with the position as shown on approved plan drawing no. 5104/05A and in accordance with the following details to be submitted to and approved in writing by the local planning authority:

- details of proposed surfacing, which shall comprise a bound material of not less than 3m in width for a distance of 7.5metres, as measured from the near edge of the public highway carriageway, and

- drainage details to ensure the effective capacity of any drain or ditch within the limits of the public highway.

REASON: In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

- 10 The development hereby permitted shall not commence until a qualified ecologist has been appointed by the applicant to inspect any trees / hedgerows to be removed as part of the development for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **REASON:** To safeguard protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.

- 11 The existing trees and shrubs indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 12 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) the window(s) to be formed at first floor level in the western facing elevation of the dwelling hereby permitted shall only be glazed or re-glazed with

obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed.

REASON: In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 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 windows or openings (apart from any shown on the approved drawings) shall be formed at first floor level in the western facing elevation of the dwelling hereby approved without the written approval of the local planning authority and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
- 14 The dwelling hereby approved shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times unless otherwise agreed in writing by the local planning authority. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
- 15 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. Microgeneration equipment no longer needed for microgeneration 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.
- 16 Noise arising from the air source heat pump hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

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