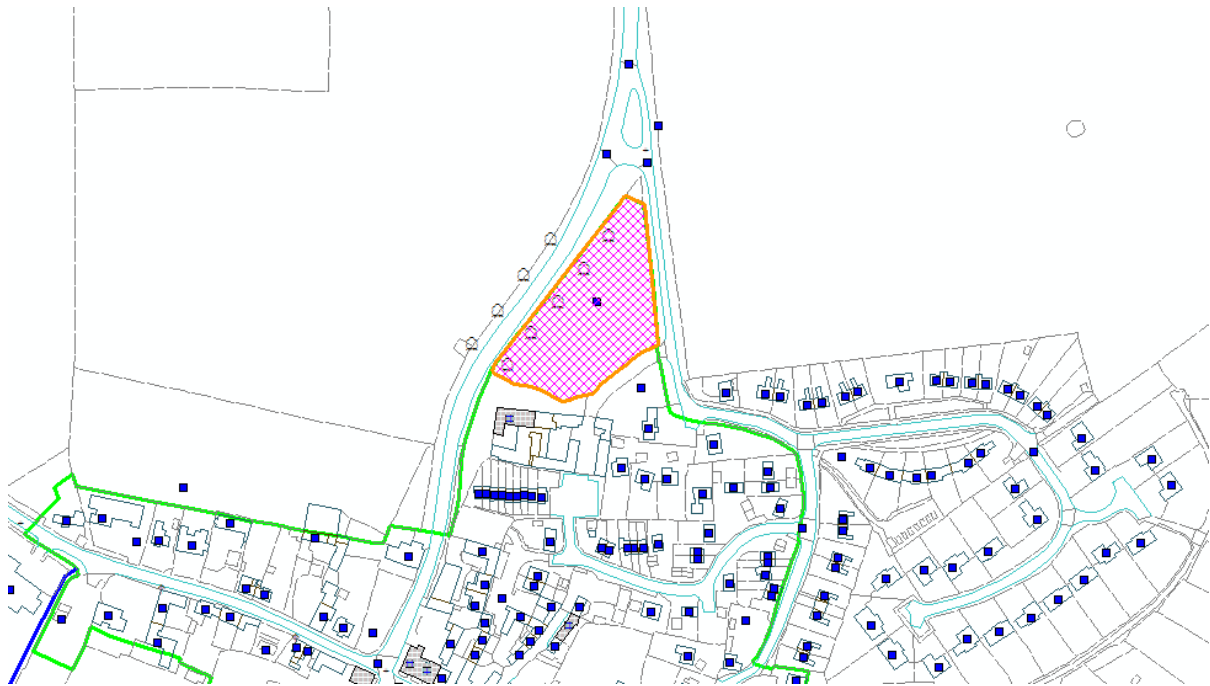


Reference: 14/00136/OUT
Date submitted: 18th February 2014
Applicant: Mr Duffin Builders Limited
Location: Land to the rear of Hall Farm, Mere Road, Waltham on the Wolds
Proposal: Housing development comprising of 8 units providing suitable accommodation for retirement or small work / live units



Introduction:-

The application site lies off Mere Road, close to its junction with the A607 and forms a triangular shaped piece of land. The site occupies a prominent location on the edge of the village and has a number of mature trees including Lime trees within it. The site is outside of the village envelope, but within the designated Conservation Area for Waltham on the Wolds. The site lies to the north of a grade II listed building, Hall Farm, and was previously used as a large circular equestrian ménage associated with the Farm. It is currently open grassland, and has an existing access point on the south west of the site from Mere Road. This access currently serves Hall Farm which is undergoing refurbishment and conversion to provide 4 dwellings.

The application is for outline permission for the access and layout only, with all other matters reserved. The application proposes the erection of eight single storey, 2 & 3 bedroom dwellings.

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

- **Compliance or otherwise with the Development Plan**
- **Impact upon the Character of the area and the Open Countryside**
- **Impact upon Highway Safety**
- **Impact upon Heritage Assets**

The application is required to be considered by the Committee as the application is contrary to the development plan.

Relevant History:

There is no relevant history at the site.

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS2, BE1 and H8

OS2 states that planning permission will not be granted for development outside town and village envelopes unless, among other things, it is essential to the operational requirements of agriculture and forestry or for affordable housing in accordance with policy H8.

BE1 states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provisions.

H8 states that in exceptional circumstances the Council may grant planning permission for a development on the edge of a village which meets a genuine local need for affordable dwellings which cannot be accommodated within a village envelope provided that certain criteria is met subject to criteria that:

- **The need is established by the Council;**
- **A legal agreement is entered into between the Council and Developer to secure ownership and benefit to successive occupiers and ensure availability of affordable housing for local people in need;**
- **Community services are available nearby to serve the needs of the occupants;**
- **Layout, density, siting, design, external appearance, landscaping, access and parking details are in accordance with other policies in the plan.**

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; *or*
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that **whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.**

It establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to respond positively to wide opportunities for growth.
- Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.
- Always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it.
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting Green belts around them recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it.
- Conserve heritage assets in a manner appropriate to their significance

- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

On Specific issues relevant to this application it advises:

Delivering a wide choice of high quality homes

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. At paragraph 50 it states that local planning authorities should deliver a wide choice of high quality homes, widen opportunity for home ownership and create sustainable, inclusive and mixed communities. Local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. In addition they should identify the size, type, tenure and range of housing that is required in particular locations reflecting local demand.

With regards to affordable housing, paragraph 50 states that where affordable housing is needed, the need should be met on site unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified. Paragraph 55 states that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development in rural areas, and to avoid the development of new isolated homes in the countryside unless there are special circumstances.

Requiring good design

The Government attached great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 64 the NPPF goes on to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Conserving and enhancing the historic environment

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness

At paragraph 132 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 137 offers further advice for development within the conservation areas, and within the settings of heritage assets, and states that local planning authorities should look for opportunities for new developments in these areas to enhance or better reveal their significance. Where proposals preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset, they should be treated favourably.

The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF paragraph 12).

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Conservation Officer: No objections</p> <p>The building and its associated outbuildings have recently been repaired and refurbished to an apparent high standard which has ensured the long term future of this designated heritage asset that was previously in a state of disrepair.</p> <p>The site adjacent north of the farmhouse is currently a greenfield site previously used in conjunction with the former stud and horse training facility run from Hall Farm. In that regard it may be considered to form part of the curtilage of the listed building. However the listed building and associated outbuildings centred on a courtyard could be considered as the immediate and compact curtilage</p> <p>In terms of the host listed building the perceived effect of this development proposal on its <u>setting</u> is clearly a major factor.</p> <p>Approaching the village on the A607 from the north end the roadside benefits from groupings of mature trees which enhance the entrance and in some way draw the eye towards Hall Farm which can be glimpsed through the trees. In that context the open space plays a part in its overall setting. However only the flank wall can be seen together with a former stable range (curtilage listed) that has recently been converted for garage use. The principal elevation of course fronts on to Melton Road and this land is therefore not read in the context of what is considered the most important aspect of the setting.</p> <p>As such in listed building terms the Officer does not consider the proposal to be detrimental to the wider setting of the farmhouse particularly as it appears the existing mature trees etc are to be maintained and supplemented which in effect screens the buildings to an extent.</p> <p>Whilst it is appreciated that this is an outline application at this stage, and realise the reason for that, it is clearly difficult to make any valued judgement on the design aspects of the proposal. Clearly it would be expected that any buildings would be designed to reflect the village vernacular thus respecting the conservation area and wider village setting. Likewise design consideration needs to be given to ensure the buildings respect and potentially reflect the style and importance of the listed building and its associated outbuildings, eg: perhaps single storey dwellings reflecting the former stable buildings etc which would not only reduce the impact on the listed building but also present the appearance that they may have been former stable buildings associated with the primary former equestrian complex.</p>	<p>Noted.</p> <p>The proposal sits within the designated Conservation Area for Waltham on the Wolds, and within the setting of the grade II listed building known as Hall Farm. Hall Farm itself is an impressive farmhouse building, which fronts onto the A607 Melton Road and was formerly part of the Duke of Rutland's estates.</p> <p>The Officer notes that the impact of the proposal on the setting of Hall Farm (Grade II listed) is a major factor in the determination of this application, as noted within the NPPF paragraphs 126-141 which seek to conserve and enhance the historic environment. The proposal sits within the designated Conservation Area for Waltham on the Wolds, and within the setting of the grade II listed building known as Hall Farm. Hall Farm itself is an impressive farmhouse building, which fronts onto the A607 Melton Road and was formerly part of the Duke of Rutland's estates. It is also noted that this parcel of land plays a part in the setting of the listed building, however as the principal wall faces onto Melton Road, the land is not read in the same context as the most important aspect of the setting.</p> <p>The Officer considers that the proposal would not be detrimental to the wider setting of the farmhouse, especially due to the screening of the buildings by mature trees and hedgerows.</p> <p>The impact upon the heritage assets is discussed further into the report under the heading 'Impact Upon Heritage Assets'</p> <p>As such, due to the location of the proposal, and the level of screening at the site, it is considered that the proposal would represent less than significant harm to the Grade II listed building, Hall Farm as defined within paragraph 132 of the NPPF.</p>

<p>In terms of layout it is noted that a relatively wide margin has been retained between the host building and plots 3 and 4 which again serves to reduce impact and maintain an element of the setting in association with existing trees. Also Plots 1,2, 5,6 7 and 8 are arranged around a courtyard of sorts reinforcing my thoughts in the previous paragraph.</p> <p>Clearly should this application be permitted, more meaningful comments in regards to design etc will be given as a result of a reserved matters application.</p>	
<p>Highway Authority: No Objections</p> <p>The Highways Authority considers that the site (in transport terms) is not a sustainable location as residents are likely to be heavily reliant upon the private motor car. However, should the local planning authority be minded to approve the development, the Highways Authority recommends the imposition of certain conditions (full wording on file), covering aspects of the shared drive width, gates, drainage, design standards, passing places, footways and a traffic management plan,</p>	<p>Noted.</p> <p>The full details of the sustainability of the site will be discussed within the report, however conditions can be applied as recommended by the Officer.</p> <p>The application proposes a new access on to Mere Road in addition to the existing access. The existing access would serve 5 of the dwellings, and the new access 3 dwellings. The existing access will also serve the new dwellings being constructed at Hall Farm. A new footpath is proposed to link the existing footpath at Mere Road all the way around the site, to join up with the footpath to the south west corner of the site at the A607. Mere Road itself would be widened, and passing places introduced to deal with the increase in traffic.</p> <p>It is considered that the current road which serves the proposed development site is unsatisfactory, and therefore changes would need to be made to the road to make the proposal acceptable in highways terms. The imposition of the conditions recommended by the Highways Authority would ensure that those using the site would have a safe access, including the introduction of passing places and could be considered as a highways gain in this respect.</p> <p>It is therefore considered that the proposal would be able to be accommodated within the highway network and would not have an impact on highway safety, and complies with policy BE1 in this respect.</p>
<p>Parish Council: Object</p> <p>The Parish Council raise a number of points within the consultation response:</p> <ul style="list-style-type: none"> • The application is outside of the village envelope, and should only be allowed if it is for affordable housing. 	<p>Noted.</p> <p>The site does lie outside of the village envelope.. Policy support for residential development outside of village envelopes relates to affordable housing or in exceptional circumstances. Outside these provisions, Policy OS2 is applicable and presumes against residential development. This application requires a balance between competing policy objectives of the NPPF, the Melton Local</p>

<ul style="list-style-type: none"> • The development would cause a highways issue due to its proximity to the A607. • The road leading off the A607 towards Mere Road is not made to carry the volume of traffic that the development would generate. • The development is within the Conservation Area and no planning application would be supported by the Parish Council. 	<p>Plan and local housing need, which will be discussed further within the report.</p> <p>With regards to the highways impacts of the development, it is considered that these issues can be overcome with the use of planning conditions, as discussed above. The application has been assessed by the Highway Officer and it is not considered that the proposal would have a detrimental impact on the highway network.</p> <p>Noted.</p>
<p>LCC Ecology: No comments</p> <p>An ecology report was submitted in respect of the application and reviewed by the Ecology department at Leicestershire County Council. No observations were made in response to the report.</p>	<p>Noted.</p> <p>It is not considered that the proposal would cause harm to any protected species.</p>
<p>Melton & District Civic Society: No Objections</p> <p>The Society welcomes a small development by a local builder which will help to ensure the sustainability of the village, and contribute to maintaining the rural / town balance.</p>	<p>Noted.</p>
<p>Building Control: No Objections</p> <p>The layout of the dwellings is acceptable for both fire and refuge appliances, if the layout is changed at all, the turning head which is to be provided between plots 2 and 3 must be maintained.</p>	<p>Noted.</p>
<p>Archaeology:</p> <p>The Leicestershire and Rutland Historic Environment Record (HER) notes that the site lies on the edge of the medieval and post-medieval historic settlement core of Waltham in the Wolds (HER ref.: MLE9114) and immediately to the north of the Grade II listed 19th century Hall Farmhouse and associated stone outbuildings (NHLE ref.: 1360949; HER ref.: MLE12588). Immediately to the west of the application area, assessment of aerial photographs identified the presence of an undated rectangular enclosure (MLE4191), the latter appears to lie amongst and to relate to an area of surviving ridge and furrow earthworks.</p> <p>The development proposes the construction of a number of single storey buildings, together with access, services and landscaping. All the above elements are likely to result in a greater or lesser degree of disturbance to</p>	<p>Noted.</p> <p>These recommendations can be conditioned on any decision if permission is granted.</p>

<p>potential buried archaeological remains.</p> <p>Appraisal of the available historic mapping (late 19th century) and aerial photographs, indicates that whilst the site lies outside the built edge of the village, and therefore has not experienced recent development, it has been the site of an equestrian exercise area (shown on aerial photographs in 1991, 2000 and 2006. It is likely therefore that at least a significant proportion of the site has experienced some level of disturbance reducing the archaeological significance of any surviving remains.</p> <p>Recommend that any planning permission be granted subject to planning conditions to safeguard any important archaeological remains potentially present.</p>	
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Representations:

The application was advertised in the press, a site notice posted and neighbours properties were notified. As a result no letters of representation have been received.

Other material considerations (not raised through consultation of representation)

Consideration	Assessment of Head of Regulatory Services
<p>Housing Policy</p> <p>The Leicester and Leicestershire Strategic Housing Market Assessment (Blinc Housing, 2009) supports the findings of the Housing Market Analysis and states that controls need to be established to protect the Melton Borough (particularly its rural settlements) from the over development of large executive housing, and to encourage a balanced supply of suitable family housing (for middle and lower incomes), as well as housing for smaller households (both starter homes and for downsizing). It continues to state that the undersupply of suitable smaller sized dwellings needs to be addressed to take account of shrinking household size which if not addressed will exacerbate under-occupation and lead to polarised, unmixed communities due to middle and lower income households being unable to access housing in the most expensive and the sparsely populated rural areas.</p> <p>This application proposes a development of 8 single storey dwellings in a mix of 2 / 3 bedroom units, fully compliant with the Lifetime Homes Standards. The units proposed are to be market dwellings.</p> <p>Affordable Housing</p> <p>The application offers no on site affordable housing, and following consultation, Housing Policy Officer and Housing Allocations have advised that there is little need for additional units for affordable housing in Waltham on the Wolds at present. Whilst this does not rule out any further affordable dwellings in Waltham on the Wolds in future, it is considered that at the present time there is no identified need.</p>	<p>Noted.</p> <p>The proposal of eight single storey dwellings meets the identified housing need in the ‘rural north’ of the Borough where there is a significant short fall of single storey dwellings in particular. Whilst there is no mix of housing provided on site as advocated within paragraph 50 of the NPPF (which states that Local Planning Authorities should plan for a mix of housing) the development would provide dwellings suitable for those looking to downsize upon retirement, and smaller live / work units.</p> <p>Waltham on the Wolds is considered to be a sustainable location for new housing due to the range of services available within the village which are considered to reduce reliance upon the private car.</p> <p>Saved policy H7 of the Melton Local Plan requires affordable provision ‘on the basis of need’, and this is currently 40%. This proportion has been calculated under the same processes and procedures which have previously set the threshold and contribution requirements for affordable housing within the Melton Borough.</p>

<p>The site however triggers the requirements for affordable housing provision due to there being more than 6 dwellings proposed. The affordable housing level is 40%, i.e. 3 dwellings of the 8 provided. The developer has offered to pay a commuted sum to provide off site affordable housing in an area of the Borough where it is required.</p>	<p>The applicant, having been made aware of this, and following consultation with the Housing Policy Officer has confirmed that they would be willing to pay a commuted sum to provide the affordable dwellings off-site, elsewhere within the Borough where there is an identified need for affordable housing. This would be for three dwellings, and could be secured by a S106 agreement between the Council and the developer.</p> <p>All of the new proposed dwellings on this site would therefore be available on the open market for sale.</p> <p>It is considered that the proposed dwellings would meet the recognised housing need for the rural north of the Borough, and subject to an agreed commuted sum, formalised through a S106 agreement, the development can meet the policies of the NPPF and the Melton Local Plan in the provision of 40% affordable housing through means other than ‘on site’ delivery.</p> <p>However, it must be noted that the affordable housing provision will not be provided on site and will not benefit the village but the wider need in the Borough.</p>
<p>Design</p>	<p>The application is for outline permission with details of appearance, landscaping and scale reserved. Therefore the only matters being determined at this stage are access and layout. As stated above, the dwellings will all be designed to Building For Life standards.</p> <p>An indicative site layout has been provided with the application documents alongside some indicative elevations. The layout shows that there would be 8 dwellings in total, all with garages, parking and private gardens. From the existing access on to Mere Road, which also serves Hall Farm, there would be access to plots 1-5, with plots 3 and 4 and their garages being located closest to the Listed Building and accessed via a new shared drive. From the new access onto Mere Road there will be access to the further 3 dwellings. A new footpath will be created within the site to provide a walkway towards the A607 and the village centre, and there will be turning heads at the ends of the shared private driveways.</p> <p>The proposed frontages have been described as simple, traditional detailing, however only some indicative elevations have been provided within the file. All of the dwellings would have a traditional coursed stone façade with detailing to the cills, heads and opening jambs. The buildings would have simple roof lines with red pantile coverings to outward facing elevations. Elevations which face into the site would have more glazed openings in</p>

oak frames. The use of chimneys along the A607 will be avoided, with insulated flues located on eastward facing slopes where possible.

The dwellings have been laid out to face out towards the boundaries to keep any domestic paraphernalia away from the street frontage, which will be laid to lawn. The applicant has stated that the buildings are designed to be linked together with 'framed' openings leading to wider open courtyards, considered to be consistent with the grain of development usually seen on the edge of a village.

In regards to the scale of the buildings, the applicant has stated that they are single storey, with narrow footprints, set back from the prominent boundary and expect that only the roof-scape would be visible above the hedge line.

The application includes a full survey of the trees on site, many of which are mature specimens, and notes that the existing landscape of the mature trees and hedgerows will be retained. The existing frontage to the A607 will be laid to turf, creating a wide verge area with an unmade path winding across the frontage to link with the pathway in front of Hall Farm.

Along Mere Road the existing hedge line will be broken to provide the new access, but the applicant advises that new hedge planting will be extended into the site alongside the new driveways as shown on the site layout plan. They also suggest the planting of new mature trees around the site and within private gardens, and wrought iron fencing will be used to delineate the shared public verge areas along the road frontage.

Should the application be successful, the applicant would be required to submit full details of the appearance, landscaping and scale of the buildings at the site. This would ensure that the development would be satisfactory in these terms. The information provided with regards to these issues is purely for indicative purposes at the present time.

The development will be built to Lifetime Homes Standards, and it is considered that the proposed materials and indicative elevations are responding positively to the local character and history. **The landscaping and planting shown on the site layout would create a visually attractive development and establish a strong sense of place, which would comply with the requirements of the NPPF.**

The development will link to the village via existing roads and new footpaths, and it is hoped that this would ensure that the development would encourage people to walk to the village and use the

	<p>available services, and contribute to the community.</p> <p>It is considered that the concept designs provided within the outline application would meet the criteria as laid out in the NPPF and Melton Local Plan policy BE1, and would respond well to the local character and history.</p>
<p>Impact Upon Heritage Assets</p>	<p>The proposal sits within the designated Conservation Area for Waltham on the Wolds, and within the setting of the grade II listed building known as Hall Farm. Hall Farm itself is an impressive farmhouse building, which fronts onto the A607 Melton Road and was formerly part of the Duke of Rutland's estates.</p> <p>The listing states that Hall Farm is a mid-late 19th century farmhouse constructed of limestone ashlar, with a slate roof and stone end stacks with squared, paired stone flues. The interior of the building was not inspected at listing, and the listing makes no reference to the land to the north of the farmhouse having any particular importance to the setting of the building.</p> <p>The village's Conservation Area Appraisal states that Waltham on the Wolds is an attractive limestone village situated astride the A607, approximately 5 miles north east of Melton Mowbray, and has a reasonable range of community facilities. The village occupies an elevated position on the edge of the Wolds and is the second highest village in the County. The conservation areas boundary encompasses the oldest parts of the village and is centred on the historic core of the village around the Church of St Mary Magdalene together with a wealth of eighteenth and nineteenth century rural properties clustered around The Green.</p> <p>Buildings in the conservation area are mostly stone built, with some brick buildings. Roofing materials are varied and include slate, red or blue pantiles and thatch. Stone boundary walls are a strong feature linking properties along the streetscene.</p> <p>English Heritage states that there are four factors to inform the consideration of the significance of heritage assets when assessing the impact of a proposal upon the setting of a listed building:</p> <ul style="list-style-type: none"> • Archaeological Interest • Architectural Interest • Artistic (Community) Interest • Historic Interest <p>The NPPF states at paragraph 132 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. The more important the asset, the greater the weight should be. Significance can be</p>

	<p>harmful or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.</p> <p>In this respect, it is necessary to judge the level of harm that the proposal would have (if any) upon the setting of the Grade II listed building Hall Farm, and the public benefits (if any) provided by the proposal.</p> <p>The application site, and Hall Farm itself is not mentioned within the Waltham on the Wolds Conservation Area Appraisal, and the listing mainly refers to the architectural merit of the farmhouse, rather than the surrounding land. The house is separated from the land to the north by a dense hedgerow and mature trees immediately to the north of Hall Farm, and when entering the village from the north only the chimneys of the house are visible until alongside the building. The screening of the application site is provided by dense mature hedgerows and trees, most of which are proposed to be retained, and should ensure the continuation of the high level of screening of the front and side elevations of the farmhouse. Even in winter when the screening is patchier only the chimneys of the farmhouse remain visible from the A607 approach to Waltham on the Wolds.</p> <p>When approaching the site from the north of Mere Road some of the buildings to the rear of Hall Farm are visible, but are not within the direct line of sight. The dwellings to the east of Hall Farm are immediately noticeable and quite prominent within the streetscene, as well as the Church spire in the distance. The site is bound on this side by mature hedgerows which are in the main proposed to be retained, and a horse chestnut tree (T5) which is proposed to be removed. Within the tree report the arboriculturalist found that the tree is in decline and significant areas of the canopy are losing vitality and show deadwood. The condition of the tree is referred to as fair, and due to its age, significant work to reduce the canopy would be recommended, or its removal and replacement with new specimens is recommended.</p> <p>Based on this information, it is considered that the impact of the proposals at this site would have a less than substantial harm upon the listed building Hall Farm.</p> <p>Paragraph 134 of the NPPF gives advice on how to deal with the weighting of harm against the public benefits of proposal. It states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against</p>
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	<p>the public benefits of the proposal, including securing its optimum viable use.</p> <p>Whilst it is noted that the proposal offers no public benefit in terms of affordable housing to the residents of Waltham on the Wolds, it does offer the type of housing that was identified as required in the rural north of the Borough to balance the property market. The major public benefit of the scheme (i.e. the affordable housing) would be provided off site, likely in Melton town at one of the Council's own sites. Therefore, as advised by the NPPF, it is required to balance the public benefit to be provided by affordable housing in Melton, to the potential harm of the development within the setting of the listed building.</p> <p>Hall Farm is very well screened, and the site appears to be separate, possibly fragmented from the listed building. It is considered that single storey buildings, which the applicant has advised would only have their roof scapes visible above the hedgerow would not detract from the listed building, and would not cause loss of significance through the development within its setting. The Church spire would still remain visible through gaps in the development.</p> <p>Of concern, however, would be further development of the site within the private gardens of the proposed dwellings consisting of domestic paraphernalia,. The site is included in the designated Conservation Area, however the village's Conservation Area Appraisal makes no reference as to the importance of the land within the Conservation Area. The Appraisal document makes reference to groupings of mature trees when approaching the village on the A607 from the north, and the open spaces and paddocks within the village contrasting with a sense of enclosure, enhancing the rural character of the area. It is not considered that this particular site could be considered to contrast with a sense of enclosure, due to its proximity to undeveloped land outside of the designated village envelope. The Appraisal makes reference particularly to the churchyard, cemetery, allotments, and land south of the Chapel on the A607. The document also states that fine views over attractive countryside surrounding the village are available west of the A607, which it is considered that the development of this site would not affect.</p> <p>Therefore, it is assumed that the land was included within the Conservation Area because it is within the curtilage of Hall Farm, and therefore is considered to be within the setting of the Listed Building. It however considered important to retain the relatively open feel of the area, which has a low density of development. Therefore the removal of</p>
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	<p>permitted development rights should be considered should the application be successful.</p> <p>Concerning the community interest in the listed building and of the proposal, the development of the site to provide a combination of smaller dwellings for those downsizing, and possible live / work units is considered to be positive. Hall Farm, whilst considered to be an important building in its own right is not considered to be adversely affected by the proposal for the reasons stated above. Hall farm itself is in the process of being redeveloped to provide dwellings, making good use of the important structure.</p> <p>It is considered that the concept designs for the proposed single storey dwellings are of good quality and would make a positive contribution to the conservation area. The materials proposed are traditional and would make a positive contribution to the local character and distinctiveness of the area. Whilst the materials proposed by the applicant on their indicative elevations are in contrast to those used in the listed building, it is considered important to make the distinction between the listed building and the new development, so that the two are not considered in the same context, and there is a distinction between old and new.</p> <p>The NPPF seeks to ensure that the historic environment is conserved or enhanced, and in the case of this application, for the reasons as discussed above, it is considered that the proposal would enhance the appearance of the Conservation Area.</p> <p>It is therefore considered that the proposal would comply with the relevant policies of the NPPF in regards to conserving and enhancing the historic environment.</p>
<p>Amenity</p>	<p>The proposed plots 3 and 4 are located to the south of the site, closest to Hall Farm, with their garages located to the rear of the dwellings, approximately 10 metres from the north elevation of the listed building. Whilst elevations have not been provided, the indicative layout shows that the minimum space between the principal elevations of these dwellings, and the side elevation of plot 5 in the middle of the site would be approximately 10 metres.</p> <p>Plots 1 and 2 are located adjacent to the existing access, with their parking and garages provided to the south, and gardens to the north. Plots 6 and 7 have their principal elevations facing towards the north west and the A607, with gardens and garages to the rear. The separation distance between the side elevation of plot 7 and the rear elevation of plot 8 is approximately 9 metres. Plots 6 – 8 are</p>

	<p>accessed via the new proposed access from Mere Road.</p> <p>The separation distances provided between the dwellings are considered to be acceptable in terms of residential amenity, and provided that no windows to habitable rooms are inserted on the south elevation of plot 5, and the north east elevation of plot 7 the proposal would meet the requirements of policy BE1. This can be conditioned accordingly.</p> <p>The separation distances between the proposed dwellings and the existing dwellings (including those under construction) are approximately 25 metres minimum which is considered to be satisfactory in terms of residential privacy and amenity.</p> <p>Overall, it is considered, subject to conditions regarding windows at plots 5 and 7 that the development will cause no loss of residential amenity or privacy to the existing dwellings surrounding the site, nor will there be any overlooking issues within the site. The proposal is deemed to meet the criteria as specified within policy BE1.</p>
<p>Impact Upon Open Countryside</p>	<p>The site lies outside of the village envelope for Waltham on the Wolds, on land considered to be open countryside, and greenfield (undeveloped). As discussed above, the site is very well screened from the A607 on approach both towards and from Waltham on the Wolds.</p> <p>The layout plan, and accompanying tree survey provided shows that most of the trees and hedgerows will remain on the site, with the loss of the horse chestnut tree (T5) along Mere Road. The plan also shows that further trees will be planted within the site to provide further screening and to soften the built form.</p> <p>Consequently, it is considered that the impact upon the open countryside of low rise development on this triangular shaped piece of land would have a minimal harm upon the open countryside.</p>
<p>Planning Policy Issues The site lies outside of the village envelope for Waltham on the Wolds, but within the Conservation Area. The site is therefore considered to be in the open countryside.</p>	<p>Adopted Melton Local Plan: The site lies outside the designated village envelope. Development outside of the village envelope is strictly limited by Policy OS2 with limited exceptions for residential dwellings, usually tied to rural business for workers accommodation or affordable housing as an exception site. Residential development on this site does not comply with the development plan policy OS2.</p> <p>The development is for market housing with a requirement to provide 40% of affordable housing,</p>

in accordance with **Policy H7**, however, this will be provided off site and not within the proposed development. It is not being considered as an exception site under **Policy H8** which allows for small size developments containing affordable housing only as the developer wishes to sell the dwellings on the open market.

It is therefore considered that the development is inherently contrary to the development plan and permission can be granted only if there are material considerations of such significance to outweigh this position.

The NPPF is considered to be a material consideration of significant weight that needs to be considered alongside the Development Plan.

The National Planning Policy Framework (NPPF) provides guidance at a national level. In relation to existing development plans. The NPPF states that due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The saved policies of the adopted Melton Local Plan should be applied in this context.

The NPPF is founded upon a presumption in favour of sustainable development which in relation to decision making means approving proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or, specific policies in the Framework indicate development should be restricted.

As summarised above (page 2-3) the NPPF seeks to boost housing supply and requires provision of a 5 year supply of housing land plus 5% 'headroom'. Melton's most recent analysis concluded that this is not being met and the available supply is significantly below 5 years. There have been no recent challenges to this position. The NPPF further advises that housing policies should not be considered up to date if a 5 year supply cannot be demonstrated. This is in addition to its more general approach (at paragraph 14) that where a local plan is out of date permission should be granted unless the impacts would "**significantly and demonstrably**" outweigh the benefits, judged by the content of NPPF.

It is considered that these expectations of the NPPF

	<p>considerably undermine the reliance that can be placed on the housing policies of the Local Plan. However, policy OS2 is considered to remain compatible with the NPPF and greater reliance can be attributed to its content and objectives.</p> <p>It is noted that the provision of 8 dwellings would only make a limited contribution to housing supply in the Borough.</p> <p>The site is considered to be greenfield and not brownfield. The NPPF encourages the re-use of brownfield land but there is no prohibition on the use of greenfield land.</p> <p>Conclusion on Planning Policy issues:</p> <p>It is considered that Policy OS2 remains compatible with the NPPF as this relates to countryside protection which is also a NPPF objective. In this respect, the Committee should consider two central issues:</p> <ul style="list-style-type: none"> • Whether the harm to the character and appearance of the countryside ‘significant and demonstrable’, sufficient to outweigh the benefits of the scheme. • Whether, if considered harmful, the overall benefits outweigh the adverse effects. It is considered that the provision of housing land supply and the provision of affordable housing is particularly significant in this context
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Conclusion

It is considered that the application presents a balance of competing objectives, and the Committee is invited to reconcile these in reaching its conclusion.

In terms of location, Waltham on the Wolds village is considered to be sustainable, with a good range of services and facilities, and reasonable transport links. With regards to affordable housing, this remains one of the Council’s key priorities, and whilst this application does not propose any on-site contribution to affordable housing, it proposes a commuted sum to be paid to the Council to provide 3 affordable dwellings off-site, via a S106 agreement. It is considered that the potential harm to the listed building, Hall Farm is less than substantial, and that the development is considered to conserve the character and appearance of the Conservation Area as described above. This is due to the proposed indicative design, the use of high quality materials and the low rise and mass of buildings proposed, which are considered to retain a relatively open feel to the area. The proposal seeks permission for eight single storey 2 and 3 bedroom dwellings for those downsizing, with the possibility of some live / work units, these types of dwellings meet the identified market housing requirements for the north of the Borough, where it has been identified that there is a significant shortfall specifically of 2 and 3 bedroom bungalows. According to The Housing Stock Final Report 2006, there is a significant surplus of 3 and 4 bedroom houses, but a shortfall of all other types of dwellings. It is considered that this proposal, although not significant in number would go a good way to meeting the identified shortfall in single storey dwellings as identified in the rural north of the Borough. This may help to ensure that those looking to downsize will be able to stay in their local area, rather than being forced to move elsewhere.

These issues need to be balanced against the key policy consideration, OS2, in that the proposed would lead to development outside the village envelope in the designated open countryside. The proposal would also lead to development of a greenfield site.

In conclusion it is considered that, on the balance of the issues, there is a community benefit accruing from the proposal when assessed as required under the guidance in the NPPF in terms of meeting identified local housing need and the provision of affordable housing in particular. The balancing issues – development of a greenfield site and protrusion into the open countryside, development of the Conservation Area – are considered to be of limited harm in this location due to the high levels of screening, the proposed layout, indicative designs and materials.

Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that permission can be granted, subject to the successful completion of on-going negotiations between the agent and Housing Policy regarding the commuted sum payable. Should these negotiations be unsuccessful, the recommendation would be to refuse the application as it would be considered that the community benefits of the scheme would no longer outweigh the protrusion into the countryside, development of the Conservation Area and the impact upon the setting of the listed building.

RECOMMENDATION:- PERMIT, subject to:

The completion of an agreement under S106 to :

- (a) secure a commuted sum to be agreed for the provision of 3 affordable homes within the Melton Borough, within the next 5 years.
- (b) provide a mechanism to ensure that all of the dwellings on the site are marketed to meet the identified local housing need

Conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the "scale, external appearance of the building(s) and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. This decision notice relates to the approved plans submitted to these offices on 18th February 2014 numbered 6719 A OS and 6719P-01.
4. The existing shared private drive that is proposed to serve plots 1 - 5, shall have been improved so that it has a minimum width of 5 metres with 0.5 metre clear margins on each side and shall have been surfaced in tarmac, concrete or other similar hard bound material for at least its first 10 metres back from the highway boundary before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.
5. Before first use of the development hereby permitted, the gates to the existing vehicular access shall be removed. Any new vehicular access gates, barriers, bollards, chains or other such obstructions erected across the existing access shall be set back a minimum distance of 10 metres behind the highway boundary and shall be hung so as to open inwards only.
6. The proposed access shown serving plots 6 - 8 shall have a minimum width of 4.25 metres wide with 0.5 metre clear margins on each side for a minimum distance of 5 metres behind the highway boundary and shall have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall so be provided before any dwelling to which it serves is first occupied and shall thereafter be permanently so maintained.

7. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected to the proposed access shown serving plots 6 - 8, they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.
8. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
9. All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing and visibility splays and be submitted for approval by the Local Planning Authority in consultation with the Highway Authority before development commences.
10. Before building works commence, a passing bay shall have been provided on Mere Lane as shown generally on the submitted plan, in accordance with details that shall first have been submitted to and approved by the Local Planning Authority. The passing bay shall be designed and constructed to Highway Authority standards.
11. Before first use occupation of any dwelling hereby permitted, a footway shall be completed to the satisfaction of the Highway Authority from existing footway on Mere Road to connect into the site as shown generally on the submitted plan, fully in accordance with details that shall first have been submitted to and approved by the Local Planning Authority. The footway works shall be designed and constructed to Highway Authority standards.
12. There shall be no direct vehicular access from the site on to the A607 Melton Road at any time from the site, any existing such access shall be permanently closed and the redundant crossing reinstated to Highway Authority standards before development commences.
13. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including methods to ensure the public highway is kept free of mud, stones, etc from the site traffic as well as vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
14. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
15. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 as amended (or any Order revoking and re-enacting that Order) in respect of the dwelling hereby permitted no development as specified in Classes A, B, D _ E shall be carried out unless planning permission has first been granted by the Local Planning Authority.
16. No demolition/development shall take place/commence until a programme of archaeological work, informed by an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation. The latter must be submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - o The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
 - o The programme for post-investigation assessment
 - o Provision to be made for analysis of the site investigation and recording
 - o Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - o Provision to be made for archive deposition of the analysis and records of the site investigation
 - o Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

17. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 16.
18. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 16 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
19. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
20. No windows shall be inserted into the south elevation of plot 5 or the north east elevation of plot 7.

The reasons for the conditions are:

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline only.
3. For the avoidance of doubt.
4. To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.
5. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
6. To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.
7. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
8. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
9. To ensure a satisfactory form of development and in the interests of highway safety.
10. In the interests of highways safety.
11. The highway fronting the site has no separate facility for pedestrians and the proposal would lead to an increase in pedestrian movement along the highway. The footway is therefore required for the safety of pedestrians.
12. In the general interests of highways safety.
13. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

14. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
15. To enable the Local Planning Authority to retain control over the future development of the site due to the potential impact upon the setting of the listed building (Hall Farm) and the conservation area.
16. To ensure satisfactory archaeological investigation and recording
17. To ensure satisfactory archaeological investigation and recording
18. To ensure satisfactory archaeological investigation and recording
19. To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water.
20. To ensure the residential privacy and amenity of neighbouring dwellings.

Officer to contact: **Mrs Sarah Legge**

Date: 14th May 2014