

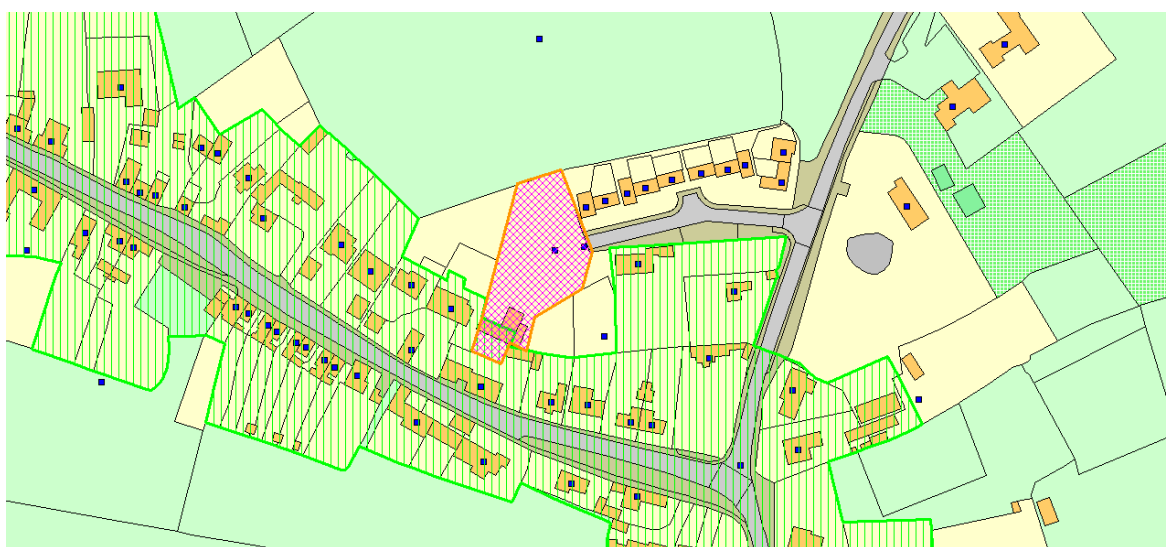
Reference: 14/00769/FUL

Date Submitted: 25th September 2014

Applicant: Mr John Kimber

Location: Land at the end of Twells Road, Waltham on the Wolds, Melton Mowbray

Proposal: Conversion of stables and barn into 2 single storey , 2 bedroom residential dwellings



Introduction:-

The application seeks planning permission for the conversion of an existing barn / stable building to create two residential dwellings. The site is partially within the village envelope and conservation area the land and some of the building falls outside of the village envelope and designated conservation area for Waltham on the Wolds.

The building is considered to be a heritage asset due to its age and type, and the positive contribution that it makes to the conservation area. The building is at risk of falling further into disrepair due to the lack of use, and the applicant wishes to retain the building to ensure its upkeep and preservation for the future, whilst providing accommodation.

Waltham on the Wolds is considered to be a sustainable location for new development due to the good range of facilities and services available to residents.

It is considered that the main issue relating to the application is:

- **Compliance to the development plan: whether it is justified to make an exception to Development Plan policies**
- **Impact on the Open Countryside**

The application is required to be considered by the Committee as the recommendation represents a departure from the Development Plan.

Relevant History:-

There is no relevant history at the application site.

Planning Policies:-

Adopted Melton Local Plan (Saved Policies)

Policies OS1 and BE1 allow for development within village envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy OS2 states that planning permission will not be granted for development outside village envelopes except for:-

- Development essential to the operational requirements of agriculture
- Limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside
- Change of use of rural buildings
- Affordable housing in accordance with policy H8

(This application does not relate to the provision of affordable housing, therefore policy H8 does not apply).

Policy H6 states that planning permission for residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

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

- not simply be about scrutiny, but to be a creative exercise in finding ways to enhance and improve the places in which people live their lives.
- recognise the intrinsic character and beauty of the countryside and supporting thriving communities within it
- ensure the conservation of heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this and future generations.

- encourage effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value.

On Specific issues relevant to this application it advises:

Delivering a wide choice of quality homes:

- Local Planning Authorities should deliver a wide choice of high quality homes which widen opportunities for home ownership and create sustainable, inclusive and mixed communities. These should include a mix of housing based on current and future demographic trends, and identify the size, type, tenure and range of housing that is required in particular locations to reflect local demand.
- Local Planning Authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes policies, and that they should normally approve planning applications for change to residential use where there is an identified need for housing in the area, provided that there are no strong economic reasons why such development would be inappropriate.
- to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Conserving and enhancing the historic environment

- that Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

As stated above, s38(6) requires determination to be in accordance with the Development Plan unless other material considerations indicate otherwise. This is reinforced by paragraph 11 of NPPF. These form the relevant Development plan policies and they remain extant.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: No objections The Officer notes that Twells Road is a private road, and assuming that the applicants have a right of way over it, the Highway Authority has no objections to the proposal provided that adequate car parking is provided within the site.</p>	<p>Noted.</p> <p>The applicants have confirmed that they have a right of access over Twells Road to the proposed site access. Within the site, the proposal shows that there would be two parking spaces provided for each dwelling, with space to turn so that vehicles enter Twells Road in a forwards direction.</p> <p>It is not clear from the block plan provided whether there is an area between the end of the new access and the neighbouring fence (to the west of the site) to prevent cars being driven directly up to the fence, however a plan showing the layout of the parking spaces with landscaping to prevent a car being parked directly adjacent to the fence could be secured by condition prior to the start of any development.</p> <p>It is not considered that the additional vehicles using Twells Road to access this site would cause any road safety issues, and as such the application is considered to comply with policies OS1 and BE1 in this respect. The parking spaces are</p>

	<p>sufficient for the size of the dwellings proposed. Waltham on the Wolds is considered to be a sustainable location, where there are a range of services and facilities available that may prevent the occupiers of these dwellings relying solely upon the private car.</p> <p>The proposal is not considered to have an impact on highway safety.</p>
<p>Waltham on the Wolds & Thorpe Arnold Parish Council</p> <p>No comments received</p>	<p>Noted.</p>
<p>Conservation Officer: No objections</p> <p>The stables are believed to have been constructed during the late 19th century, and are situated within a small orchard with no other buildings. Stables 1 and 2 are constructed in 225mm thick single leaf brickwork with timber trusses, purlins and rafters supporting clay pantiles. Stable 3 has been partially demolished and extended to create a workshop.</p> <p>The buildings are partially within the conservation area for Waltham on the Wolds, and whilst not listed are considered to be heritage assets to the village. The Officer welcomes the proposal to re-use the buildings which will ensure their longer term future and continued maintenance.</p> <p>In conservation terms the proposal is supported.</p>	<p>Noted.</p> <p>Members are reminded of the general duty to give special attention to the desirability of preserving or enhancing the character or appearance of Conservation areas (s72 of the LB and CA Act 1990). The NPPF states at paragraph 140 that Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.</p> <p>It is considered in this case that the significance of the heritage asset is high and therefore should be given significant weight when balanced against the harm of the proposal. The proposals serve to assist the statutory test in terms of enhancing the character and appearance of the Conservation Area and should acquire weight for that reason also.</p>
<p>Ecology: No objections</p> <p>The bat survey that was submitted in support of the application (EMEC Ecology, June 2014) found evidence of bats using the buildings proposed to be converted. This was in the form of droppings that appeared to be from two species (pipistrelle and brown long-eared). Emergence surveys were completed and these identified no bats emerging from the building, and surveys from the early 2014 season suggest that only a small number of additional droppings were found in the buildings.</p> <p>The Ecology advisers are therefore in agreement with the conclusions of the ecological report, in that it seems likely that bats are using the building on an occasional basis. They are also in agreement with the recommendations of the report and would request that these are forwarded to the applicant as a condition of the development. The bat boxes to be used as</p>	<p>Noted.</p> <p>A condition can be placed on any permission as requested by Ecology.</p> <p>It is not considered that the development would have a detrimental impact on protected species subject to suitable conditions requiring mitigation measures.</p>

<p>mitigation, if the proposal is approved, must be in place before any works commence.</p>	
<p>Housing Policy: No objections</p> <p>The Melton Borough Council Housing Stock Analysis, 2006-2011; 2006) demonstrated that there is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough. Future development has therefore to address the imbalance of stock type and size, both by tenure and location to create a more sustainable and balanced housing market. This requires a bias in favour of small units to address both the current shortfall and future demographic and household formation change which will result in an increase in small households and downsizing of dwellings.</p> <p>Within the rural east of the Borough the study indicated that there is a need for smaller market housing such as 1 and 2 bedroom bungalows for older people and those downsizing. There is a significant surplus of larger family accommodation. There are limited opportunities within village envelopes for significant new residential developments, and therefore residential developments in the area should contribute towards the creation of a mixed community and have regard to local market housing needs.</p> <p>The proposal is considered to meet an identified need within the rural east of the Borough to provide smaller, single storey accommodation needed for older people or those trying to downsize from larger accommodation and is therefore supported by housing policy.</p>	<p>Noted.</p> <p>The Leicester and Leicestershire Strategic Housing Market Assessment (Blinc Housing, 2009) supported the findings of the Housing Market Analysis and stated that controls need to be established to protect 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). The study states 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 sparsely populated rural areas.</p> <p>Therefore it is considered that the proposal for the conversion of the stables into 2 two bedroom dwellings meets the housing need for the area, and the proposal is therefore considered to be compliant with NPPF policy on housing.</p>
<p>Building Control:</p> <p>The layout appears to be satisfactory for fire appliances, however the travel distance is exceeded for refuse collection.</p>	<p>Noted</p> <p>As the access is a private drive, a refuse truck would not normally be expected to go into to it. Residents would be expected to place bins on collection day at the site entrance (end of Twells Road) for collection with waste from other residents of Twells Road.</p> <p>This is considered to be an acceptable approach to the waste collection. There is adequate storage space for bins within the residential curtilage of both dwellings.</p>
<p>Archaeology: No comments</p>	<p>Noted.</p> <p>The applicant submitted an archaeological evaluation completed in summer 2014. The evaluation involved trial trenching on land to the north-west of the former stables, measuring 7.3m long by 1.5m wide. One feature was exposed within the evaluation trench which appeared to be</p>

	<p>a ditch, roughly parallel with High Street. Finds recovered from the ditch included two sherds of modern white earthenware / china and a piece of slag or clinker. These were dated to the 19th century and no earlier archaeological remains were encountered.</p> <p>The proposal is therefore not considered to have any adverse impact upon buried archaeological features.</p>
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Representations:

A site notice was posted at the site, the application was advertised in the local press and seven neighbours were informed. In response to the consultations, five representations were received from three separate households.

Consideration	Assessment of Head of Regulatory Services
<p>Application of the development plan policies</p> <p>The barn, surrounding land and entrance is not in the village envelope</p> <p>The whole of the site is outside of the village envelope</p>	<p>From the village inset map of Waltham on the Wolds included within the Melton Local Plan 1999 it would appear that the line of the village envelope runs directly through the southern half of the building proposed to be converted. However, due to the scale of the Local Plan it is not possible to accurately pinpoint the exact line of the village envelope at this point. However, it is agreed that part of the <u>site</u> is within the village envelope with the majority, of the sitelying outside of the village envelope.</p> <p>In policy terms, the proposal is not supported as it is mostly outside of the village envelope, saved policy OS2 only allows for certain types of development on land considered to be in the open countryside. However, there are material considerations which will need to be taken into account within the planning balance.</p> <p>The site is partially within the village envelope, and where it is outside of the envelope it is closely related to the village. Waltham on the Wolds is considered to be a sustainable location for infill development, and the development would also retain and improve a heritage assets. The NPPF is clear that where the benefits of conserving a heritage asset outweigh the disbenefits of departing from other policies, planning permission should be granted (NPPF paragraph 140).</p> <p>It is considered on this occasion that the building's significance to the village in heritage terms such that allowing it to fall further into disrepair would be more harmful than the resulting harm in allowing the conversion of the building to two small dwellings in a location mostly outside of the village envelope, which are generally needed in the wider area.</p>

<p>The plots are large for the size of the dwellings – further properties could be applied for which would not be in the village envelope.</p>	<p>It is considered in this case that the building proposed to be converted into dwellings is a heritage asset of significance which should be conserved for its own benefit.</p> <p>It is therefore considered that there is sufficient justification to depart from the approved policies of the Development Plan in this case.</p> <p>With regards to the land within the north of the site, any further applications for more dwellings would be considered on their individual merit, based upon the planning policies in force at the time of the application.</p>
<p>Residential Privacy & Amenity</p> <p>The development is very close to Watson Cottage (43 High Street), particularly the location of the proposed extension. The height of the extension will be 1.5 metres above the fence and will block all light into the large side window lounge room.</p> <p>There is a side window proposed to one of the bedrooms which will look towards Watson Cottage</p> <p>The road ends at the fence on the boundary with Watson Cottage</p> <p>There would be an unacceptable loss of privacy to 45 High Street which has large glazed windows to the rear of the property which includes a lounge, kitchen, and bedroom. All of the living space in the proposed dwellings would directly face 45 High Street with large amounts of glazing where none exists at present. The new additional kitchen encroaches three metres closer to the boundary and we will be overlooked.</p> <p>It is unnecessary to squeeze all of the accommodation into the south side of the building</p>	<p>The proposed extensions would bring the building closer to the boundary with Watson Cottage, however the total height to the ridge is just over 3.6 metres, some 0.7 metres lower than the existing ridge of the building and is not considered to unduly restrict the light into Watson Cottage, nor adversely affect the residential amenity of this room. The proposed window on the west elevation to bedroom two of the dwelling would be a secondary window to the bedroom, and as such could be conditioned to be obscure glazed and non-opening to prevent any issues with regards to overlooking or loss of privacy.</p> <p>Twells Road (which provides direct access to the north of the site) is an unadopted road, maintained by Nottinghamshire Community Housing Association. The owners of the application site have a right of way over Twells Road. Twells Road therefore would not ‘continue’ into this site, but it would connect to it.. The driveway would finish at the fence on the west boundary, and landscaping would need to be provided at this location to prevent cars being parked directly adjacent to the fence.</p> <p>With regards to 45 High Street (to the south of the site), the separation distance between the south elevation of the stables and the north elevation of 45 High Street is approximately 14.5 metres. Both buildings are however single storey in height at this point, therefore the scope for overlooking is very low. There is a boundary wall between the two buildings that stands at 2 metres high. The applicant has proposed a 0.6 metre trellis to be fitted to the top of the wall, and plants would be encouraged to grow to enhance the boundary to ensure that privacy between the dwellings is maintained.</p> <p>The kitchen extension has no windows overlooking 45 High Street, therefore it is not</p>

<p>when the north has views.</p> <p>There would be increased disturbance during both the construction phase and when occupied.</p> <p>Would planning permission be only granted to retired people / how can this be achieved</p>	<p>considered that this would cause any further overlooking issues, or loss of privacy.</p> <p>The applicant has stated that the two dwellings would be marketed to retired people for downsizing, however this would not be conditioned, and the properties would be sold on the open market.</p>
<p>Highways Safety</p> <p>More buildings in relation to High Street will cause more traffic on an already treacherous rat race of a road.</p> <p>The application will create more traffic on High Street which is already congested. High Street is narrow, and has off street parking for the cottages that were built at a time when the road only had to accommodate a horse and cart. The businesses along High Street create visitors who turn in private driveways. The street is also busy with buses for children, pedestrians etc.</p>	<p>The Highways Officer has no objections to the proposal, and the site has adequate parking for the vehicles that the development is likely to generate. It is not considered that the proposal would cause any significant impact upon the safety of High Street such to warrant a refusal.</p> <p>In this instance it is considered that the proposal meets the objectives of policies OS1 and BE1 of the Melton Local Plan in relation to highways safety.</p>
<p>Ecology</p> <p>The development will mean the chopping down of an ancient orchard which is home to many birds and wildlife.</p>	<p>The trees within the orchard are outside of the conservation area for Waltham on the Wolds, and are not protected by a Tree Preservation Order (TPO). As such, the trees are offered no protection in law, and could be taken down at any time. It is not considered that the trees offer any significant public amenity benefit and are therefore not suitable for a TPO.</p> <p>The ecology department at Leicestershire County Council were consulted on the application, in particular on the surveys that were completed in support of the application, and have advised (subject to conditions) that they have no objections to the proposal.</p>
<p>Buildings</p> <p>The buildings and grounds have not been maintained at all in recent years. The majority of the existing building is not historic (as is obvious from the brickwork, concrete block and newer wooden rafters).</p>	<p>As stated within the structural report submitted in support of the application, stables 1 and 2 are considered to have been constructed in the 19th century in brick, with timber trusses, purlins and rafters supporting clay pantiles. Stable 3 had been partially demolished and extended to create a workshop, the walls in this section of twin leaf construction without a cavity, with concrete blockwork inner leaf and stone masonry outer leaf.</p> <p>The Conservation Officer has advised that the building is considered to be a heritage asset to Waltham on the Wolds, and as such should be conserved for its own benefit. The NPPF advises at paragraph 131 that in determining planning applications, local planning authorities should</p>

	<p>take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their heritage. It goes on to state that local planning authorities should also take into account 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.</p>
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Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Design</p>	<p>The proposed conversion of the building into two single storey dwellings also proposes two small extensions to the building to provide further living accommodation.</p> <p>A small extension is proposed to the south elevation of the building in the south west corner. This extension would measure 3 metres by 2.58 metres and would provide a kitchen to the dwelling on the west of the site. The extension would have a dual pitched roof with a total height of 3.114 metres to the ridge and the gable end to the south. There would be a window on the east elevation looking out onto the rear garden.</p> <p>The existing stables create an L-shaped block, and a further extension is proposed to infill some of the space created by the L-shape. This would provide a hallway and the two bedrooms to the dwelling on the west of the plot. This extension would have two roofs, both dual pitched to keep the ridge level low at approximately 3.629 metres. Windows are proposed to the bedrooms on the north and west elevations. The existing stables stand at a total height of approximately 4.3 metres.</p> <p>The applicant has advised that the whole building (including the extensions) would be fitted with clay pantiles to match the existing. All existing timber within the roof structure would be retained where possible, and the replacement double glazed windows would also be of timber construction. All new doors and sliding doors would also be constructed of timber, and the extensions would be constructed of stone masonry to match the existing.</p> <p>It is considered that the design of the proposal accords with the development plan policies OS1 and BE1</p> <p>These Policies of the Melton Local Plan are considered to be compatible with the overall aims and policies of the National Planning</p>

	<p>Policy Framework in supporting sustainable development, in particular in relation to countryside protection and as such they retain significant weight.</p>
<p>Impact Upon Countryside</p>	<p>The proposal, as stated above is mostly outside of the village envelope for Waltham on the Wolds. The land to the north of the site appears to be agricultural, and is well screened from the development by a belt of trees. There are no footpaths towards the rear of the site, and the site is clearly seen and ‘read’ as part of the village, rather than open countryside. It is considered that the site relates well to the existing village, and will more closely relate the Twells Road development to the village.</p> <p>Whilst it is considered that the whole of the land within the red line would be residential curtilage should the application be permitted, it is not considered that this would harm the countryside as there is a clear distinction between countryside and village marked by the hedge lines, trees and other boundary treatments. The site is very close to the built form of the village, which has a good level of sustainability.</p> <p>There is considered to be very little impact upon the open countryside due to the location of the site, the screening available, and the proximity to the existing village settlement.</p>
<p>Impact Upon Streetscene</p>	<p>The buildings proposed to be converted are mostly behind existing buildings that front High Street. There are fleeting glimpses towards the building from High Street, where it has the appearance of being an old stable / outbuilding to one of the original farms that would have occupied an area off High Street.</p> <p>The proposal seeks to reuse the building to provide dwellings will ensure that the building is sympathetically restored, in line with the comments of the Conservation Officer. It is considered that the proposals would represent an enhancement to the streetscene of High Street.</p>

Conclusion

The application seeks planning permission for the conversion of a disused stable building to two single storey, 2 bedroom dwellings. The site lies mostly outside of the village envelope, with the southern part of the building being both within the village envelope and the Conservation Area for Waltham on the Wolds.

Waltham on the Wolds has been identified as a sustainable location for infill development, where the presumption in favour of sustainable development as advocated by the NPPF would apply. It is considered that the significance of the building proposed to be converted meets with the requirements of paragraph 140 of the National Planning Policy Framework which states that “*Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would*

otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.” It is also considered that the proposed dwellings will help to reduce the shortfall of smaller dwellings in the rural east of the Borough and are supported by housing policy. Whilst the location of the building presents some issues in terms of residential amenity, on balance it is considered that the retention of a heritage asset, in a sustainable location outweighs this issue, and as such the application is recommended for approval.

RECOMMENDATION: Permit, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. This decision relates to the approved plans numbered 028014/00 and 028014/02 received at these offices on 20th September 2014.
3. 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.
4. The window proposed to bedroom 2 on the west elevation of the extension shall always be obscure glazed and non-opening.
5. A trellis of 0.6 metres in height shall be erected on the top of the south boundary wall and shall remain in place.
6. A minimum of six (6) bat boxes shall be placed at least 4 metres high on two mature trees, ideally in the northern part of the site prior to the commencement of development. Two general all purpose hardwood timber boxes, one facing south-east and one facing south-west, and one timber hibernation box, facing north should be installed on each tree.
7. Any security of exterior lighting required or provided as part of the development should be mounted below eaves height and should be angled downwards at an angle no more than 45 degrees above horizontal. Lights should be on timers or be motion activated to minimise light spill and reduce risk of light acting as a barrier to foraging bats.
8. 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 dwellings hereby permitted no development as specified in Classes A, B, C or E shall be carried out unless planning permission has first been granted by the Local Planning Authority.
9. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
10. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

The reasons for the conditions are:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. For the avoidance of doubt.
3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
4. In the interests of residential privacy.
5. In the interests of residential amenity and privacy.
6. To ensure the ongoing protection of bats in order to provide bat roosting opportunities should bats return to the site in the future.
7. To prevent light spill and reduce the risk of light acting as a barrier to foraging bats.
8. To enable the Local Planning Authority to retain control over future extensions in view type of development proposed.
9. and 10. To ensure satisfactory landscaping is provided within a reasonable period.

Officer to contact: **Mrs Sarah Legge**

11th November 2014