

Reference: 10/00697/FUL
Date submitted: 09.09.2010
Applicant: Mr And Mrs R Pilkington
Location: Cresswell Spring Farm, 19 High Street, Waltham On The Wolds
Proposal: Demolition of existing annex and replacement with new detached dwelling and erection of cart shed type garage with ancillary accommodation above.

Proposal :-

This application seeks planning permission for the erection of an amended dwelling type (to one previously approved) and the erection of a detached garage

The proposed dwelling is situated on this former farm holding within the High Street at Waltham on the Wolds and on the site of farm buildings that are to be demolished. The dwelling is an alternative design to the one previously approved and is to be served by the existing access drive leading in to the site from High Street. The application also proposes a large garage building with ancillary accommodation above to be sited to the north of the proposed dwelling within a 'protected open area', a paddock belonging to the applicant.

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

- **Whether the revised dwelling type is appropriate as an alternative to an extant consent;**
- **Whether the proposed garage building is acceptable in view of the 'protected open area' status of the site.**

Relevant History:-

08/00141/FUL – Erection of Dwelling – Approved 27.05.2008

08/00142/CON – Demolition of farm buildings/annex – Approved 31.03.2008

08/00442/COU – Change of Use of paddock to garden – Approved 15.08.2008

10/00438/FUL - Erection of Dwelling – Withdrawn 06.08.2010

10/00442/CON - Demolition of farm buildings/annex - Withdrawn 06.08.2010

Planning Policies:-

PPS 3 - Housing: the planning system should deliver a flexible, responsive supply of land - which makes efficient and effective use of land, including re-use of previously-developed land. It supports the efficient use of previously developed sites (brownfield). It promotes designs and layouts which make efficient and effective use of land, encouraging innovative approaches. It emphasises the need for good quality design contributing to the distinctiveness of settlements and for new housing to contribute to a balanced housing mix meeting identified needs

PPS 7 - Sustainable Development in Rural Areas - states that many country towns and villages are of considerable historic and architectural value, or make an important contribution to local countryside character. Planning authorities should ensure that development respects and, where possible, enhances these particular qualities. It should also contribute to a sense of

local identity and regional diversity and be of an appropriate design and scale for its location, having regard to the policies on design contained in PPS1 and supported in 'By Design'.

PPS 5 – Planning and the Historic Environment – development should preserve or enhance the character and appearance of heritage assets.

Melton Local Plan (saved policies):

Policies OS1 and BE1 allow for development within Town 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 H6 - residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

Policy BE12 – Permission should not be given for development within a Protected Open Area, unless it is in conjunction with an existing use and the development would not adversely affect the intrinsic character of the area.

Melton LDF Core Strategy: seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with provision/contribution of 40% affordable housing from all developments, and expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations. Identifies villages by virtue of a hierarchy reflecting their sustainability and, therefore, suitability for development.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority – No objection,, comments as previous application which advised to consider the suitability of the access</p>	<p>Noted. The access is considered to be suitable as planning permission already given for a dwelling</p>
<p>Parish Council – The Parish Council object to the combined application as</p> <p>a) the cart barn remains in the Important open Area and</p> <p>b) the change from a two bedroomed to a four bedroomed house (08/00141/FUL) contravenes the Highways department comments of 2005.</p>	<p>Noted</p> <p>Whilst reference to the Highway comments of 2005 is noted, it must also be noted that the site has the benefit of an extant permission for a dwelling of very similar proportions.</p>
<p>Conservation Officer – There were of course pre application discussions on these proposals and the expectation was that:</p> <ul style="list-style-type: none"> • the new build would retain a similar appearance across the yard when viewed from High Street, and • that the setting of the adjacent listed building should not compromised. <p>In that regard it is noted that the footprint of the new build is in essence similar to that of the demolished outbuildings. In particular the rear wall is directly in line with the existing build. The principal difference is however that the new build</p>	<p>Noted . The Conservation Officer has no particular concerns in relation to the amended plans that are considered to preserve the character of the Conservation Area and the setting of Listed Buildings nearby.</p>

is raised to 2 storeys and the ridge is higher, it does however retain the stone gable and side elevation etc and in that regard is considered acceptable .

Likewise as the new build is 'squared off' and hence there is a gap between building line and boundary wall the effect on the LB and its setting is in essence improved. Therefore it is felt that expectations have been met in those terms.

Naturally the massing of the new two storey build is increased over the existing outbuildings which are all single storey, but in this location to the rear of the principal dwelling it is not felt that this is critical.

It is noted that the intention is to reclaim and reuse materials, including timbers, from the demolition and to incorporate design features from the existing buildings such as brick eaves detailing, contrasting quoins, timber cladding etc. The use of cast iron RWG is welcomed and note the intention to use conservation rooflights, which should be flat profile to lessen their impact on the roofscape.

Whilst the premium views from this property are to the north over the adjacent POA there are concerns over the mass of glazing to the north elevation, there appears to be more glass than brickwork. A more traditional pattern of fenestration would be preferred. Likewise the large glazed opening to the east elevation, whilst it is appreciated that the intention is to replicate the open fronted barn ethos there is a limited outlook towards the neighbouring property,

In essence this proposal is of a similar nature with some variations, the proposed dwelling is of a similar design and occupies a similar footprint etc to that previously permitted.

In those terms it is considered that the setting of the adjacent listed building as well as the wider conservation area are not adversely affected by these amended proposals for the dwelling.

The proposed additional garage building is situated within the POA. It is of course associated with the dwelling and has been designed as a cart shed in traditional materials hence reflecting the style of former agricultural buildings in the vicinity and also respectful of the design of the new dwelling.

Some changes have been made to the principal house namely:

- the configuration of rooflights and solar panels on the southern roof slope;

<ul style="list-style-type: none"> • changes to the style of the dormer windows on the eastern roof slope; • omission of the lateral chimney stack. <p>Likewise the cart shed garage design has been amended. There are no concerns over these alterations</p>	
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<p>LCC Archaeology - The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies in an area of archaeological interest, being situated within the historic medieval and post-medieval settlement core of Waltham on the Wolds, to the rear of a Grade II Listed 19th Century farmhouse (LB ref. 1835/32/30/410; HER ref. MLE12594). It has also been suggested that High Street may form part of a Roman road that joins the Drift to the Saltway (MLE3814). Consequently, there is likelihood that buried archaeological remains will be affected by the development.</p> <p>Recommends the imposition of conditions</p>	Noted.
<p>LCC Ecology – We note from the application papers that an outbuilding is to be demolished as part of this application. The application papers suggest that this building is open fronted, we would therefore recommend that works are completed outside of the bird-breeding season (March to end August) to ensure that nesting birds are not disturbed by the development.</p>	Noted . This can be covered by a suitable condition.

Representations:

A site notice was posted and neighbouring properties consulted. As a result 2 letters have been received, objecting to the application on the following grounds:

Representations	Assessment of Head of Regulatory Services
<p>Proposal involves demolition of buildings, a revised dwelling type and a substantial garage and all 3 raises concerns</p> <p>The exact nature of the dwelling is not specified as the plans show 3 bedrooms and the supporting documents state up to 4 bedrooms; the accommodation above the garage is not quantified, the 3 workshops are puzzling as is the parking extending out in to the garden in addition to the 3 spaces in the garage</p> <p>The land for the dwelling and garage is shown as protected open space in the Local Plan and covered by Policy BE12 and the construction of two large dwellings in this area would be intrusive on the landscape and the children’s play area is already an intrusion</p> <p>The design of both buildings is completely alien to the village environment</p>	<p>The demolition of buildings and the principle of erecting a new dwelling on this site have already been approved.</p> <p>The dwelling proposed is shown as having three bedrooms and the accommodation above the cart-shed is also annotated. The plans show workshops and a turning area to access the garage.</p> <p>The dwelling (apart from the basement which will not intrude in to the open area) lies outside of the protected area as did the previously approved dwelling. The garage building does fall within the protected area, although it is not considered that the garage building will be unduly harmful to the character of the area, as it will not be readily visible from any public vantage points and therefore no appreciable harm will result.</p> <p>A similar proposal on another POA at ‘The</p>

<p>The applicant already has an application with the Council under the S.H.L.A.A 2009 – Site ref 0310 which was rejected by the Council</p> <p>The previous government approach to class gardens as brownfield land has been reversed by this government in the new PPS 3 issue in June 2010 and recognises the importance of residential garden land – the proposal is contrary to Local and national guidance</p> <p>The proposed demolition of the former traditional farm buildings within the Conservation Area and close to listed buildings is illogical as it results in the requirement for a new building designed as garages and residential use, unless the garage is to be the nucleus of a further large dwelling</p> <p>The loss of the buildings is damaging to the Conservation Area as a whole, and this is the last remaining farm building within the historic area of the village.</p> <p>Damage has already occurred within the Conservation Area due to the conversion of the listed barn, new and inappropriate dwellings and loss of open space and the demolition of further buildings and their replacement with these new buildings is a cancerous growth that will result in the Waltham Conservation Area being added to the English heritage ‘at-risk’ register along with Melton Town Centre.</p> <p>The new plans are a modification of the original plans (that had been changed to make them acceptable) and should not be changed back</p> <p>Amount of glazing on North elevation will be detrimental to residential amenity and there was no such windows on the approved plans and will cause over-looking and a loss of privacy</p>	<p>Wheel’ further along High Street, was recently allowed on appeal partly because the site was not readily visible and the Inspector deemed that proposal to be acceptable</p> <p>The consideration of S.L.H.A.A sites and their suitability is a completely different process from the determination of applications. This application should be considered on its own merits.</p> <p>The new PPS 3 has changed the status of residential garden land from brownfield to greenfield although it does not state that gardens should not be developed, only that their release should be considered along with other greenfield sites) in an appropriate form. There are few brownfield sites available to meet housing need and the release of a site (that already has permission) within a sustainable settlement is considered to be appropriate in this instance.</p> <p>The demolition of the buildings and the re-development already has the benefit of an extant consent. The buildings are not considered to be of high amenity value as they are set well back from public vantage points and it is their physical presence as much as architectural quality that contributes to the Conservation Area. The new building is considered to have a similar physical presence.</p> <p>The new cart-shed type garage is considered to be an appropriate design that reflects the character of farm buildings.</p> <p>There is no evidence to support the assertion that changes to the Waltham Con Area will put it at risk. The Conservation Officer has no objection to the proposal, detailed comments in relation to the impact on the Conservation Area are contained in the report.</p> <p>The changes to the plans are not considered to be significant and whilst they differ from the approved plans, the Conservation Officer has not raised any objections to the submitted scheme.</p> <p>The approved plans contained rooflights on the north elevation and these have been replaced with dormer windows, although these are at a high level and would not afford any ‘overlooking of the neighbour. Two of the windows are ensuite/dressing rooms and the third is a secondary window to the bedroom. Due to the internal sill height, no loss of privacy will result.</p>
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<p>The dwelling is very modern with large windows and is inappropriate and too great a change from the approved scheme</p> <p>The dwelling is part within the conservation area and should comply with the requirements for such areas.</p> <p>Standard of design should preserve/enhance the character and key issues are:-</p> <ul style="list-style-type: none"> • Dwellings the size of the one proposed should be of Waltham Stone • Brick is used for smaller buildings • Noticeable feature is small size of windows – dev conflicts with above with large expanse of glazing on south elevation and louvred windows on west • Dormers rarely feature on larger buildings • Roof structures should be simple <p>Proposal conflicts with Policies BE 1 and BE2</p> <p>The cart-shed is within the protected area and outside of the proposed village envelope, either way, development should not be permitted</p> <p>There is no justification for this extra accommodation above the garage, and a more normal double garage should be provided attached to the dwelling at right-angles</p> <p>The accommodation is another residential use that could be extended in the future to create a dwelling</p>	<p>The use of contemporary design cannot be ruled out within Conservation Areas and the large glazed areas are within elevations that are not exposed to public views. As such it does not harm and therefore is considered to preserve the character of the Conservation Area.</p> <p>The development is considered to be of an acceptable design within the Conservation Area.</p> <p>The materials proposed are considered to be acceptable as are window type and fenestration details.</p> <p>The windows on the west elevation are a combination of small pane windows and rooflights, there are no louvres.</p> <p>The development is considered to comply with Policy BE1 as stated within the report and Policy BE2 is no longer applicable as it is not a ‘saved’ policy. The relevant Policies in relation to this application are detailed above.</p> <p>The site falls within the village envelope. Any change to village envelopes is at an early stage that no weight can be attached to it. The issue of the protected area is discussed above.</p> <p>The garage roof-space is to be utilised for ‘ancillary’ uses and as such needs no justification. The garage proposed is considered to be appropriate.</p> <p>Normally an ‘annexe’ of this nature would be subject to a condition restricting the use and any future proposal for conversion to an independent dwelling would be considered on its merits.</p>
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Other material considerations (not raised through consultation or representation)

<p>Application of Development Plan and other planning policy.</p> <p>Local Needs Housing</p>	<p>The proposed dwelling is of 3 bedroomed proportions albeit with appreciable habitable accommodation on other levels.</p> <p>In the Waltham (Rural East) area, there is a surplus of 4 bed houses and a shortfall in 1 and 2 bedroomed property, but in relation to 3 bedroomed units, there is only a minimal surplus of 6 units.</p> <p>It would therefore be very difficult to justify a</p>
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	<p>refusal on the grounds of failing to meet local need.</p> <p>The previous application was submitted at a time when the surplus of 3 bedroomed units was greater.</p>
Impact on residential amenity	<p>The position and orientation of the proposed dwelling is very similar to the approved dwelling and apart from the dormer windows on the east elevation (mentioned above) the windows are not dissimilar.</p> <p>There will therefore be no greater impact on residential amenity arising from the amended design of the dwelling.</p> <p>The position and orientation of the 'cart-shed' is such that no appreciable over-looking or loss of privacy will result from that building.</p> <p>The position of the building will not impact on the adjacent dwelling as it has a 'hipped roof' on the elevation facing the neighbour, and the building is "dug-in" to the land to further reduce its height and impact.</p> <p>The layout therefore complies with the separation standards normally accepted with regard to the relationship to existing neighbouring properties and would also ensure that the privacy of all occupants would be protected to within acceptable levels.</p> <p>The proposal is not considered to have a detrimental impact on the residential amenities of adjoining properties.</p>
Access and Parking	<p>The proposal provides for adequate parking turning for the dwelling proposed. The garage building is accessed from the north (so as to avoid impinging on the rear 'garden' of the new dwelling and to allow the garage to be drawn closer to the dwelling.</p> <p>The access, which would serve the proposed dwelling as well as the new garage, is identical to that previously approved and was deemed to be appropriate.</p> <p>It is therefore considered that the use of the access drive will not cause any highway safety concerns.</p>
Ecology	<p>There are no objections to the development on ecology grounds subject to the demolition occurring at an appropriate time.</p>
Archaeology	<p>It is considered that archaeological interests can be adequately dealt with by condition.</p>

Conclusion

The site lies within the village envelope and is therefore in a location which benefits from a presumption in favour of development under policies OS1 and BE1. Demolition and residential re-development has been agreed in principle with approval of application 08/00141/FUL. It is considered that the amended design of the dwelling have been well considered to respect the adjacent buildings and the Conservation Area setting. Whilst the garage intrudes in to the 'protected open area' it will not be prominent from public vantage points and therefore causes no 'harm'. Previous appeal decisions have held that this is an over-riding issue and it is not considered that a breach of Policy BE12 could be substantiated at appeal. The proposed access and parking arrangements are considered acceptable and the dwelling/garage is not considered to impact on the neighbours properties. It is recognised that the development would bring marginal benefits in terms of the house designs and this should be balanced against other planning objectives. One such objective is the provision of local housing supply in order to meet identified needs. Whilst it is recognised that the proposal does not meet current housing need (which is for 2 bedroomed units), there is only a minimal surplus of 3 bedroomed units in this housing area and accordingly it is considered that there are insufficient grounds to recommend against approval on this basis.

RECOMMENDATION: Approval subject to the following conditions/reasons:-

1. The development shall be begun before the expiration of three years from the date of this permission.
2. No development shall start on site until all external materials to be used in the development hereby permitted have been agreed in writing by the Local Planning Authority.
3. The living accommodation to be provided above the garage building hereby permitted shall be occupied solely by members of the household of the principal dwelling, or their dependants as ancillary residential accommodation and it shall not be used or severed from the principal house and used as a separate and unconnected dwelling unit.
4. 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 and annex hereby permitted no development as specified in Classes A, B, C, D or E shall be carried out unless planning permission has first been granted by the Local Planning Authority.
5. Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order), no window or other openings (other than any that may be shown on the approved drawing(s)) shall be formed in any elevation of the buildings unless planning permission has first been granted by the Local Planning Authority.
6. 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.
7. Hard and soft landscaping works shall be fully carried out in accordance with the approved details, including the approved timetable, and to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice. Any trees or plants which, within a period of five years after planting are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of similar species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

8. No development shall commence on site until such time as the applicant has submitted to and had approved by the Local Planning Authority details of minor alterations to the access to include setting back the gate posts and the realignment of the access drive to improve pedestrian visibility splays. The approved scheme shall then be implemented before the proposed dwelling is first occupied and shall thereafter be permanently so maintained.
9. The proposed parking facilities shown serving the site shall be provided, hard surfaced and made available for use before the proposed dwelling is first occupied and shall thereafter be permanently so maintained.
10. No development shall take place within the application area until the applicant has secured the implementation of an appropriate programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved by the planning authority. The development shall be undertaken only in full accordance with the approved written scheme. No variation shall take place without the prior written consent of the local planning authority.
11. The applicant shall notify the local planning authority of the intention to commence works (including site works of any kind) at least one week before such commencement. Thereafter, the programme of archaeological work shall be completed in accordance with the approved written scheme of investigation, including any necessary fieldwork, post-excavation analysis, report writing and archive deposition, as detailed in the approved scheme. The report and archive shall be prepared and deposited no later than six months after the commencement of fieldwork. No variation shall take place without the prior written consent of the local planning authority.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
3. The Council would not normally be inclined to allow the formation of a separate residential unit given these particular site characteristics.
4. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed, the proximity to surrounding residential property, the character of the area, and the current identified housing need.
5. To avoid the possibility of overlooking in the interests of preserving the amenities of residents.
6. To ensure satisfactory landscaping is provided within a reasonable period.
7. To ensure the provision, establishment and maintenance of landscaping to a reasonable standard in accordance with the approved proposals.
8. In the general interests of Highway safety.
9. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
10. To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation.
11. To ensure satisfactory archaeological investigation and recording

Officer to contact: Mr R. Forrester

22 October 2010