

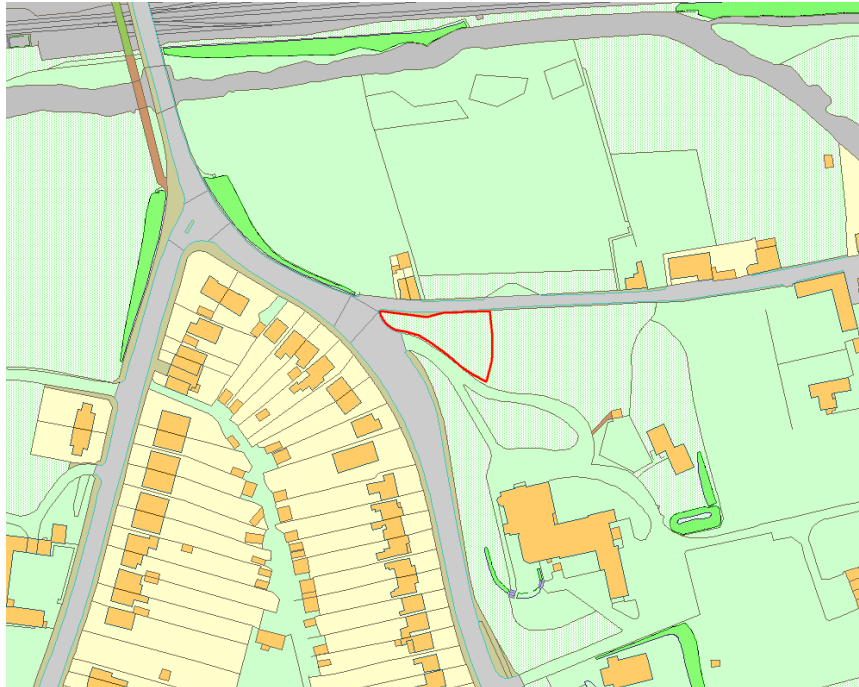
**Reference:** 12/00384/FUL

**Date submitted:** 21.05.12

**Applicant:** Mr Peter Burrows – Rochford Homes Ltd

**Location:** Craven Lodge, Burton Road, Melton Mowbray, Leicestershire LE13 1DJ

**Proposal:** Erection of 2 bedroom detached cottage with separate garage and store to form new gatehouse.



**Proposal :-**

**This application proposes the erection of a ‘gatehouse’ two bedroom detached cottage at the entrance to the redeveloped listed lodge.** Craven Lodge is in the process of extensive renovation works to create nine town houses with garaging which are currently being marketed and are referred to as ‘Craven Court’. The design of the cottage replicates the style of the former gatehouse to Craven Lodge which was demolished late 1960’s and will be sited in a similar position along the entrance drive. The site is designated as Protected Open Area with the trees all subject to an area Tree Preservation Order. The site sits to the north east of Craven Lodge along the entrance to the site and has recently been seeded. There are a variety of species of trees of varying age and size within this area which contributes to the intrinsic character. The submitted tree report has identified that four of the trees are to be removed to facilitate the development.

**It is considered that the main issues for consideration of the application are:-**

- **Compliance with and currency of development plan policies in respect of development on a designated Protected Open Area**
- **Compliance with NPPF policies**
- **Impact upon Heritage assets**

- **Impact upon the Character of the Area**
- **Impact upon Neighbouring Properties**
- **Impact upon Highway Safety**
- **Meeting the Borough's Housing Needs**

The application is presented to Committee due to the unique nature of the development within the grounds of a listed building and within a protected open area.

**Relevant History:-**

04/00658/OUT – Refusal for residential development.

05/00565/OUT – Withdrawn – Residential development

05/00798/OUT – Approval for Residential development

07/00468/REM & 07/00469/LBC – Approval for conversion of lodge to 13 apartments

07/00470/TPO – Consent granted - Felling of 14 trees which are dead or dying, 6 trees to be felled to facilitate development and small group of trees which screen elevations of Craven lodge

07/01019/REM – Approval for 8 new dwellings

07/01266/REM & 07/01267/LBC – Approval for Conversion of 1 apartment into 5 apartments and new access onto Burton Road.

08/00664/FUL – Planning permission granted for the erection of three garage blocks consisting of 1 four bay and 2 three bay to serve the apartments.

**10/00562/FUL – Approved - Demolition of mid 20th century extensions to Craven Lodge. Alterations to convert the main building into dwellings. New detached garage and store buildings for dwellings.**

10/00563/TPO – Consent granted for felling of various trees as per report.

10/00564/LBC – Consent granted for demolition of mid 20th century extensions to Craven Lodge. Alterations to convert the main building into dwellings. New detached garage and store buildings for dwellings.

10/00881/TPO – Consent granted for felling of trees 204 and 225 due to damage caused to drains and building.

11/00322/LBC – Consent granted for amendments to approved application 10/00564/LBC, dwelling one living room and kitchen have swapped positions and stairs down to the basement repositioned. Internal layout slightly amended to basement floor, other amendments within remaining building relate to new layout arrangement to some first floor bathrooms to allow for the inclusion of a shower within the room.

11/00574/TPO – Consent granted for works to trees T75 Silver Birch raise crown to 2.5M, T76 Silver Birch reduce crown by 25% and raise crown to 2.5M, T77 Hornbeam raise crown to 2.5M, T78 Norway Maple raise crown to 2.5M, T83 Walnut remove damaged bough and reduced remaining crown to balance appearance.

12/00027/FUL – Withdrawn - Two bedroomed detached cottage with garage and store

12/00138/LBC – Consent granted for internal alterations to dwellings, 01, 02, 03 and 07 as well as replacement of window to dining room of dwelling 01 with a new door opening

### **Planning Policies:-**

**The National Planning Policy Framework was published 27<sup>th</sup> March 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 offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- **Proactively support sustainable economic development to deliver homes and business that local areas need**
- **Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings**
- **encourage the effective use of land by reusing land that has been previously developed (brownfield land)**
- **conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;**
- **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**

- Set out own approach to housing densities to reflect local circumstances
- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- Deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

### **Require Good Design**

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Securing high quality and inclusive design goes beyond aesthetics considerations and should address the connections between people and places and the integration of new development into the natural, built and historic environment.

### **Conserving and Enhancing the Historic Environment**

- Recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- 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, and;
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

### **Conserving and Enhancing the Natural Environment**

- encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value
- aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss

This 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 para. 12)

### **East Midlands Regional Plan**

**Policy 1** – Regional Core Objectives – to secure the delivery of sustainable development within the East Midlands which includes a core objective to ensure that new affordable and market housing address the need and choice in all communities in the region.

**Policy 2 – Promoting Better Design** – states that the layout, design and construction of new development should be continuously improved.

**Policy 3** – relates to the distribution of new development and states that development in rural areas should;

- maintain the distinctive character and vitality of rural communities;
- shortening journeys and facilitating access to jobs and services;
- strengthening rural enterprise and linkages between settlements and their hinterlands; and
- respecting the quality of the tranquillity, where that is recognised in planning documents

In assessing the suitability of sites for development priority is given to making best use of previously developed and vacant land or under-used buildings in urban or other sustainable locations, contributing to the achievement of a regional target of 60% of additional dwellings on previously developed land or through conversions.

**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 BE12:** Planning permission will not be granted for development within a protected open area except when a proposal is in conjunction with or associated with an existing use and the development would not adversely affect the intrinsic character of the area.

**The Melton LDF Core Strategy (Publication) Development Plan document:**

The Core Strategy (CS) has been published and has come to the of a 6 week consultation period. The CS Seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations.

There are a number of policy objectives contained within the Core Strategy which apply to this proposal and will attract some weight given its close reflection to the NPPF.

**CS4 Making Effective use of Land:** Supports the use of brownfield land which will assist in meeting the target of 50% of development on brownfield land by 2026.

**CS5 Strategic Housing:** Seeks to manage the delivery of homes to provide a balanced housing market taking into account local needs. Promoting accessible design and apply Lifetime Homes Standards where appropriate to ensure new dwellings are flexible and able to meet the housing of a wider section of society, including people with disabilities and older people.

**CS22 Better Design:** Seeks to ensure that the design of all development makes a positive contribution to the character of the area. New development should integrate successfully into established settlements or rural areas without harming their character, appearance or setting. It also promotes the most effective use of land having regards to the form, pattern, scale and character of the area, provide safe environments whilst protecting residential amenity; and protect important heritage assets located within the borough.

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Highways Authority:</b> No objection.	The development will be accessed from the existing driveway off Burton Street which has been modified in line with approval 07/01266/FUL which sought development of the lodge into 18 apartments. The lodge has been converted into 9 apartments in accordance with a later permission 10/00562/FUL.

	<p>The proposed development is considered not to have any further impact upon highway safety given that a development of 18 units was considered to be acceptable from this access and the addition of one more unit will amount to only 10 units which is considerably less.</p> <p>New gates have been installed further along the drive away from Burton Road. The gatehouse will be positioned before the gates with the access to the garaging for the dwelling being beyond the gated access.</p> <p><b>It is considered that the proposal is acceptable in terms of Highway Safety and no further modifications will be required to the access from Burton Road.</b></p>
<p><b>Conservation Officer:-</b> No objection.</p> <p>The grounds within which Craven Lodge stands are of course quite extensive and well treed. As such the setting of Craven Lodge is well defined within a distinct boundary which includes the site of the proposed cottage. The site of the cottage however is in the corner of the grounds and is considered to be sufficient distance from the principal building so as not to directly affect its setting.</p> <p>Furthermore there is clear evidence that there was once a gate lodge to Craven Lodge on this part of the site. Therefore this proposal serves to replace that lost building with a well designed substitute which picks up on the architectural detailing of the principal listed building and therefore reflects the character of its host as well as respecting the overall site.</p>	<p>In conservation terms the major consideration in regard to this application is the potential impact on the setting of the principal listed building as the site sits outside of the Conservation Area for the town. The Conservation Officer considers that the proposal would not have a negative impact upon the setting of Craven Lodge as it will re-establish the historic links of the former gatehouse which was demolished in the late 1960's when the lodge was occupied by the residential school.</p> <p>The cottage has been design to closely reflect the former gatehouse known as 'The Lodge' through incorporating bay windows, pitched dormers, mono pitched roof and wide chimney. The dwelling would be positioned side on to Burton Street as was the former gatehouse, however, the dwelling is to be positioned further into the site as the former location was in front of the existing cottage off Brook Lane. This arrangement was considered not acceptable in planning terms as the outlook from the existing cottages would be seriously affected being in such close proximity.</p> <p>In considering proposals that may affect a designated heritage asset (in this case the Listed Lodge) the NPPF advises that new development should make a positive contribution to local character and distinctiveness (para. 131). The policy also advises 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</p>

<p>Whilst the re-siting of the cottage to improve the relationship with the neighbouring cottage overcomes residential impact concerns, the loss of trees is regrettable. Replanting will mitigate against any potential harm.</p>	<p>setting (para 132). As previously mentioned above, historically a gatehouse once stood on this site. The Conservation Officer has assessed the impact and does not consider that it would have a detrimental impact and would seek to re-establish the historic character for the site.</p> <p>The repositioning of the dwelling necessitates that four trees are to be removed. The trees are identified as:-</p> <p>T3 – Birch – a mature tree of poor condition  T4 – Norway Maple - a mature tree of good condition  T8 – Norway Maple - a young tree of good condition  T23 – Sycamore – a mature tree of good condition</p> <p>T2 is to be retained however the report states that the tree is a young specimen in poor condition and recommends that it be removed.</p> <p>The canopy of T4 merges with the canopy of T23 which contributes to the amenity value from Burton Road. Removal of these trees will leave a gap in the canopy but their removal will not have a serious harm to the area as there are mature trees to the east which will become more prominent retaining the visual appearance of the treed site.</p> <p>The site is a designated Protected Open Area due to its intrinsic character. Following the sensitive redevelopment of the lodge the trees have been subject to routine maintenance and the grassed area re-seeded, previously the grounds had been neglected and became over grown. Whilst the application proposes the loss of two of the mature trees younger trees are to be retained which in time will mitigate against the loss of the two mature trees. Furthermore there would be a requirement for replanting of trees to replace those that are removed.</p> <p>Policy BE12 of the Local Plan is relevant as it relates to development within a Protected Open Area. Development can only take place if it is in association with an existing use and the intrinsic character is not affected. As stated above there once was a gatehouse in this location (this is reaffirmed by photographic evidence contained within the Design and Access statement). The proposal seeks to re-establish this historical link and the careful design ensures that the intrinsic character will not be affected. The site will still be relatively open and treed therefore maintaining</p>
--	--

	<p>the intrinsic character.</p> <p><b>It is considered that the proposal would have a positive impact on the site and not have harmful impacts upon the character of the area or the local distinctiveness. The dwelling would be read as a back drop to the entrance as a number of trees are to be retained to the front of the site. In time the dwelling will settle within the site and the younger trees will be able to grow providing additional screening of the site. It is considered that development of this site is acceptable and does not conflict with the aims of policy BE12 and complies with the NPPF in preserving the setting of the Listed Building.</b></p>
<p><b>Environment Agency:-</b> No objection</p>	<p>Noted. The siting of the dwelling is on the edge of the Environment Agency's flood zone 2 and the application was supported with a flood risk assessment. The Environment Agency has not objected to the proposal to construct a two bed dwelling in this location.</p> <p>Brook Lane was subject to flooding in the past but since Brentingby Dam was constructed no issues have been recorded. The application site sits higher than the land level along Brook Lane and is separated by a brick wall. To alleviate any potential surface water run off from the site, SUDs techniques should be utilised on site such as the use permeable surfacing of the drive and parking areas as suggested within the FRA.</p> <p><b>It is considered that development of this site is acceptable and no major mitigation is required.</b></p>

**Representations:**

A site notice and press notices were posted and neighbouring properties consulted. To date two letter of objection from 1 household has been received at the time of writing the report. The objections are summarised below:

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p>There is no need for a gate house what purpose will it serve?</p> <p>This application will blight our view currently trees and open fields.</p>	<p>The dwelling would be available on the open market and not for any specific functional purpose. The term gatehouse is used to assist in define the design aspect of the proposal being situated at the gates to Craven Lodge.</p> <p>The construction of a dwelling in this location is not considered to seriously alter the character of the area. The cottage will be surrounded by trees and the site will remain open (see detailed</p>



<p>Existing property will be over looked, and lights from the dwelling and cars will shine into windows. The development will devalue the property value.</p> <p>How many protected trees are going to be cut down for this development?</p> <p>Trees have already been cut down for no valid reasons for this development</p> <p>This is just another attempt by Rochford Homes to build another property just to sell on and nothing to do with the current development i.e. Craven Lodge!</p>	<p>narrative above).</p> <p>Devaluation of properties is not a planning matter. However the dwelling is sufficiently separated to not cause any loss of residential amenity. This is due to the change in ground levels and separation distances complying with standards.</p> <p>Four trees are to be removed with replacement tree planting. Please see above for full commentary.</p> <p>There have been tree works permitted on the site with all works being carried out in accordance with the submitted Tree Surveys. The works that have been carried out have been considered as good tree management.</p> <p>Please see commentary above. The development would be available on the open market but does attempt to re-establish historic links with the lodge.</p>
--	---

**Other Matters (not raised through consultation or in representations received)**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Impact upon Residential Amenity:</b></p>	<p>The nearest residential properties are to the north of the site, No. 1 and 3 Brook Lane. The pair of cottages face on to the site and would have faced onto the external wall of the former gate house. The proposed dwelling has been positioned further into the site to remove the bulk and mass from the windows of the cottages. The existing boundary wall will remain which is also a listed structure. It is considered that the arrangement is acceptable and that there will not be loss of any residential amenities through permitting the proposal.</p> <p>There are further dwellings fronting Burton Road, opposite the site, which sit in an elevated position. Due to the topography, separation distances and the segregation from the highway that the development is acceptable and will not have a negative impact upon the existing residents.</p> <p><b>It is not considered that the proposal would have a detrimental impact on the amenities of adjoining properties.</b></p>
<p><b>Compliance with Housing Needs</b></p>	<p>The dwelling proposes to construct a modest 2 bedroom 1.5 storey dwelling with a ground and first floor area of 105 square metres which is below the size indicators applied by the Council for a 2 bedroom development.</p>

	<p>It is considered that the proposal assists with meeting the boroughs local housing needs objectives and being in close proximity to the town supports the aims of the NPPF and the objectives of complying with Sustainable Development.</p>
<p><b>Application of Development Plan Policies and compatibility with the NPPF:-</b></p>	<p>The application site sits within the town envelope and therefore policy OS1 and BE1 area applicable. The site is designated as protected open area and therefore policy BE12 is applicable. As mentioned above the development is considered to be acceptable and would not be harmful to the character of the area and would contribute to the setting of the listed building.</p> <p>The NPPF seeks to look favourably on sustainable development. The location is considered to be highly sustainable being in such close proximity to the town centre which has good public transport links. The NPPF advises that new development should make a positive contribution to local character and distinctiveness and it is considered that this well design proposal achieves this.</p> <p><b>It is considered that there is no conflict between the Local Plan and the NPPF which seek to achieve well design and planned development in sustainable locations.</b></p>

### Conclusion

The proposal seeks consent for a ‘gatehouse’ style development in the form of a modest two bed cottage within the grounds of a listed building. The site also has a protected status through the local plan because of its contribution to the intrinsic character of area. Local Plan policy BE12 is considered to retain full relevance due to its consistency with the content of the NPPF and seeks to prevent development on Protected Open Areas unless it is in associated or in conjunction with an existing use and then only if the intrinsic character is not affected. It is considered that the proposal introduces a dwelling that meets local identified housing needs, has been sensitively designed and will comply with sustainable development objectives. It is demonstrated that the intrinsic character can be maintained and satisfactory highway requirements can be met. Accordingly the application is recommended for approval.

### **RECOMMENDATION:- APPROVE, subject to conditions.**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out in accordance with plan drawing nos. 1863/01/A, 1863/02 rev B and 1863/03 rev A unless otherwise agreed in writing by the Local Planning Authority.
3. No development shall start on site until representative samples of the materials to be used in the construction of all external surfaces have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

4. The boundary treatment and hard landscaping shall be carried out in strict accordance with the approved details as shown on drawing no. 1863/02 rev B unless otherwise agreed in writing by the Local Planning Authority.
5. No development shall commence on site until all existing trees that are to be retained have been securely fenced off by the erection of post and rail fencing to coincide with the canopy of the tree(s), or other fencing as may be agreed with the Local Planning Authority, to comply with BS5837. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left unsevered.
6. This consent is granted subject to the planting of a replacement trees, the species, size and location of which shall be agreed in writing by the Local Planning Authority and carried out at the next available planting season.
7. No development shall commence on site until provision has been made for the satisfactory disposal of foul and surface water from the site in accordance with a scheme which shall first have been submitted to and approved by the Local Planning Authority.
8. Prior to construction of any external hard surfaced area or the compaction of any ground proper provision shall be made for the collection and disposal of all surface water from such areas, details of which shall first have been agreed in writing with the Local Planning Authority.
9. The garage shall be retained at all times for uses as a garage and shall not be used for any purpose (such as storage or a workshop) such that a vehicle cannot be parked inside.
10. 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, C , D, E or F shall be carried out unless planning permission has first been granted by 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. For the avoidance of doubt; the initial proposals being considered unsatisfactory.
3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
4. To preserve the character of the area.
5. To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.
6. To preserve the visual amenities of the locality.
7. To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water.
8. To avoid the risk of flooding.

9. To ensure that adequate parking provision is available within the curtilage.
10. In order for the local planning authority to retain control over the development in order to safeguard the intrinsic character of the site.

**Officer to contact: Mrs Denise Knipe**

**Date: 22.06.12**