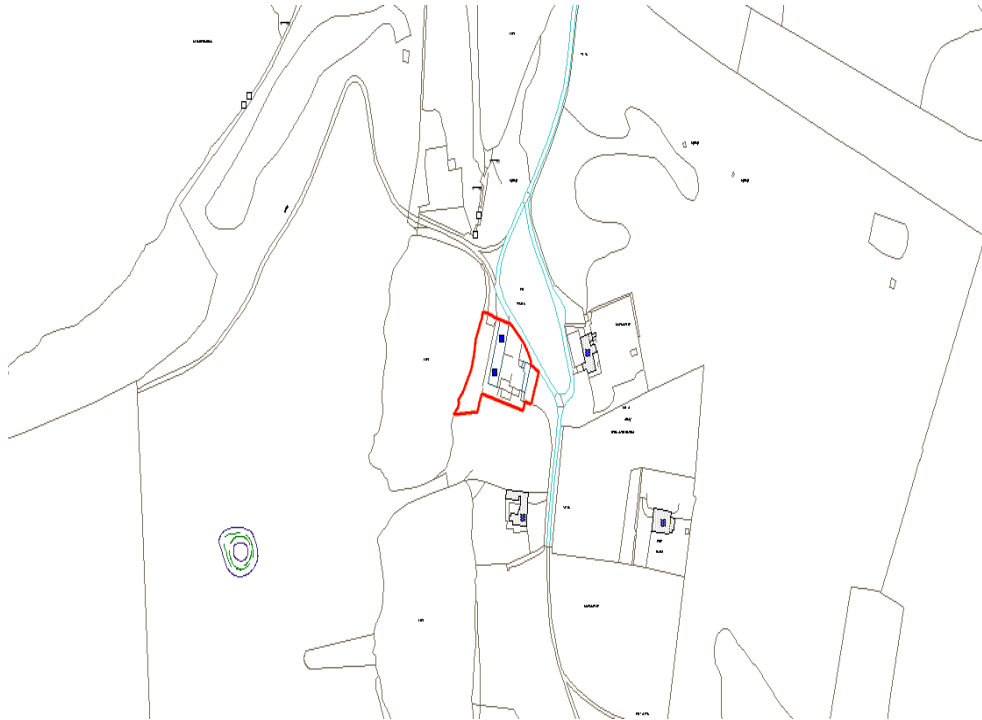


Reference: 12/00769/FUL
Date Submitted: 29.11.2012
Applicant: Belvoir Estate
Location: Croxton Park Nursery School, Croxton Park, Croxton Kerrial, NG32 1QY
Proposal: Change of use of former nursery school to a dwelling



Introduction:-

The application seeks planning permission for the change of use of a vacant building last used as a children’s nursery, to use as a dwelling. The building to be converted comprises of an existing two storey stable building which has been vacant for approximately 4 years. Part of the building is an existing first floor flat which has been recently occupied, however this does not comprise part of the application and would continue to exist as a separate dwelling. Access to the site is provided by a shared driveway which serves the whole Croxton Park complex. Although this building is not listed it would appear to date from the early eighteenth century and is constructed in the same materials as the adjacent Grade II listed dwellings of New Park House and the Water Bailiffs Cottage.

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**

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 site.

Planning Policies:-

Adopted Melton Local Plan (Saved Policies)

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

- the change of use of rural buildings

Policy C6 states that planning permission will be granted to reuse and adapt a rural building for a commercial, industrial or recreational use.

The Melton Local Development Framework Core Strategy (Publication) Development Plan document February 2012 seeks to ensure that 80% of the Borough's development needs are delivered in Melton Mowbray, with the remaining 20% being located in the Rural Centres and Sustainable Villages (Policy CS1). Policy CS9 supports the reuse of rural buildings for small scale business activities suitable for their locations.

The National Planning Policy Framework was published 27th 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.

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

- 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, so that they can be enjoyed for their contribution to the quality of life for this and future generations.

On Specific issues relevant to this application it advises:

Delivering a wide choice of quality homes:

- that 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: The Highways Authority considers that in view of the previous use of the building as a nursery it is unlikely that there would be an increase in traffic. Therefore the only consideration is the sustainability of the location.</p>	<p>As stated by the Highways Officer, the proposal is unlikely to generate additional traffic to the site in excess of that generated by its use as a nursery. The sustainability of the location is discussed below.</p> <p>The proposal is not considered to have an impact on highway safety.</p>
<p>Croxton Kerrial & Branston Parish Council: Councillors are <i>for</i> the development.</p>	<p>Noted.</p>
<p>Conservation Officer: The Officer considers that although this building is not listed in its own right, the building should be considered to be a heritage asset of high significance.</p> <p>The building is set amongst a group of three listed buildings within a scheduled ancient monument site. It is in a relatively good condition, and as it has been unused for some time its condition will start to deteriorate in time. The proposal indicates that the conversion can be achieved with minimal intervention to the historic fabric of the building and maximises the use of existing openings. The conversion will preserve the historic integrity of the structure.</p> <p>The Officer is of the opinion that it is better for a building of such high significance to remain in use with its condition restored and its long term maintenance ensured than for it to remain unused and unoccupied. In this regard the Officer is fully supportive of the proposal for the conversion as it will constitute further residential use within a group of further residential buildings within the vicinity.</p>	<p>Noted.</p> <p>Croxton Park is listed as a Scheduled Ancient Monument (SAM) relating to the Croxton Abbey and associated remains. Although this building is not included within the SAM area, it is close to the site, and the pond adjacent to the building is included in the site. The Croxton Park site itself dates back to approx 1000AD, and the site is also designated as a Site of Special Scientific Interest (SSSI). The details of the SSSI state that Croxton Park is of medieval origin and is probably the best remaining example of ancient parkland in Leicestershire with largely unimproved rough pasture around the ancient trees. It is also noted that the site is amongst the richest in the East Midlands and the diversity of the breeding birds is outstanding.</p> <p>On this basis it is agreed that the building is of a significantly high heritage asset value due to its location within a SSSI and adjacent to a SAM, in addition to its proximity to three other Grade II listed buildings which are all currently used as dwellings.</p> <p>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>

	It is considered in this case that the significance of the heritage asset is high and therefore the benefits of the conservation to a dwelling outweigh the disbenefits of departing from the policies that would normally restrict new dwellings in such a location.
Ecology A survey of the buildings for the presence of bats and barn owls should be completed prior to the determination of the application.	This has been requested from the agent and to date has not been received. Subject to the completion of a satisfactory bat and barn owl survey the application could be approved subject to conditions as advised by ecology.

Representations:

A site notice was posted at the site and one neighbour was informed. As a result no correspondence has been received to date.

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of the Development Plan Policies The saved policy OS2 carries a general presumption against development outside town and village envelopes except in certain instances such as the reuse of a rural building, however policy C6 states that the uses should include commercial, industrial or recreational use. It does not specify that buildings should be reused as dwellings.</p> <p>NPPF Paragraph 140 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.</p>	<p>Although in policy terms the proposal is not supported by the Local Plan or the Core Strategy, the NPPF is clear that where the benefits of conserving the heritage asset outweigh the disbenefits of departing from these policies planning permission should be granted.</p> <p>It is considered in this case that the building proposed to be converted to a dwelling is a highly significant heritage asset which should be conserved for its own benefit, and for the benefit of the setting of the adjacent Listed Buildings at Croxton Park. Although the location of the building is considered to be unsustainable in the Core Strategy, there are three other dwellings adjacent to this building, and the conversion of this building to a dwelling would contribute to the small community of Croxton Park.</p> <p>The building in its present state retains its status as a children’s nursery and could be re-used again for this purpose at any time. This particular use would also be considered to be unsustainable in this location, potentially more unsustainable than a dwelling due to the volume traffic which would be created by parents who would visit the site each day to drop off and collect children by car.</p> <p>It is therefore considered that there is sufficient justification to depart from the approved policies of the Development Plan.</p>

<p>Sustainability of the Site</p>	<p>The site is located in the open countryside, a significant distance away from the village of Croxton Kerrial within a complex known as Croxton Park.</p> <p>Although the site is within the open countryside which is inherently unsustainable, there is already a small community of three / four other dwellings in the area.</p> <p>It is considered that the benefits of allowing the building to be converted and retained, based on its significant value as a heritage asset outweigh the sustainability issues of its location.</p>
<p>Impact upon residential amenity:</p> <p>The existing building which would be converted to a dwelling is located at the closest point approximately 45m from the nearest neighbour.</p>	<p>It is not considered that the location of the building, and therefore the location of the dwelling would have an adverse impact upon the residential amenity of the nearby dwellings. The distances involved are in excess of that normally required.</p> <p>It is therefore considered that the proposal satisfies policy BE1 of the Melton Local Plan in relation to residential amenity.</p>
<p>Design</p>	<p>The proposed conversion of the nursery to a dwelling will not create any new openings to the building and only constitutes internal alterations to the building.</p> <p>The new dwelling will have two bedrooms on the first floor, an ensuite and a main bathroom along with the living room. On the ground floor there will be a kitchen, dining room, small office and a store. The entire space of the dwelling is approximately 160 square metres including all habitable space which is a relatively small dwelling.</p> <p>As there are no alterations to the external appearance of the building it is considered that the design of the proposal is considered to accord with the development plan policies OS2 and BE1.</p>
<p>Housing Needs</p>	<p>The dwelling proposed is a two bedroom dwelling with a total internal floor space of approximately 160sqm. According to the Council's housing needs survey there is a significant shortfall of two bedroom dwellings in the rural North of the Borough. Although the proposed dwelling is not within a defined village envelope it would contribute towards reducing the shortage of smaller dwellings in the area, in line with Chapter 6 of the Core Strategy DPD.</p> <p>It is therefore considered that the proposed dwelling would not add to the over-supply of larger dwellings in the Borough and meets the requirements of the Core Strategy in this respect.</p>

Conclusion

The application seeks planning permission for the change of use of the former children's nursery to a two bedroom dwelling outside of the village envelope for Croxton Kerrial within the Croxton Park complex (open countryside). The proposal does not comply with the saved policies OS2 and C6 of the Melton Local Plan or the Local Development Framework Core Strategy (Publication) DPD in relation to new dwellings in the countryside; however given the significance of the building in relation to the surrounding listed buildings and the quality of the building itself it is considered that the proposal meets with the requirements of paragraph 140 of the NPPF 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 dwelling will help to reduce the shortfall of smaller dwellings in the rural North, and would not add to the oversupply of larger executive homes. Therefore on balance it is considered that the retention of a heritage asset outweighs the unsustainable location of the building and as such 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. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
3. This permission relates to the approved plans received at these offices on 29th October 2012.
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 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.

The reasons for these conditions are:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure a satisfactory standard of external appearance.
3. For the avoidance of doubt.
4. To enable the Local Planning Authority to retain control over future extensions in view type of development proposed.

Officer to contact: **Mrs Sarah Legge**

21st December 2012