

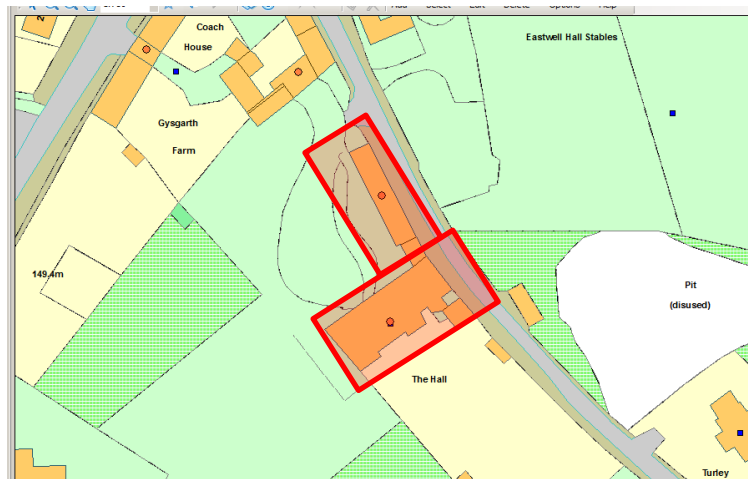
**Reference:** 17/00002/LBC and 17/00001/FUL

**Date submitted:** 03.01.2017

**Applicant:** Ms G Milham

**Location:** Eastwell Hall 3 Hall Lane Eastwell LE14 4EE

**Proposal:** Conversion of Eastwell Hall to three dwellings



**Introduction:-**

Eastwell Hall is a Grade II\* listed Jacobean building with early C17 origins. The building adjoins the separately Grade II listed Cottage and Stable adjacent to North of Hall (Number 3) although the curtilage of Eastwell Hall incorporates this listed building, along with the extensive walled gardens to the rear and side of the property.

Eastwell Hall, the Cottage and Stables and the walled gardens are presently in a variable state of dilapidation; the Cottage and Stables are entirely uninhabitable and at risk to the elements, while the Hall itself is presently weather and windproof, although it is suffering from damp, damaged plaster, rotting joinery and a number of modern inappropriate remedial works such as chemically injected damp proof coursing and steel bolted timber / metal bracing. The gardens are overgrown and illegible and therefore negatively impact on the setting of the listed building.

Eastwell Hall and the Cottage / Stables have been left unoccupied since the previous tenant vacated the property over three years ago. Since then the building has been left empty and without an occupant to keep the property ventilated and undertake the numerous repairs, the slow process of historic building dilapidation has set in. The owner has intervened on a number of occasions, including significant roof repairs, although this has not been sufficient to keep the building in an acceptable condition. They have stated that they cannot let the property and wish to keep it within their ownership, as such they have reached a point at which they wish to subdivide Eastwell Hall into three dwellings and undertake substantial repairs, estimated at a cost of over £500,000, in order to return the building to modern use and secure its future.

Listing Description for Eastwell Hall:

*House. Dated 1634. Ironstone, laid in alternately wide and narrow courses. Limestone dressings and , to form shaped gables decorated with scrolls. Central 8-panelled door within stone doorcase supporting segmental pediment on consoles. To each side of door one subsidiary sash window. Main*

*fenestration of facade is by sash windows, mostly C19, mostly doubled with a central King mullion. All windows under stone hoods. Above first floor is a moulded platband. Roofs are gabled, those to side bays gabled back to main roof. In main roof one gabled dormer and on rear slope a cluster of 6 limestone chimney flues on a tall rectangular plinth. West elevation of 3 window bays in 2 storeys and dormer attic. Windows are sashes retaining glazing bars, mostly C19 and all under hoods. Through-eaves gabled dormer set left of centre. South side without formal plan: 3 gabled ranges, sash windows as west side and infill of 2-storey late C18 additions. From east side 2 gabled ranges extend to road. 2 storeys. Both have one 2-light mullioned window to ground floor in east gable end. North range is one storey and dormer attic to north side. Interior of Hall not inspected, but known to retain panelling.*

**The application is for Conversion of Eastwell Hall to three dwellings.** The application provides detailed works relating to the subdivision of the property. Internal works and the precise reconfiguration of the building can be conditioned through the requirement of a detailed scheme of works, subject to any approval.

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

- **A consideration of the fact that the building has been allowed to reach a state of advanced dilapidation, in which the applicant is claiming that the only viable solution for the restoration of the building is the subdivision into three properties, resulting in the loss of the building's internal form and original function.**
- **Impact upon the host listed building and neighbouring buildings**
- **Impact upon the setting of the listed building**
- **The sustainable principles of creating two new dwellings in the village of Eastwell**

The application is required to be considered by the Committee because there are exceptional circumstances; allegations have been made by former residents of the building that the owners are guilty of deliberate neglect to the building, in allowing it to reach a state of dilapidation necessitating significant modernisation and the subdivision of the house to maximise their revenues.

**Relevant History:**

13/00033/LBC general repairs and alterations to The Hall and adjacent Hall Cottage.

**Development Plan Policies:**

**Melton Local Plan (saved policies):**

**Policies BE1**

Policy BE1 allows for development providing that (amongst other things):-

- The buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing;
- The buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight or daylight;
- Adequate space around and between dwellings is provided;

**Policy C15**

- This policy states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development and the development is designed to protect the species or arrangements are made for the transfer of the species to an alternative site of equal value.

## **Policy H6**

- This policy 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.

**National Planning Policy Framework** – Introduces the ‘Presumption in favour of Sustainable Development’ and states that development proposals should be approved if they accord with the Development Plan, or, if it is out of date or does not address the proposal, approve proposals unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,
- specific policies in this Framework indicate development should be restricted.

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)
- 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
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

On Specific issues relevant to this application it advises:

### **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**

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.
- Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

- In determining planning applications, local planning authorities should take account of:
  - 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.
  
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
  
- Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
  - the nature of the heritage asset prevents all reasonable uses of the site
  - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation
  - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible
  - the harm or loss is outweighed by the benefit of bringing the site back into use
  
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

**Consultations:-**

Consultation reply	Assessment of Head of Regulatory Services
<p><b>Highway Authority</b></p> <p>The Local Highway Authority advice is that, in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF subject to the Conditions as outlined in this report.</p>	<p>Noted. Conditions stated by Highways can be placed subject to any approval of planning permission.</p>
<p><b>Parish Council</b></p> <p>The Parish Council have studied the information provided and has no objections to this application providing any external alterations conform to listed building consent and are sympathetic to the existing exterior of the building.</p>	<p>Noted</p>

<p><b>Historic England</b></p> <p>The proposal will result in a degree of harm to significance and therefore robust justification is required and public benefit demonstrated to outweigh the harm. The benefit of the proposal lies in the sustainability of the heritage asset and in this case, also securing its repair – through the consents process.</p> <p>It is important to note that the Local Authority must determine the benefits arising from this proposal and not the cause of the present condition of the building.</p> <p>From Historic England’s assessment paragraph 133 does not apply here as the subdivision of the property is the cause of less than substantial harm. The harm has been mitigated to an extent by not subdividing the curtilage except for some planting, and minor internal alterations which are reversible. Other works are already consented through the previous permission and Historic England has already advised that the proposed removal of the ground floor wall is omitted from the scheme.</p>	<p>Historic England have identified less than substantial harm as a result of subdivision of the property, and this is considered to be outweighed by the benefits of securing the building’s optimum viable use, in accordance with Paragraph 134 of the NPPF.</p> <p>The former tenants who have objected to the proposal claim that the building’s optimum viable use is as a single residential dwelling, consummate with its historical origins. However, this application was submitted in January 2017 and six months later, there has been no confirmed interest in taking occupation of the building as a single dwelling, as claimed by the objectors. As such, Historic England’s guidance informs the recommendation for this application, in that the works to restore the property as a result of its subdivision will secure its optimum viable use and increase the public benefit of a restored Grade II* listed building which is only marginally legible from the exterior by the nature of screening / partitioning between the newly created properties.</p> <p>Finally the external landscaping, which is prominent from the streetscene, will be restored, including the walled gardens, which will be an enhancement to the streetscene and the relationship to neighbouring properties.. While the site is not located in a Conservation Area, there are multiple listed buildings located in close vicinity, including a coach house, church and the host dwelling itself.</p>
<p><b>Ecology</b></p> <p>LCC Ecology wish to place a holding objection on the application, pending the results of additional bat surveys.</p>	<p>Noted. As agreed with the applicant’s agent, the additional bat surveys have not been possible to carry out until the end of May, during the appropriate season for the survey required. As such, any approval should not be granted until the satisfaction of LCC Ecology of the submitted bat surveys, completed at the appropriate time.</p>

**Representations**

A site notice was posted and neighbouring properties consulted. As a result four letters of representation were received to the original submission.

Representation	Assessment of Head of Regulatory Services
<p><b>Former tenants and most recent occupants of the building. Residents at Eastwell Hall for over 20 years (with support from additional objector related to Rutland family):</b></p> <p>The most recent residents of Eastwell Hall occupied the building for over 20 years, vacating the property over three years ago. From that point onwards, the building has been left unoccupied, with the applicant stating that they have been unable to let the property to an interested party due to the high costs of remedial works necessary to bring the property into modern usage.</p> <p>The former tenants allege that the Belvoir Estate (the owner) are guilty of neglecting the Grade II* listed building, in an attempt to run the building down to a point at which the only viable solution for the building's restoration is its subdivision, which is a course of action that has been taken in the interests of maximising the estate's revenue.</p> <p>The former tenants allege that several interested parties have come forwards enquiring about the potential to take on the leasehold of the building, only to be turned away unless they met the costs disproportionate and extortionate remedial works. They also claim that the applicant undertook inappropriate remedial works without consent during their time in occupation.</p> <p>They claim the applicant is therefore responsible for the current state of the building, which lies empty and in need of significant restoration works that will be very costly, due to the restriction on materials that can be used in accordance with the works to a Grade II* listed building.</p> <p>Therefore the former tenants allege that the applicant does not satisfy the requirements of paragraph 132 of the NPPF, which states that substantial harm to a listed building (in this case recognised as the subdivision of a historic building that gains its special interest as an aristocratic great house) can only be justified if no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.</p>	<p>Noted. The objection must be given due consideration through the objectors relationship to the building, as a former resident for over 20 years.</p> <p>The most important determination in the application, when considering allegations of deliberate neglect and the owner's failure to adequately market the property as a single dwelling, is Historic England's assessment of less than substantial harm as a result of the building's subdivision. Therefore paragraph 133 of the NPPF, which determines that an application cannot be approved if the owner has not found a viable use through appropriate marketing that will enable its conservation, is not a material consideration.</p> <p>As such, the public benefits resulting in the restoration of the building and associated external landscaping are considered to outweigh the less than substantial harm, in accordance with Paragraph 134 of the NPPF.</p> <p>However, it is considered necessary to consider the allegations made of deliberate neglect to the property, and the Conservation Officer confirms that a number of inappropriate interventions have been made in the building since it was last vacated, that would have required listed building consent.</p> <p>The applicant has provided a robust response to the allegations made, and has submitted information detailing their attempts to market the property as a single dwelling. As part of this application, it is not possible to give additional weight to these allegations as they have not been substantiated, beyond a letter of objection, and the present condition of the building, with a viable proposal for its restoration, must form the basis of this assessment.</p> <p>In conclusion, the allegations of deliberate neglect must be a separate consideration. This involves comprehensive legal procedures, that, if given weight in the assessment of this application, would leave the building empty for the foreseeable future and at further risk of dilapidation. As such, Historic England's</p>

<p><b>Support in favour of the buildings subdivision and restoration</b></p> <p>Five letters of support were received from members of the local community who would like to see the building restored which they believe will lead to an overall improvement in Eastwell and increased security, as presently the building is unoccupied and unsafe at present.</p>	<p>assessment of less than substantial harm must be the overriding concern, which is outweighed by securing the optimum viable use of the building.</p> <p>Noted. This aligns with the increased public benefits as outlined by Paragraph 134 of the NPPF</p>
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**Other material considerations (not raised through consultation or representation)**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Application of Development Plan and other planning policy</b></p> <p><u>Policy BE1</u> allows for development providing that (amongst other things):-</p> <ul style="list-style-type: none"> <li>• The buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing;</li> <li>• The buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight or daylight;</li> <li>• Adequate space around and between dwellings is provided;</li> </ul>	<p>The proposal is therefore considered to comply with Policies BE1. There will be marginal development which is limited to landscaping and the partial external subdivision of the curtilage to accommodate the three new dwellings.</p>
<p><b>Heritage Issues</b></p> <p>Paragraph 131, NPPF</p> <p>In determining planning applications, local planning authorities should take account of</p> <p>The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation</p>	<p>The proposed works will result in minimal intervention in the historic fabric of the building. The only significant loss was considered to be the loss of an original solid wall on the ground floor necessitated by the subdivision of the property. However this will be conditioned to remain as part of any proposed works. The applicant has demonstrated a sound knowledge of the building, with a detailed heritage statement and proposals that have been discussed informally regarding the refurbishment involve the use of conservation appropriate materials to undertake a retrofitting modernisation programme of works.</p> <p>Any such approval will be conditioned to ensure a detailed schedule of works is submitted prior to</p>

	<p>commencement of works,</p> <p>Finally, the most important aspect of the proposal is the restoration of the Grade II* listed heritage asset. Therefore the proposed subdivision, which will result in a profitable outcome for the applicant, would be conditioned to ensure the individual properties cannot be registered until the restoration, as identified by the submitted scheme of works, has been completed.</p>
<b>Design &amp; Impact on Streetscene</b>	<p>The property is located outside of a conservation area. The site is located off a private driveway. The impact of the building's subdivision would be negligible.</p>
<b>Impact on Residential Amenity</b>	<p>In <u>residential amenity</u> terms the subdivision of the property will provide accommodation for three new dwellings each with sufficient amenity space and the impact on each property will be minimal. There is sufficient external space to both the front and rear of the property and as such is considered to be acceptable in accordance with the principles of the NPPF.</p>

### **Conclusion**

In conclusion the determining factor is considered to be Historic England's assessment of 'less than substantial harm' that would result from the subdivision of the property. As such, the public benefits outweigh the harm caused in the loss of historic character of the building. The allegations of deliberate neglect must be given material consideration and must form the basis of a separate enquiry with regards to unauthorised works. However, it is recommended that this does not interfere with the matter of securing the optimum viable use of an empty and dilapidated Grade II\* listed building. The applicant is minded to ensure the properties would not be granted registration as separate dwellings until the work has been carried out, as such the subdivision is considered a form of enabling development, with the restoration of the heritage asset identified as the most important asset in the programme of works.

It is therefore considered that the proposal complies with Policies BE1, H6, C15 and the NPPF and is accordingly recommended for approval.

### **RECOMMENDATION:- Permit, subject to:**

**(a) The submission of a bat survey and its its satisfactory consultation with the Council's ecological advisors**

**(b) the following conditions:-**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. All work must be carried out in strict accordance with the plans submitted to the Local Authority
3. The proposed removal of a wall on the ground floor to the existing kitchen shall not be permitted
4. No work shall start on site until a detailed schedule of works has been submitted to the Local Authority outlining in full every element of the building's historic fabric that is proposed to be removed, and, where altered from the previous approval for repair works, the specification of all new flooring, heating systems, mortar mixes, renders, damp proofing, roof repairs, lime ash floor repairs, plumbing and electrical works.



5. The newly created separate dwellings are not permitted to be registered as individual dwellings until all work carried out in the agreed schedule of works has been completed
6. Any proposed external heating systems (including ground source or air source heat pumps) must form the basis of a separate application and cannot be approved as part of the schedule of works
7. No works can start on site until the satisfaction of LCC Ecology of a submitted bat survey, in accordance with the holding objection submitted by Leicestershire County Council Ecology 13.2.17

The reasons for the conditions are:

1. To prevent the unnecessary accumulation of unimplemented permissions, to encourage early implementation and to enable the Local Planning Authority to review the consent if a further application is made
2. For the avoidance of doubt
3. To preserve the historic fabric of the building.
4. To preserve the historic fabric of the building.
5. To secure the optimum viable use of the historic building.
6. To preserve the historic fabric of the building.
7. In the interests of ecology and the protection of potential bats roosting in the building.

**17/00001/FUL**

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6. No works can start on site until the satisfaction of LCC Ecology of a submitted bat survey, in accordance with the holding objection submitted by Leicestershire County Council Ecology 13.2.17

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 preserve the historic fabric of the building.
4. To secure the optimum viable use of the historic building.
5. To preserve the historic fabric of the building.
- 6.. In the interests of ecology and the protection of potential bats roosting in the building.

Officer to contact: **T Ebbs**

**Date: 31<sup>st</sup> May 2017**