

Planning Committee

11 July 2024

Report of: Assistant Director for Planning

Reference Number: 21/00085/FUL

Proposal: Partial demolition and remodelling of derelict lodge building; construction of 2no. new dwellings; reinstatement of the former driveway and gates to the Manor and reinstatement of parkland in place of modern driveway; resurfacing of driveway and hardstanding surrounding the Manor; and restoration of bridge over the Gaddesby Brook

Site: Ashby Folville Manor, Gaddesby Lane, Ashby Folville, LE14 2TG

Applicant: Mr Jamie Lewis

Planning Officer: Mark Ketley

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Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor Robert Child (Gaddesby)
Date of consultation with Ward Member(s):	24 February 2021
Exempt Information:	No

Reason for Committee Determination:

The Assistant Director for Planning considers this application as likely to raise matters which should be referred to the Committee.

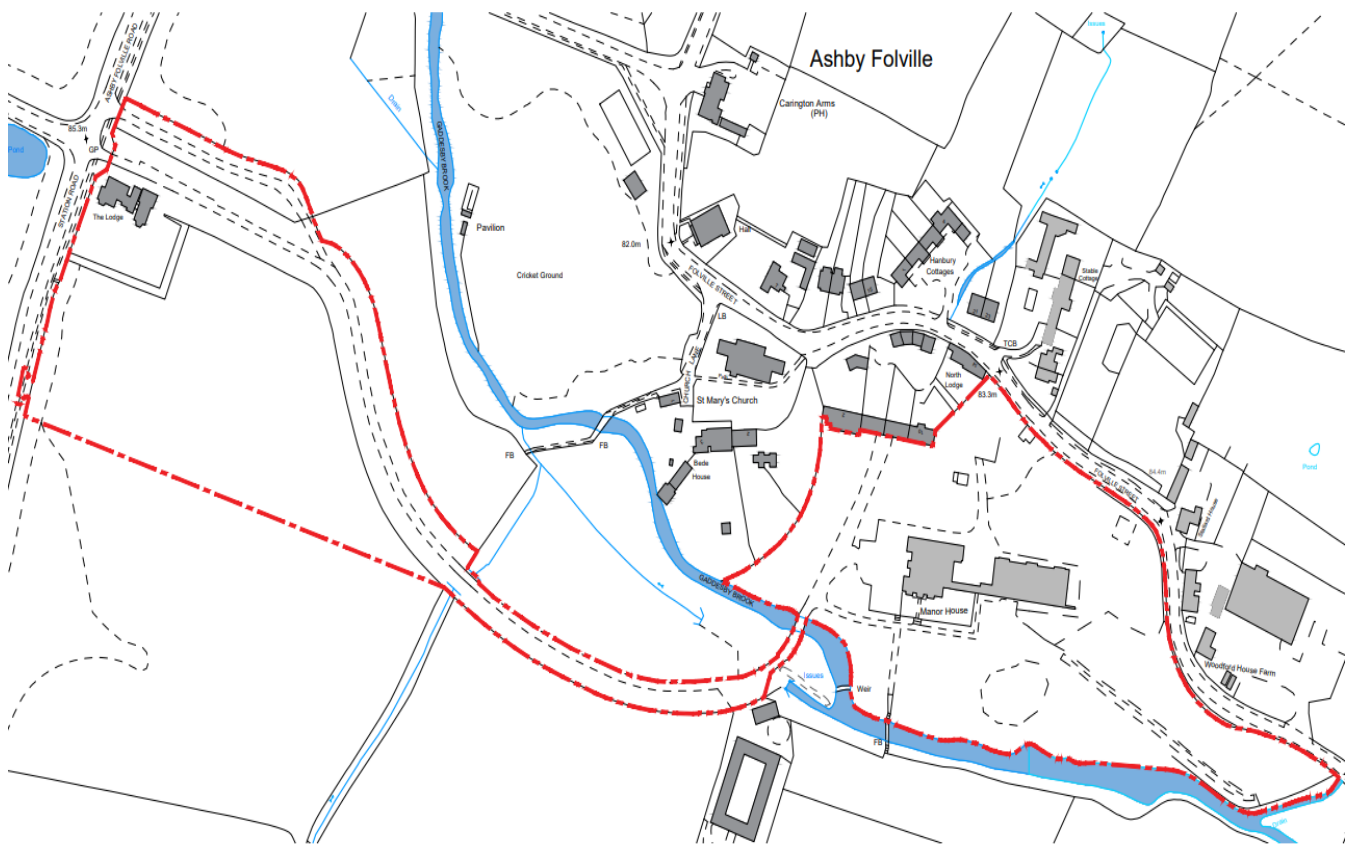
Web Link:

<https://pa.melton.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

What 3 words:

<https://what3words.com/beaten.duty.boring>

Site Location Plan



Location Plan

RECOMMENDATION

It is recommended that the application is **APPROVED** subject to:

1. Conditions detailed in Section 10 of this Report; and
2. Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) requiring completion of the heritage restoration works prior to any material operations being commenced in the construction of the new-build dwellings.

1 Executive Summary

- 1.1 Planning permission is being sought in this case for a range of heritage restoration works in association with the Grade II listed Ashby Folville Manor and for the construction of two new-build dwellings in its parkland grounds to help fund the restoration proposals.
- 1.2 Whilst the Grade II listed Ashby Folville Manor itself is located immediately adjacent to the southern edge of the village of Ashby Folville, the application proposals relate to a derelict lodge building which is a substantial detached former dwelling that was originally the gatehouse to the Manor along with an area of extended garden/parkland to the south and east of the lodge that are, by definition, in the open countryside.
- 1.3 The proposed development is neither necessary nor appropriate in terms of the countryside location of the site and therefore the fundamental starting point in this case is that the proposal conflicts with Local Plan Policies SS1, SS2 and SS3 and, in turn, Policy HBE1 of the Neighbourhood Plan which makes clear that development will be carefully controlled in line with local strategic planning policies [as set out in the Local Plan]
- 1.4 This fundamental policy conflict has not been contested by the Applicant with the application instead being presented on the basis that it would deliver significant heritage restoration benefits through the proposed renovation of the derelict lodge building; reinstatement of the original entrance and driveway to the listed Manor House; return of the existing modern driveway back into part of the original parkland landscape; restoration of the bridge over the Gaddesby Brook on the main approach to the house; and resurfacing of the driveway and hardstanding area around the Manor itself.
- 1.5 The Applicant has stated that all of these proposals in combination would help to restore the Manor back to its original glory but that the cost of these works require a substantial amount of funding. The proposed development, in terms of the value created by the proposed new-build dwellings, would make a significant contribution towards those costs.
- 1.6 The long-term future of the listed building is not dependent on the works being proposed in this application and therefore, strictly speaking, the application does not constitute enabling development. However, it is nonetheless considered that the application offers an important opportunity to secure the refurbishment of the historic lodge building and the reinstatement of the historic driveway to the Manor House and the parkland to the north of the lodge which, together, would positively enhance the character and appearance of the Ashby Folville Conservation Area and restore the overall setting and significance of the Grade II listed building.
- 1.7 There is also a fallback position in this case that weighs in favour of the form of development being proposed due to planning permission having previously been granted in May 2016 (ref: 16/00202/FUL; amended by non-material amendment application 17/00180/NONMAT) for the partial demolition, conversion, remodelling and extension of the derelict lodge building to create two separate residential properties. This permission remains extant and, if it were ever to be fully implemented, it would prevent the reinstatement of the original driveway that served the Manor House due to the approved extension projecting towards and up to the line of the original driveway.
- 1.8 These latest proposals present a far more acceptable solution in heritage terms which would ensure that the route of the original driveway can be reinstated. In these respects the

proposal is fully compliant with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 along with the NPPF, Policy EN13 of the Local Plan, and Policy ENV3 of the Neighbourhood Plan. It is therefore the case that substantial positive weight attaches to these heritage outcomes in the overall planning balance.

- 1.9 Balanced against the significant heritage benefits is the inherent policy conflict arising from the proposed construction of two new-build dwellings in the open countryside. This also has substantial weighting in the overall planning balance in this case, not least due to the fact that new housing in this location would be completely at odds with the strategic policies of the Local Plan. However, whilst finely balanced, it is considered that the benefits of allowing an element of new-build development in order to fund the proposed heritage restoration works would outweigh the disbenefits of departing from Local Plan Policies SS1, SS2 and SS3, and Policy HBE1 of the Neighbourhood Plan.
- 1.10 The quantum of new-build development required to support the proposed heritage restoration works has been the source of lengthy discussions between Officers and the Applicant since this application was submitted along with another recently refused application (ref: 21/01318/FUL). No detailed viability information has been submitted specifically in relation to this application for the construction of two new-build dwellings on the site but, in the context of the previous viability appraisal which concluded that the construction of 7no. cottages on the site would leave a financial deficit in funding of the proposed heritage restoration works, it is reasonable to conclude in this case that the construction of two dwellings, albeit larger detached properties, would leave a similar if not greater deficit when compared with the viability appraisal of the recently refused scheme.
- 1.11 Nevertheless, the Applicant remains keen to restore the relationship between the Manor, the lodge, the driveway and the gates and is willing to undertake these works even if sufficient value is not realised by the two proposed new dwellings. Moreover, the Applicant has submitted a Unilateral Undertaking with the application under Section 106 of the Town and Country Planning Act 1990 (as amended) which gives a legal commitment to completing the heritage restoration works prior to any material operations being commenced in the construction of the new-build dwellings. This is considered to be an entirely acceptable approach and gives confidence that there is a genuine commitment to carrying out the proposed heritage restoration works prior to any works being commenced in relation to the new-build housing development.
- 1.12 In relation to design and visual impacts, subject to the recommended conditions the development proposals are considered to be acceptable in terms of siting, scale, design, use of materials, potential impacts on the landscape character of the area and neighbouring amenity impacts therefore according with Local Plan Policies D1 and EN1, and Policies HBE5 and ENV7 of the Neighbourhood Plan, in these respects.
- 1.13 It is also the case that the development would be acceptable from a highway safety perspective, impact on protected species and their habitat, and in terms of not being at risk of flooding or increasing flood elsewhere, thereby demonstrating compliance with the NPPF; Policies EN2, EN11 and IN2 of the Local Plan; and Policies EN6 and T1 of the Neighbourhood Plan, in respect of these technical and environmental matters.

Main Report

2 The Site

- 2.1 The application relates to land and property associated with Ashby Folville Manor which is a Grade II listed building located on the southern edge of the village of Ashby Folville.
- 2.2 Specifically, the proposals relate to a derelict lodge building which is a substantial detached former dwelling that was originally the gatehouse to Ashby Folville Manor along with an area of extended garden/parkland to the south and east of the lodge. This building and the part of the grounds to which the application principally relates are located approximately 415m north-west of the Manor and some 300m west of the village core.
- 2.3 The application site also incorporates the driveway that runs to the front (north) of the lodge building which leads off the crossroads junction between Ashby Folville Road, Ashby Road and Station Road. This currently provides vehicular access to the lodge but was historically part of the original driveway serving the Manor House and extends to a bridge crossing over the Gaddesby Brook on the main approach to the house.
- 2.4 Whilst the lodge is not itself a listed building, it does occupy a position within the designated Ashby Folville Conservation Area whose boundary then follows a relatively arbitrary line to the south of the lodge that does not follow any physical or historic boundaries. As a result, the extended garden/parkland area on which the proposed new housing development would take place falls outside of the Conservation Area.
- 2.5 Planning permission has previously been granted in May 2016 (ref: 16/00202/FUL; amended by non-material amendment application ref: 17/00180/NONMAT) for the partial demolition, conversion, remodelling and extension of the derelict lodge building to create two separate residential properties. This permission remains an extant consent and, if it were ever to be fully implemented, it would prevent the reinstatement of the original driveway that served the Manor House (which forms part of these latest proposals) due to the approved extension projecting towards and up to the line of the original driveway.

3 Planning History

- 3.1 16/00202/FUL - Conversion, remodelling and extension of single residential dwelling into two separate residential dwellings; and part demolition required to separate building - Approved 27.05.16 (Permission remains extant)
- 3.2 17/00180/NONMAT - Amendments to permission ref: 16/00202/FUL to allow for changes to the windows and doors on the rear elevations of both properties - Approved 30.03.17
- 3.3 19/01206/FUL - Erection of two residential dwellings and the partial demolition and redevelopment of the Lodge House along with the reinstatement of a former access route to Ashby Folville Manor House and further reinstatement of parkland to the north in place of the current access road - Refused 02.07.20
- 3.4 21/01318/FUL - Partial demolition and remodelling of the Lodge to create annex to the Manor including access works; erection of 7no. cottages; reinstatement of the former driveway and gates to the Manor and reinstatement of parkland in place of modern driveway; resurfacing of driveway and hardstanding surrounding the Manor; and restoration of bridge (Amended Description) - Refused 05.04.24

4 Proposal

4.1 The proposed development for which planning permission is being sought in this case would involve a number of elements which can be summarised as follows:

- **Partial demolition and remodelling of the derelict lodge building**

The proposed works to the derelict lodge building adjacent to the entrance to the site would involve the removal of later additions to the building to leave only the original portion of the property. A new extension to the rear of the building is proposed along with a detached garage to the rear. The proposed extension would take the form of a new wing that would link to the original building, strongly referencing the design language of the building but with clear definition between old and new. The link would help to emphasise this definition with a change in roof finish (zinc) sitting between the original building and new wing (both slate)

- **Reinstatement of the former driveway and gates to the Manor**

Demolition of the later additions to the derelict lodge building and the reinstatement to its original form would allow for the original entrance to the site to also be restored with the current access that is located slightly further to the north being stopped up. The former entrance and access drive to the Manor would be reinstated on its original line with new tree planting being proposed to define the route of the driveway.

- **Reinstatement of parkland in place of modern driveway**

Following reinstatement of the original entrance and driveway to the Manor it is proposed to stop up the current driveway that is located slightly further to the north and reinstate this to part of the parkland landscape that it originally formed an integral part of which provides a key component of the driveway approach to the Manor.

- **Resurfacing of driveway and hardstanding surrounding the Manor**

As part of the proposed works the existing section of driveway nearest to the Manor and an area of hardstanding around the Grade II listed building would be resurfaced to ensure a consistent new surfacing treatment throughout the site from the entrance all the way up to the Manor House.

- **Restoration of bridge**

Part of the original driveway serving the Manor extends to a bridge crossing over the Gaddesby Brook on the main approach to the house which is currently in a poor physical condition. As part of the proposed restoration works this bridge would be rebuilt to mirror its original form and therefore ensure that it continues to play an integral part in the driveway approach to the listed building.

- **Construction of 2no. dwellings**

The final aspect of the proposed development would involve the construction 2no. new detached dwellings on an area of land to the south-east of the derelict lodge building. The dwellings would run parallel with but would be set back from the reinstated original driveway to the Manor with proposed tree planting along the route of the driveway providing an element of physical and visual separation. The dwellings would replicate the architectural language of the original lodge building and would take the form of two-storey dwellings of brick construction under a pantile roof with attached single storey

triple garages. The dwellings would both be accessed from a separate new entrance off Station Road and they would face north onto their internal access road. At their rears each dwelling would benefit from private gardens enclosed by brick walls that would extend towards the southern boundary of the site.

- 4.2 The application has been presented by the Applicant on the basis that it would deliver significant heritage restoration benefits through the proposed renovation of the derelict lodge building; reinstatement of the original entrance and driveway to the listed Manor; return of the existing modern driveway back into part of the original parkland landscape; restoration of the bridge over the Gaddesby Brook on the main approach to the house; and resurfacing of the driveway and hardstanding area around the Manor itself.
- 4.3 The Applicant has stated that all of these proposals in combination would help to restore the Manor back to its original glory but that the cost of these works require a substantial amount of funding. The proposed development, in terms of the value created by the proposed new dwellings, would make a significant contribution towards those costs.

5 Amendments

- 5.1 Additional information has been provided during the course of the application in the form of an Arboricultural Impact Assessment following a request for such by LCC Forestry.
- 5.2 Minor design amendments were also received on 10th May 2024 which replaced previously proposed detached garages to the front of each of the new-build dwellings with attached single storey side garages instead.

6 Planning Policy

6.1 National Policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- National Design Guide

6.2 Heritage Legislation

- 6.3 The Local Planning Authority has a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings and their setting, and any features of special architectural or historic interest which they possess, and to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas under Section 72(1) of the same Act. Considerable weight should be applied to these duties even in cases where any identified resultant harm would be less than substantial.
- 6.4 Paragraph 203 of the latest version of the NPPF published in December 2023 is also a significant material consideration in this case and in relation to matters of heritage interest this states that, in determining applications for planning permission and listed building consent, 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.

6.5 Paragraph 205 of the Framework further requires that, when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm would amount to substantial harm, total loss or less than substantial harm to its significance.

6.6 Paragraph 206 advises that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

6.7 Paragraph 207 goes on to state that in cases where a development proposal would 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, where appropriate, securing its optimum viable use.

6.8 Paragraph 212 makes clear that Local Planning Authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

6.9 Finally, in relation to enabling development proposals, paragraph 214 of the Framework advises that Local Planning Authorities should assess whether the benefits of a proposal, 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.

6.10 **Melton Local Plan**

- The Melton Local Plan 2011-2036 was adopted by Full Council on 10th October 2018 and is the development plan for the area.
- The Local Plan is consistent with the National Planning Policy Framework published in December 2023 and, whilst it is now being updated, its policies remain relevant and up to date for the determination of this application.
- The relevant policies to this application include:
 - Policy SS1 Presumption in Favour of Sustainable Development
 - Policy SS2 Development Strategy
 - Policy SS3 Sustainable Communities (Unallocated Sites)
 - Policy EN1 Landscape
 - Policy EN2 Biodiversity & Geodiversity
 - Policy EN6 Settlement Character
 - Policy EN11 Minimising the Risk of Flooding
 - Policy EN13 Heritage Assets
 - Policy IN2 Transport, Accessibility and Parking
 - Policy D1 Raising the Standard of Design

6.11 Neighbourhood Plan

- The Gaddesby Parish Neighbourhood Plan (2019-2036) which was made on 23rd June 2021 also forms part of the Development Plan for this area.
- The relevant policies to this application include:
 - Policy HBE1 Settlement Boundary
 - Policy HBE2 Housing Mix
 - Policy HBE3 Windfall Sites
 - Policy HBE5 New Housing Design
 - Policy ENV3 Built Environment - Non Designated Heritage Assets
 - Policy ENV4 Ridge and Furrow
 - Policy ENV6 Biodiversity
 - Policy ENV7 Protection of Important Views
 - Policy T1 Traffic Movements

7 Consultation Responses

7.1 Please note the below is a summary of responses and representations received. To view the full details please follow the web link on the first page.

SUMMARY OF TECHNICAL CONSULTATION RESPONSES

7.2 LCC Highways

The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019) [now paragraph 115 of the NPPF updated in December 2023], subject to the conditions and/or planning obligations set out below.

Having reviewed the information supplied within 21/00085/FUL, the LHA note the proposed scheme appears to be identical to that refused on non-highway grounds under 19/01206/FUL. It is also noted that Public Footpath I91 runs through the site and the developer intends to divert this. Therefore the LHA has included the conditions previously advised in highway observations dated 15 April 2020 attached to 19/01206/FUL, albeit will amended plan numbers.

7.3 Historic England

No comments to make on this application.

7.4 Conservation Officer

Fully support the proposal to refurbish the gatehouse.

7.5 LCC Archaeology

Response awaited and this will be reported as a verbal update at the meeting of the Planning Committee.

7.6 **LCC Ecology**

The ecology survey submitted in support of this application is satisfactory. This included a roost assessment of the buildings to be demolished and recorded the dwelling as of low bat potential. As the building was recorded to have some bat potential, an updated emergence survey should be carried out and suggest that this is required as a condition of development. It is also suggested that the precautionary recommendations from the ecology report regarding bats and great crested newts are conditioned.

7.7 **Lead Local Flood Authority (LLFA)**

Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA and we advise the planning conditions set out in this report.

7.8 **LCC Forestry**

Arboricultural Impact Assessment that has been submitted addresses initial concerns.

7.9 **Cadent Gas**

Looking at the planning application we (Cadent) would not object as the intermediate and high pressure gas pipelines in the area would not be affected by the application.

SUMMARY OF REPRESENTATIONS

7.10 **Ward Member(s)**

No comments received

7.11 **Parish Council**

Object to the erection of two dwellings. Although we would support the partial demolition and remodelling of the Lodge House along with the reinstatement of a former access route to Ashby Folville Manor House:

- a) The description of the site for the proposed new houses (the Houses) as being, 'predominantly domestic in character' (see para 6.14 of the Heritage Statement and para 7.5 of the Planning Statement) is incorrect. Firstly, we do not understand what is meant by 'domestic'? It would appear to suggest that this is currently a residential area. Nothing could be further from the truth. This land is pasture and any building on the site would be considered development in open countryside.
- b) The site is open countryside which has significant ridge and furrow. This does not appear to be referred to in the Heritage Statement.
- c) The Heritage Statement suggests that the site would provide a 'pocket of development set within a mature landscape at the entrance to the village'. The landscape is open countryside and not near to the entrance to the village, which is a few hundred yards from the site. As the Heritage Statement states Ashby Folville is a small open-textured lineal village. There is no connection between the village and the site.
- d) The Planning Statement suggests at para 3.2 that the removal of the newest drive to Ashby Folville Manor would provide a gain of grazing land. This ignores the fact that the proposed development would remove a much larger area of agriculture.
- e) The Planning Statement at para 7.5 suggests that there would be no interruption of views from the Conservation Area. The Lodge House, which is inside that area, would in fact have the view to the south obscured.

- f) At para 2.1 of the Planning Statement there is reference to 'the village envelope'. It is the opinion of Gaddesby Parish Council that no such envelope exists.
- g) A public footpath crosses the site and Gaddesby Parish Council would support the objection of Melton Ramblers in that regard.
- h) With reference to the design of the proposed dwellings, Gaddesby Parish Council consider that they are extremely large and over bearing. In addition, they are not in keeping with the built nature of the historic village of Ashby Folville.
- i) The Housing Needs Survey of 2017 conducted by Midlands Rural Housing identified that 53% of respondents were of the opinion that no further homes were required in Ashby Folville. Of those which believed more homes were required; the most popular choices being:
 - Homes for young people (41%)
 - Small family homes (29%)
 - Homes for single people (24%)
- j) The Gaddesby Neighbourhood Development Plan has now reached referendum stage. The referendum will take place on Thursday, 6th May 2021 [Conflict identified with Policies HBE2, HBE3, HBE5 and ENV7]
- k) The field survey carried out during the preparation of the Neighbourhood Development plan indicated that the houses would be built on land consisting ridge and furrow. Over the years a great deal of ridge and furrow has been lost. The construction of these two houses would further erode the heritage that ridge and furrow provides.
- l) In his letter of 17th August 2020, Mr Bradwell suggests that the houses would replace some of The Lodge outbuildings. However, the houses would stand well away from The Lodge and its outbuildings and could in no way be regarded as replacement either in position or size.
- m) Furthermore, Mr Bradwell suggests that there would be heritage and public benefits in the event that this application were to be granted and the proposed development carried out. He relies on the current disrepair of the entrance to The Manor and The Lodge. However, this is somewhat disingenuous as the applicant owns The Lodge and the drive and has thereby created this situation by inaction.

Gaddesby Parish Council would ask that the Planning Officers and the Planning Committee visit the site so that they can fully appreciate the proposal.

7.12 Melton Ramblers

Footpath I91 passes through the proposed site. Diverting this footpath to where is shown on Plan P07C will remove the continuity of the path where it continues on the opposite side of Station Road. On Plan P07C the "diverted footpath" is shown to have an open aspect to one side however the current path is open on both sides. Running the path next to a proposed hedge will greatly effect the enjoyment of anyone using the path.

7.13 Neighbours

Five letters of objection have been received from five separate households in response to consultation on the application raising the following issues:

- Application site is located in the open countryside;

- No local requirement/need for the housing being proposed'
- Development is out of scale and keeping with the character of the area;
- Highway safety concerns arising from new access off Station Road;
- Re-routing of public right of way will be required; and
- Conflict with the Melton Local Plan and Gaddesby Parish Neighbourhood Plan

7.14 **Response to Consultations and Representations**

All of the issues raised that are material planning considerations are addressed in detail under Section 8 'Planning Analysis' below.

8 Planning Analysis

8.1 The main considerations in determining this application are as follows:

- Principle of Development
- Heritage Considerations
- Design & Impact on the Character of the Area
- Impact on Amenity
- Highway Matters
- Ecological Impacts
- Flood Risk & Drainage

8.2 **Principle of Development**

8.3 Whilst the Grade II listed Ashby Folville Manor itself is located immediately adjacent to the southern edge of the village of Ashby Folville, the application proposals relate to a derelict lodge building which is a substantial detached former dwelling that was originally the gatehouse to the Manor along with an area of extended garden/parkland to the south and east of the lodge that are located approximately 415m north west of the Manor and some 300m west of the village core. The proposed development is therefore classed as being in the open countryside for the purpose of applying relevant planning policy.

8.4 Policies SS1 and SS2 of the Local Plan state that new development in the countryside will be restricted to that which is necessary and appropriate for the open countryside. This is further reflected by Policy HBE1 of the Neighbourhood Plan which establishes similar limits to development in open countryside locations across the Neighbourhood Plan area.

8.5 Local Plan Policy SS3 supports new dwellings in existing villages but only in cases where there is a proven local need. In this case the Applicant has not made any attempt to demonstrate that there is a local need for the housing development being proposed and, in any event, as explained above the land which is proposed to be developed is physically separate from the village of Ashby Folville and therefore located in the open countryside.

8.6 The proposed development is neither necessary nor appropriate in terms of the location of the application site and therefore the fundamental starting point in this case is that the proposal conflicts with Local Plan Policies SS1, SS2 and SS3 and, in turn, Policy HBE1 of the Neighbourhood Plan which makes clear that development will be carefully controlled in line with local strategic planning policies [as set out in the Local Plan].

8.7 Whether there are material considerations that would otherwise justify granting permission for the proposal as a departure from Policies SS1, SS2 and SS3 of the Local Plan, and Policy HBE1 of the Neighbourhood Plan, is dependent on an assessment of all other planning-related matters pertaining to the development as set out in detail below.

8.8 **Heritage Considerations**

8.9 It has been established above that the application includes proposals for new residential development in an open countryside location contrary to Policies SS1, SS2 and SS3 of the Local Plan, and Policy HBE1 of the Neighbourhood Plan, which is a policy position that has not been contested by the Applicant. As explained earlier in the report however, the application has been presented on the basis that it would deliver significant heritage restoration benefits through the proposed renovation of the derelict lodge building; reinstatement of the original entrance and driveway to the listed Manor House; return of the existing modern driveway back into part of the original parkland landscape; restoration of the bridge over the Gaddesby Brook on the main approach to the house; and resurfacing of the driveway and hardstanding area around the Manor itself.

8.10 The Applicant has stated that all of these proposals in combination would help to restore the Manor back to its original glory but that the cost of these works require a substantial amount of funding. The proposed development, in terms of the value created by the proposed new dwellings, would make a significant contribution towards those costs.

8.11 Paragraph 214 of the NPPF outlines that “enabling development” is development that would not be in compliance with planning policies, and would not normally be given planning permission, except for the fact that it would secure the future conservation of a heritage asset. Local Planning Authorities are required by paragraph 214 to assess whether the benefits of a proposal for enabling development would outweigh the disbenefits of departing from the policies where there is conflict.

8.12 Paragraph 84 of the Framework in making clear that planning decisions should avoid the development of isolated homes in the countryside also provides exceptions to this policy of constraint with one such exception (criterion (b)) being that the development proposal would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset.

8.13 The problem which enabling development typically seeks to address occurs when the cost of repairing a heritage asset exceeds its market value on completion of repair when taking into account all appropriate development costs. This means that the subsidy to cover the difference i.e. the conservation deficit, is necessary to secure the future of the asset.

8.14 The amount of enabling development that can be justified will be the minimum amount necessary to address the conservation deficit and to secure the long-term future of the asset(s) in question. There is no specific planning policy on how to assess enabling development proposals however nor is there a single methodology or approach prescribed in national or local planning policy and guidance.

8.15 The application proposals in this case present a scenario which has some of the hallmarks of a typical enabling development case i.e. new-build housing within grounds that are associated with a significant Grade II listed Manor House to assist financially in the delivery of heritage restoration proposals that would reinstate original parkland features and help return the grounds, and in particular the driveway approach to the listed building, back to its former glory. However, it cannot be said that the long-term future of the designated heritage asset is dependent on the restoration works being proposed in this application being

implemented and therefore it is questionable whether the proposals are representative of an enabling form of development in their truest sense.

- 8.16 Nevertheless, it is recognised by Officers that there are significant heritage benefits to be gained from the proposed development overall, both in terms of enhancements to the significance and legibility of the listed building and its associated parkland setting, and also in terms of a more general enhancement to the character and appearance of the Conservation Area. Indeed, the existing driveway is not reflective of the original layout of the site whilst the lodge building at the entrance to the site is in such a damaged and derelict state that it poses a significant visual eyesore within the Conservation Area at the original entrance to Ashby Folville Manor and immediately adjacent to the coming together of three roads that provide access to and from the main core of the village.
- 8.17 Whilst not strictly speaking an enabling development proposal therefore given that the long-term future of the listed building is not dependent on the works being proposed in this application, it is nonetheless considered that the application offers an important opportunity to secure the refurbishment of the historic lodge building and the reinstatement of the historic driveway to the Manor House and the parkland to the north of the lodge which, together, would positively enhance the character and appearance of the Ashby Folville Conservation Area and restore the overall setting and significance of the Grade II listed building. There is also a fallback position in this case that weighs in favour of the form of development being proposed in this application due to planning permission having previously been granted in May 2016 (ref: 16/00202/FUL; amended by non-material amendment application ref: 17/00180/NONMAT) for the partial demolition, conversion, remodelling and extension of the derelict lodge building to create two separate residential properties. This permission remains extant and, if it were ever to be fully implemented, it would prevent the reinstatement of the original driveway that served the Manor House due to the approved extension projecting towards and up to the line of the original driveway. These latest proposals present a far more acceptable solution in heritage terms which would ensure that the route of the original driveway can be reinstated.
- 8.18 In these respects the proposal is fully compliant with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 along with the NPPF, Policy EN13 of the Local Plan, and Policy ENV3 of the Neighbourhood Plan.
- 8.19 Substantial positive weight attaches to these heritage outcomes in the overall planning balance, but, balanced against the significant heritage benefits that would be derived from the application proposals is the inherent policy conflict arising from the proposed construction of two new-build dwellings in the open countryside. This also has substantial weighting in the overall planning balance in this case, not least due to the fact that new housing in this location would be completely at odds with the strategic policies of the Local Plan. However, whilst finely balanced, it is considered that the benefits of allowing an element of new-build development in order to fund the proposed heritage restoration works would outweigh the disbenefits of departing from Local Plan Policies SS1, SS2 and SS3, and Policy HBE1 of the Neighbourhood Plan, in this case.
- 8.20 The quantum of new-build development required to support the proposed heritage restoration works has been the source of lengthy discussions between Officers and the Applicant since this application was submitted along with another recently refused application (ref: 21/01318/FUL) that initially proposed the construction of a terrace of 12no. new-build cottages on the site before being reduced down to 7no. cottages.

- 8.21 A detailed viability assessment was originally submitted in relation to the proposal for 12no. cottages and this satisfactorily demonstrated that this quantum of new-build development was the minimum required in order to fully fund the works to the rest of the site. The viability report was reviewed on behalf of the Council by BPS Chartered Surveyors and they concluded that the scheme involving 12no. cottages was borderline in terms of being financially viable when assessed in respect of the cost of the proposed heritage restoration works to be carried out. The subsequent reduction in that refused scheme to 7no. cottages (following concerns raised by the Case Officer over the scale of new-build development being proposed in the context of the inherent conflict with strategic policies set out in the Local Plan) therefore left a financial deficit in that case.
- 8.22 No detailed viability information has been submitted specifically in relation to this application for the construction of two new-build dwellings on the site but in the context of the previous viability appraisal which concluded that the construction of 7no. cottages on the site would leave a financial deficit in funding of the proposed heritage restoration works, it is reasonable to conclude in this case that the construction of two dwellings, albeit larger detached properties, would leave a similar if not greater deficit when compared with the scheme previously assessed from a viability perspective.
- 8.23 Nevertheless, the Applicant remains keen to restore the relationship between the Manor, the lodge, the driveway and the gates and is willing to undertake these works even if sufficient value is not realised by the proposed new dwellings. This is clearly a commendable position to take in the circumstances which would ensure that the heritage restoration benefits of the proposals could still be realised despite a substantial reduction in the scale of new-build development compared to that previously proposed and accepted as being necessary to cover the full extent of restoration costs. Moreover, the Applicant has submitted a Unilateral Undertaking with this application under Section 106 of the Town and Country Planning Act 1990 (as amended) which gives a legal commitment to completing the heritage restoration works prior to any material operations being commenced in the construction of the new-build dwellings. This is considered to be an entirely acceptable approach and gives confidence to the Local Planning Authority that there is a genuine commitment to carrying out the proposed heritage restoration works prior to any works being commenced in relation to the new-build housing element.
- 8.24 In relation to other heritage-related matters it is recognised that the application site forms part of a wider area that is designated as historic ridge and furrow under the provisions of Policy ENV4 of the Neighbourhood Plan. In assessing development proposals that would involve any loss or damage to an identified area of ridge and furrow earthwork, the policy requires the benefits of the development to be balanced against the significance of the feature concerned as a heritage asset.
- 8.25 As already set out in detail above, the heritage restoration benefits in the context of the Ashby Folville Conservation Area and setting of the listed Manor House are considered to be significant in this case. In contrast, the application site forms part of a much wider area of ridge and furrow and it is located on the very edge of the designated area where the significance of the earthworks is far less than in the more central areas of the designation. There is some evidence of ridge and furrow in the area of the application site but the loss of a small area on the very edge of a much larger designated area of ridge and furrow is considered to be outweighed by the substantial heritage gains to be achieved in this case thus the proposed scheme complies with Neighbourhood Plan Policy EN4.

8.26 **Design & Impact on the Character of the Area**

- 8.27 Policy D1 of the Local Plan seeks to raise the standard of design from new developments and it states that, amongst other things, siting and layout must be sympathetic to the character of the area. Local Plan Policy EN1 meanwhile seeks to ensure that new development is sensitive to its landscape setting whilst also being respectful of an area's sense of place and local distinctiveness.
- 8.28 These objectives are reinforced by Policy HBE5 of the Neighbourhood Plan which seeks to ensure that residential developments enhance and reinforce local distinctiveness and the character of the area, whilst Policy ENV7 in seeking to safeguard the natural beauty of the area's landscape identifies a number of key views that should be preserved.
- 8.29 As explained in Section 4 above, the proposed works to the derelict lodge building adjacent to the entrance to the site would involve the removal of later additions to the building to leave only the original portion of the property. A new extension to the rear of the building is proposed along with a detached garage to the rear. The proposed extension would take the form of a new wing that would link to the original building, strongly referencing the design language of the building but with clear definition between old and new thereby following good design principles in this respect.
- 8.30 Not only would the proposed works reverse previous unsympathetic additions and alterations to the building and therefore allow the original structure to become more legible, they would also breathe new life into this derelict building which in recent years has become a visual eyesore at the entrance to the Manor and which has also attracted antisocial behavioural problems with the Police having been called to the site on a number of occasions. The proposed remodelling of the building and its future use for residential purposes would therefore not only eliminate existing antisocial behaviour problems at the site but it would also represent a significant visual enhancement in this prominent roadside location with the proposed works overall being proportionate in scale to the original building and in keeping with its prevailing architectural form.
- 8.31 Turning to the proposed two new-build dwellings to the south-east of the derelict lodge it is considered that a high quality and visually sensitive design outcome that responds positively to the historic setting and significance of the site would be achieved. The dwellings would be positioned on an east-west axis and would be north-facing whilst being a mirror image of one another running parallel with, but set back from, the reinstated original driveway to the Manor. Proposed tree planting along the route of the driveway would provide an element of physical and visual separation.
- 8.32 The dwellings would replicate the architectural language of the original lodge building and would take the form of two-storey dwellings of brick construction under a pantile roof with attached single storey triple garages. The proposed materials would be high quality and authentic, closely following the English vernacular theme, in the form of a carefully chosen facing brickwork, timber windows and pantile roofs with this aspect of the development being considered appropriate for both the application site and the wider locality. The scale of the dwellings being proposed is also considered to be acceptable and from a visual perspective it would assist in strengthening a hierarchy of accommodation on the site starting with the restored lodge building at the entrance to the driveway, leading to the proposed new dwellings which would be set back and have a subservience in visual terms, before culminating with the Grade II listed Manor House. The result would be a new-build aspect

of the development that would not be visually overpowering and instead would blend successfully into the historic context of the site.

8.33 With regards to visibility from beyond the application site, the grounds associated with Ashby Folville Manor benefit from extensive mature tree and hedgerow coverage on most of their boundaries which provide a strong degree of visual screening from all nearby public receptors. Glimpse/slot views towards the proposed location for the new-build dwellings are possible through the trees and hedgerow running along the boundary of the site with Station Road to the west but these are only fleeting views where any resultant visual or landscape harm would not be to an extent that would justify withholding planning permission. In addition, whilst the site is located within one of the key views identified in Policy ENV7 of the Neighbourhood Plan (View 7) it is again considered that any resultant harm to this view would be negligible and certainly not sufficient to justify refusing the planning application for this reason. Indeed, the vantage point in question is referenced in the Neighbourhood Plan as being important for the view provided from near to Field 365 facing north-east down the hillside into the Gaddesby Brook valley, over the village of Ashby Folville, and toward the woodlands of Ashby Pastures on the northern horizon. Within this view the application site sits very discreetly in a natural dip in the landform and, as explained above, it is heavily screened by mature trees and hedgerow coverage along the majority of its boundaries. The proposed development would not be particularly visible on the landscape when viewed at distance from locations near to Field 365 and it would have no impact at all on views over Ashby Folville or towards Ashby Pastures which are the key defining characteristics and features of this identified public vantage point.

8.34 Overall therefore the development proposals are considered to be acceptable in terms of siting, scale, design, use of materials and their potential impacts on the landscape character of the area therefore according with Local Plan Policies D1 and EN1, and Policies HBE5 and ENV7 of the Neighbourhood Plan, in these respects.

8.35 **Impact on Amenity**

8.36 Given the relatively isolated nature of the application site and its distance from the nearest residential properties in Ashby Folville, there are no residential properties in the vicinity that would be affected by the proposed development through loss of light, outlook, privacy or other associated disturbance. This being the case it is considered that the proposal would have no adverse residential amenity impacts therefore according with Policy D1 of the Local Plan, and Policy HBE5 of the Neighbourhood Plan, in this respect.

8.37 **Highway Matters**

8.38 As explained earlier in the report, the original entrance and driveway serving the Manor would be reinstated as part of the application proposals and this would provide access to the remodelled lodge building. The proposed new-build dwellings meanwhile would be served by a new access that would be created off Station Road at a point approximately 120m south of the proposed reinstated entrance and original driveway.

8.39 The Highway Authority (LHA) have confirmed that the traffic likely to be generated by the proposed development would not be significant and would be acceptable in terms of its potential impact on traffic flows on the local road network whilst the proposed new access has been confirmed as being acceptable from a design and highway safety perspective.

8.40 Subject to the recommended conditions and informatives set out below, the LHA have confirmed that the proposals are acceptable and, this being the case, the proposal accords with the NPPF, Local Plan Policy IN2 and Neighbourhood Plan Policy T1.

8.41 In relation to another matter, both the Highway Authority and Melton Ramblers have advised that Public Footpath I91 runs through the proposed site for the new-build dwellings and would therefore need to be diverted as part of the scheme. The Highway Authority have raised no objection to this requirement and have recommended conditions securing the necessary diversion. Subject to these conditions the proposal would not prevent the continued use of a public footpath through the site ensuring that there is also accordance with Policy IN2 of the Local Plan in this respect.

8.42 **Ecological Impacts**

8.43 An ecological appraisal incorporating bat surveys and great crested new surveys has been submitted with the application and the County Ecologist has confirmed acceptance of the recommendations set out in the report in relation to mitigation measures that are intended to be put in place to avoid any adverse impacts on protected species or their habitat.

8.44 As the derelict lodge building was recorded to have some bat potential, an updated emergence survey is required to be carried out. A condition in relation to this is recommended for imposition should Members be minded to approve the application. Further conditions requiring the implementation of precautionary recommendations from the submitted ecological appraisal are also recommended.

8.45 Subject to the recommended conditions the proposal accords with Local Plan Policy EN2, and Policy ENV6 of the Neighbourhood Plan, in respect of the potential impacts of the proposed development on matters of ecological interest.

8.46 The application was submitted prior to the introduction of mandatory biodiversity net gain and is therefore not required to fulfil this statutory requirement.

8.47 **Flood Risk & Drainage**

8.48 The application site is located entirely within Flood Zone 1 and is therefore at a low risk of flooding itself. Drainage information for the site has also been submitted and neither the Environment Agency nor the Lead Local Flood Authority (LLFA) have raised any objection in relation to the drainage proposals for the site. It is therefore the case that the proposal does not give rise to any concerns over increasing the risk of flooding elsewhere in accordance with the NPPF and Policy EN11 of the Local Plan.

9 **Conclusion & Reason for Recommendation**

9.1 Whilst the Grade II listed Ashby Folville Manor itself is located immediately adjacent to the southern edge of the village of Ashby Folville, the application proposals relate to a derelict lodge building which is a substantial detached former dwelling that was originally the gatehouse to the Manor along with an area of extended garden/parkland to the south and east of the lodge that are, by definition, in the open countryside.

9.2 The proposed development is neither necessary nor appropriate in terms of the countryside location of the site and therefore the fundamental starting point in this case is that the proposal conflicts with Local Plan Policies SS1, SS2 and SS3 and, in turn, Policy HBE1 of the Neighbourhood Plan which makes clear that development will be carefully controlled in line with local strategic planning policies [as set out in the Local Plan]

9.3 This fundamental policy conflict has not been contested by the Applicant with the application instead being presented on the basis that it would deliver significant heritage restoration benefits through the proposed renovation of the derelict lodge building; reinstatement of the original entrance and driveway to the listed Manor House; return of the existing modern

driveway back into part of the original parkland landscape; restoration of the bridge over the Gaddesby Brook on the main approach to the house; and resurfacing of the driveway and hardstanding area around the Manor itself.

- 9.4 The Applicant has stated that all of these proposals in combination would help to restore the Manor back to its original glory but that the cost of these works require a substantial amount of funding. The proposed development, in terms of the value created by the proposed new-build dwellings, would make a significant contribution towards those costs.
- 9.5 The long-term future of the listed building is not dependent on the works being proposed in this application and therefore, strictly speaking, the application does not constitute enabling development. However, it is nonetheless considered that the application offers an important opportunity to secure the refurbishment of the historic lodge building and the reinstatement of the historic driveway to the Manor House and the parkland to the north of the lodge which, together, would positively enhance the character and appearance of the Ashby Folville Conservation Area and restore the overall setting and significance of the Grade II listed building. There is also a fallback position in this case that weighs in favour of the form of development being proposed due to planning permission having previously been granted in May 2016 (ref: 16/00202/FUL; amended by non-material amendment application ref: 17/00180/NONMAT) for the partial demolition, conversion, remodelling and extension of the derelict lodge building to create two separate residential properties. This permission remains extant and, if it were ever to be fully implemented, it would prevent the reinstatement of the original driveway that served the Manor House due to the approved extension projecting towards and up to the line of the original driveway. These latest proposals present a far more acceptable solution in heritage terms which would ensure that the route of the original driveway can be reinstated. In these respects the proposal is fully compliant with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 along with the NPPF, Policy EN13 of the Local Plan, and Policy ENV3 of the Neighbourhood Plan. It is therefore the case that substantial positive weight attaches to these heritage outcomes in the overall planning balance.
- 9.6 Balanced against the significant heritage benefits is the inherent policy conflict arising from the proposed construction of two new-build dwellings in the open countryside. This also has substantial weighting in the overall planning balance in this case, not least due to the fact that new housing in this location would be completely at odds with the strategic policies of the Local Plan. However, whilst finely balanced, it is considered that the benefits of allowing an element of new-build development in order to fund the proposed heritage restoration works would outweigh the disbenefits of departing from Local Plan Policies SS1, SS2 and SS3, and Policy HBE1 of the Neighbourhood Plan.
- 9.7 The quantum of new-build development required to support the proposed heritage restoration works has been the source of lengthy discussions between Officers and the Applicant since this application was submitted along with another recently refused application (ref: 21/01318/FUL). No detailed viability information has been submitted specifically in relation to this application for the construction of two new-build dwellings on the site but, in the context of the previous viability appraisal which concluded that the construction of 7no. cottages on the site would leave a financial deficit in funding of the proposed heritage restoration works, it is reasonable to conclude in this case that the construction of two dwellings, albeit larger detached properties, would leave a similar if not greater deficit when compared with the viability appraisal of the recently refused scheme.

- 9.8 Nevertheless, the Applicant remains keen to restore the relationship between the Manor, the lodge, the driveway and the gates and is willing to undertake these works even if sufficient value is not realised by the dwellings. Moreover, the Applicant has submitted a Unilateral Undertaking with the application under Section 106 of the Town and Country Planning Act 1990 (as amended) which gives a legal commitment to completing the heritage restoration works prior to any material operations being commenced in the construction of the new-build dwellings. This is considered to be an entirely acceptable approach and gives confidence that there is a genuine commitment to carrying out the proposed heritage restoration works prior to any works being commenced in relation to the new-build housing development.
- 9.9 In relation to design and visual impacts, subject to the recommended conditions the development proposals are considered to be acceptable in terms of siting, scale, design, use of materials, potential impacts on the landscape character of the area and neighbouring amenity impacts therefore according with Local Plan Policies D1 and EN1, and Policies HBE5 and ENV7 of the Neighbourhood Plan, in these respects.
- 9.10 It is also the case that the development would be acceptable from a highways safety perspective, impact on protected species and their habitat, and in terms of not being at risk of flooding or increasing flood elsewhere, thereby demonstrating compliance with the NPPF; Policies EN2, EN11 and IN2 of the Local Plan; and Policies EN6 and T1 of the Neighbourhood Plan, in respect of these technical and environmental matters.

10 Planning Conditions

- 10.1 The development shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

- 10.2 The development hereby permitted shall be carried out in accordance with following approved drawings and documents:

Dwg No 1546(4) P08 - Proposed Site Plan 1 of 2 - received 10.05.24

Dwg No 1546(4) P09 - Proposed Site Plan 2 of 2 - received 10.05.24

Dwg No 1546(4) P10 - Proposed Ground Floor Plan (Gatehouse) - received 10.05.24

Dwg No 1546(4) P11 - Proposed First Floor Plan (Gatehouse) - received 10.05.24

Dwg No 1546(4) P12 - Proposed Elevations (Gatehouse) - received 10.05.24

Dwg No 1546(4) P13 - Proposed Elevations (Gatehouse) - received 10.05.24

Dwg No 1546(4) P14 - Proposed Garage (Gatehouse) - received 10.05.24

Dwg No 1546(4) P15 - Proposed Dwelling (Plot 1) - received 10.05.24

Dwg No 1546(4) P16 - Proposed Dwelling (Plot 2) - received 10.05.24

Dwg No 1546(4) P17 - Proposed Bridge Plan & Elevation - received 10.05.24

Dwg No 1546(4) P18 - Proposed Bridge Elevation - received 10.05.24

Dwg No 1546(4) P19 - Proposed Visibility Splays - received 10.05.24

Ashby Folville Gates Horizontal Top - received 10.05.24

Reason: For the avoidance of doubt and to ensure that the development is in accordance with Policy D1 of the Melton Local Plan.

10.3 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 then be carried out in strict accordance with those external materials approved.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy D1 of the Melton Local Plan.

10.4 No works on the restoration of the gatehouse/lodge building hereby approved shall commence until full details of all new windows, doors and dormer windows have been submitted to and approved in writing by the Local Planning Authority. Such details shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour. The development shall thereafter be carried out in accordance with these approved details and retained as such.

Reason: To ensure a satisfactory appearance of the development which does not detract from the historic fabric and character of this rural buildings and its prominent setting at the entrance to the site in accordance with Policies D1 and EN13 of the Melton Local Plan.

10.5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any order revoking and re-enacting the Order with or without modification) no development falling within Schedule 2 Part 1 Classes A-F and Part 2 Class A shall be erected/carried out without the prior permission of the Local Planning Authority.

Reason: To safeguard the appearance of the development and the privacy and living conditions of future residents in accordance with Policy D1 of the Melton Local Plan.

10.6 Within one month of the commencement of works on site, a plan showing a detailed soft and hard landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include details of:

(a) any existing trees, shrubs, hedges and water bodies to be retained and measures for their protection in the course of development;

(b) new tree and shrub planting, including plant type, size, quantities and locations;

(c) other surface treatments;

(d) fencing and boundary treatments; and

(e) any changes in levels or contours.

Reason: To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity in accordance with Policy D1 of the Melton Local Plan.

10.7 The approved landscaping scheme pursuant to Condition 6 above shall be carried out within one year of completion of the development and any trees, hedges, shrubs or plants which within a period of five years from the completion of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity in accordance with Policy D1 of the Melton Local Plan.

10.8 The development hereby approved shall only be carried out in accordance with the mitigation measures contained in the Updated Ecological Appraisal Report prepared by Skilled Ecology Consultancy Ltd (dated May 2022; received 14th June 2022). In addition, during the demolition and construction phases, all materials shall be stored off the ground (for example on pallets) to minimise the likelihood of Great Crested Newts accessing them for refuge. All spoil/waste materials shall be removed from site at the end of each working day (or stored in a skip) and the site should be maintained as sub-optimal prior to the commencement of works.

Reason: To ensure that the development does not have an adverse impact on protected species or their habitat in accordance with Policy EN2 of the Melton Local Plan.

10.9 No development shall take place until an updated bat emergence survey report has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with any mitigation measures identified as being required in the update emergence survey report.

Reason: To ensure that the development does not have an adverse impact on protected species or their habitat in accordance with Policy EN2 of the Melton Local Plan.

10.10 The development hereby approved shall only be carried out in accordance with the mitigation and protection measures contained in the report BS 5837 Tree Survey leading to an Arboricultural Impact Assessment for Planning prepared by Robert Parker Projects (ref: 2404-1_Tree Survey; dated 26th April 2024; received 3rd May 2024)

Reason: To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity in accordance with Policy D1 of the Melton Local Plan.

10.11 No development shall take place until a scheme for the treatment of Public Footpath I91 has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for its management during construction, surfacing, width, structures, signing and landscaping in accordance with the principles set out in Leicestershire County Council's Guidance Notes for Developers. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: To protect and enhance Public Rights of Way and access in accordance with Paragraph 104 of the National Planning Policy Framework (December 2023) and Policy IN2 of the Melton Local Plan.

10.12 No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, and to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area, in accordance with Policy IN2 of the Melton Local Plan.

10.13 No part of the development shall be occupied until such time as the offsite works shown on Dwg No 1546(4) P08 (Proposed Site Plan 1 of 2) received on 10.05.24 have been implemented in full.

Reason: To mitigate the impact of the development in the general interests of highway safety and in accordance with the National Planning Policy Framework (December 2023) and Policy IN2 of the Melton Local Plan.

- 10.14 No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 215 metres to the south, and 2.4m by 130m to the north, have been provided at the new site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (December 2023) and Policy IN2 of the Melton Local Plan.

- 10.15 The reinstatement of the access to Ashby Folville Manor hereby permitted shall not be used for a period of more than one month from first being brought into use unless the vehicular access onto Ashby Road that becomes redundant as a result of this proposal has been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (December 2023) and Policy IN2 of the Melton Local Plan.

- 10.16 The development hereby permitted shall not be occupied until such time as parking and turning facilities have been implemented in accordance with Dwg No 1546(4) P08 (Proposed Site Plan 1 of 2) received on 10.05.24. Thereafter, the onsite parking and turning provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023) and Policy IN2 of the Melton Local Plan.

- 10.17 The development hereby permitted shall not be occupied until such time as the access drive for the reinstatement of the driveway to Ashby Folville Manor has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023) and Policy IN2 of the Melton Local Plan.

11 Informatives

- 11.1 Prior to construction, measures should be taken to ensure that users of the Public Footpath are not exposed to any elements of danger associated with construction works.
- 11.2 A separate application for diversion of the Public Footpath is required. This should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.

- 11.3 If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
- 11.4 No new gates, stiles, fences, or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
- 11.5 Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
- 11.6 The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

12 Financial Implications

- 12.1 There are no financial implications associated with this planning application.

Financial Implications reviewed by: N/A

13 Legal and Governance Implications

- 13.1 Legal implications are set out in the report where relevant and legal advisors will also be present at the meeting.
- 13.2 The Legal Team will need to review the unilateral undertaking to ensure it provides the required obligations and covenants prior to any grant of permission.

Legal Implications reviewed by: Tom Pickwell (Deputy Monitoring Officer)

14 Background Papers

- 14.1 The planning history is contained within Section 3 of the report and the details of which are available to view on-line.