

# Planning Committee

18 December 2024

Report of: Assistant Director for Planning

**Reference Number: 24/00793/FUL**

**Proposal: Partial demolition and remodelling of derelict lodge to create annex to the Manor including access works; erection of 5no. 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**

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

**Applicant: Mr Jamie Lewis**

**Planning Officer: Mark Ketley**

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<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Councillor Robert Child (Gaddesby)
<b>Date of consultation with Ward Member(s):</b>	3 September 2024
<b>Exempt Information:</b>	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.

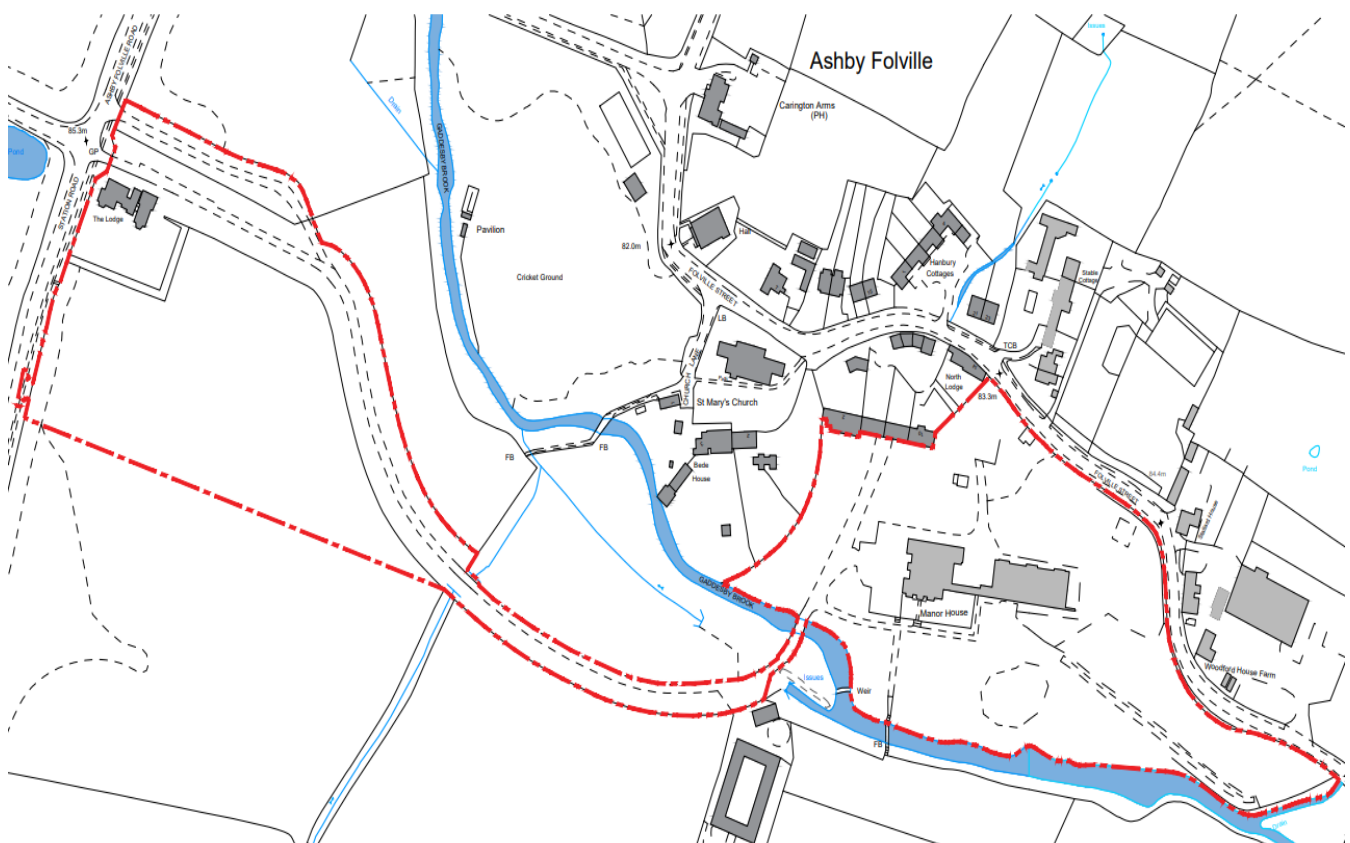
## Web Link:

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

## What 3 words:

<https://what3words.com/report.encrusted.outs>

## Site Location Plan



Site Location Plan

## RECOMMENDATION

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

1. Conditions detailed in Section 10 of this Report;
2. Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) securing completion of the heritage restoration works prior to any material operations being commenced on the construction of the new-build cottages; and
3. Receipt of an Impact Assessment and Conservation Payment Certificate (IACPC) countersigned by Natural England.

# 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 5no. new-build cottages within its parkland grounds to help fund the restoration proposals.
- 1.2 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. 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].
- 1.3 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. 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 original driveway to the Manor House and its associated parkland. Together, this would enhance the character and appearance of the Conservation Area and restore the overall setting and significance of the Grade II listed building.
- 1.4 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. 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 and would permanently alter the character and appearance of the historic part of the lodge house.
- 1.5 The latest proposal presents a far more acceptable solution in heritage terms which would ensure that the route of the original driveway can be reinstated and that the historic part of the lodge house building can be preserved and incorporated into the scheme. 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, Local Plan Policy EN13 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.
- 1.6 Balanced against the significant heritage benefits is the inherent policy conflict arising from the proposed construction of 5no. new-build cottages in the open countryside. This also has substantial weighting in the overall planning balance, 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.
- 1.7 Based on viability information previously submitted, a terrace of 5no. cottages as now being proposed will leave a substantial financial deficit when compared with the very initial proposal for this site involving 12no. new-build cottages. However, 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 reduced number of cottages now being proposed. Moreover, the Applicant has submitted a draft Unilateral Undertaking with the application which gives a legal commitment under Section 106 of the Town and Country Planning Act 1990 (as amended) to completing the heritage restoration works prior to material operations on the new-build element being commenced.

- 1.8 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.
- 1.9 It is also the case that, subject to the recommended conditions, the development would be acceptable from a highway safety perspective, impact on protected species and their habitat, on-site biodiversity net gain proposals, 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/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 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 and would fundamentally alter the character and appearance of the historic part of the lodge house to the extent that it could never be returned back to its original form as is being proposed through this latest application.

### 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 for the following reason:
- “In the opinion of the Local Planning Authority the proposal would, if approved, result in the provision of seven additional dwellings in an unsustainable location. The development occupies an unsustainable location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of a private motor vehicle. The proposal does not meet an identified proven local need and would be contrary to Policies, SS1, SS2 and SS3 of the Local Plan which seeks to restrict development in such settlements to that which is based on a local proven need. The proposal would also be contrary to Policies HBE1 and HBE3 of the adopted Neighbourhood Plan. The limited heritage benefits of the proposal do not outweigh the significant harm that would be caused by the unsustainable location of the development.”*
- 3.5 21/00085/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 12.07.24

### 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 lodge to create annex accommodation**

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 with the intention being that the resultant building would provide annexe accommodation for Ashby Folville Manor. 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 5no. cottages**

The final aspect of the proposed development would involve the construction of a terrace of 5no. new dwellings (referred to as “workers cottages”) 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 take the form of a terrace of two-storey dwellings of brick and slate construction that would be accessed from a separate new entrance off Station Road and which would face north onto an internal access road and a row of detached garages that would serve each dwelling. The cottages would have a typically English vernacular style with painted timber windows and deep overhangs. At their rears each dwelling would benefit from long private gardens enclosed by walls that would extend towards the southern site boundary.

- 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 row of new cottages, would make a meaningful contribution towards those costs.

## **5 Amendments**

5.1 There have been no amendments made to the proposal since submission of the application.

## **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 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**

7.3 The Local Highway Authority (LHA) 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 115 of the National Planning Policy Framework (December 2023), subject to the conditions and/or planning obligations outlined in this report.

7.4 As the original Manor House access is existing and is permitted to be used by the Lodge the LHA does not require any further details regarding this access. The LHA advise the LPA that a suitable condition should be imposed to secure the closure of the northern access.

7.5 The LHA note that the access to the new dwellings would meet Station Road at a perpendicular angle to the highway. This is acceptable to the LHA.

7.6 The LHA note that the site will remain private and not be offered for adoption as publicly maintainable highway but is of a width suitable for two-way traffic.

7.7 Public Footpath I91 runs through the proposed development. The LHA have advised that a scheme for the treatment of the Public Footpath should be provided which includes how access to the Footpath will be retained during the development phase and the details of the permanent diversion. The LHA would expect the new alternative route to be provided at the outset, either as a temporary diversion or as the confirmed permanent diversion.

#### **7.8 Historic England**

7.9 No specific comments made on this application and general advice/guidance provided in relation to assessing the impacts of development proposals on heritage significance.

#### **7.10 MBC Conservation Officer**

7.11 Support - I was supportive of 7 additional units at the site which sits within the curtilage of the listed building. The quantum of development has been reduced and as such the setting of the listed Ashby Folville Manor will be enhanced by this scheme.

7.12 As I was supportive of the previous scheme I remain supportive of the revised scheme with the reduced quantum. The works are considered to result in an overall neutral impact in accordance with Para 208 of the NPPF.

#### **7.13 LCC Archaeology**

7.14 Condition recommended requiring a programme of archaeological work to be completed. The programme will commence with an initial phase of earthwork survey and trial trenching to inform a final archaeological mitigation scheme for the site.

## 7.15 **LCC Ecology**

7.16 The Preliminary Ecological Appraisal should be updated to include an updated walkover survey of the site (including an updated daytime bat survey) and subsequent bat and great crested newt surveys updated. In addition, the principle of Biodiversity Net Gain (BNG) proposals for the site have been accepted but detailed proposals and an updated calculation metric are required for the development. These are matters which can be satisfactorily conditioned should the application be approved.

7.17 The applicant also needs to submit a copy of their Impact Assessment and Conservation Payment Certificate (IACPC), which has been countersigned by Natural England.

## 7.18 **Lead Local Flood Authority (LLFA)**

7.19 The site is located within Flood Zone 1 being at low risk of fluvial flooding. The site is also at low risk of surface water flooding, with some flow paths restricted to the existing ditch to the north of the proposed buildings. The drainage strategy proposes to drain surface water into the Gaddesby Brook (main river) to the north via a new pumped public sewer culvert. It is advised that the Gaddesby Brook is a main river and as such, the LPA should ensure the Environment Agency is formally consulted.

## 7.20 **Environment Agency**

7.21 No objection subject to a condition requiring development to be carried out in accordance with the measures set out in the submitted Flood Risk Assessment.

## 7.22 **Cadent Gas**

7.23 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.

## 7.24 **LCC Obligations**

7.25 This application is for a scheme of less than 10 dwellings therefore contribution requests for this application are not considered to be necessary.

## 7.26 **MBC Environmental Health**

7.27 Given the historical nature of the site, it is possible that activities commonly associated with large estate grounds may have contributed to land contamination. To ensure the land is suitable for any proposed development and to mitigate any risks to human health and the environment it is recommended that a Phased Contaminated Land Assessment is carried out before development commences which can be secured through conditions.

## **SUMMARY OF REPRESENTATIONS**

### 7.28 **Ward Member(s)**

7.29 No comments received

### 7.30 **Parish Council**

7.31 Gaddesby Parish Council wish to object to the erection of the five cottages. Although we would support the partial demolition and redevelopment of The Lodge House along with the reinstatement of a former access route to Ashby Folville Manor House. Application no: 21/01318/FUL was an application for inter alia seven workman's cottages on exactly the same site as the proposed five cottages which are the subject of this application. Application no: 21/01318/FUL was refused by Melton Borough Council no less than three months ago on the basis that: *'In the opinion of the Local Planning Authority the proposal would, if*

*approved, result in the provision of seven additional dwellings in an unsustainable location. The development occupies an unsustainable location where there are limited local amenities, facilities and jobs and where future residents are likely to depend highly on the use of a private motor vehicle. The proposal does not meet an identified proven local need and would be contrary to Policies, SS1, SS2 and SS3 of the Local Plan which seeks to restrict development in such settlements to that which is based on a local proven need. The proposal would also be contrary to Policies HBE1 and HBE3 of the adopted Neighbourhood Plan. The limited heritage benefits of the proposal do not outweigh the significant harm that would be caused by the unsustainable location of the development.'*

7.32 This site remains an unsustainable location. There has been no proven need in this application and it would be contrary to the policies referred to in that refusal. We have seen the letter addressed to you by the applicant's solicitor dated 30 August 2024. We would comment on the supposed heritage benefits as follows:

1. There is an extant permission at the site – 16/002002/FUL as amended. It is suggested that the permission which is for the conversion of The Lodge into two separate houses on..... 'the same unsustainable location' as the five cottages. That is misleading and incorrect. The two houses would sit adjacent to the drive to The Manor and not in open countryside as would the cottages.

2. It is correct that the extant permission does not seek to restore the drive, gates and bridge. However, there is no reason why the applicant could not apply separately for this development which would be unlikely to be opposed.

3. It is neither understood nor explained why there is a supposed heritage connection between The Lodge and The Manor House. They are a good distance away from and out of sight of one another. The Manor is a grade II listed stone-built house on a 16th century plan whereas The Lodge is a red brick unlisted Victorian building which has been much extended and remodelled.

4. As the proposed workman's cottages are also a good distance from and out of sight of The Manor House, it is neither understood nor explained why they are..... 'in keeping with the character of the grounds of The Manor'.

7.33 With reference to the supposed non-heritage benefits we would comment as follows:

1. There was discussion by the planning committee in relation to application 21/01318/FUL about the provision of smaller affordable housing being required. It is not understood where the evidence is for this view. A housing need survey is currently being prepared and the result will be enlightening.

2. The reference to ten bedrooms is incorrect. It ignores the two bedrooms created in the remodelled Lodge making a total of twelve bedrooms. Additionally, we would like to add that the design of the cottages is of a modern type and the design of the garages is suburban rather than rural.

7.34 **Melton Ramblers**

7.35 The existing line of the Public Right of Way (I91) is not shown on any of the proposed site plans. Why not? Diverting this section of path would disconnect it from its continuation. The Ramblers will object to the diversion of the footpath.

7.36 **Neighbours**

7.37 One letter of objection has been received in response to consultation on the application raising the following issues:

- Application site is located in the open countryside;
- Conflict with the Melton Local Plan and Gaddesby Parish Neighbourhood Plan;
- Negative impact on the Ashby Folville Conservation Area;
- Impact on setting of nearby listed buildings;
- Impact on ridge and furrow;
- Development would interrupt one of the identified significant views of the village; and
- Appearance of the development more appropriate to an urban setting.

### 7.38 **Response to Consultations and Representations**

7.39 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 row of five new cottages, would make a meaningful 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 makes clear that planning decisions should avoid the development of isolated homes in the countryside, and 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, 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 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, 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 and would fundamentally alter the character and appearance of the historic part of the lodge house to the extent that it could never be returned back to its original form as is being proposed through this latest application. The latest proposal presents a far more acceptable solution in heritage terms which would ensure that the route of the original driveway can be reinstated and that the historic part of the lodge house building can be preserved and incorporated into the scheme.
- 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. It is therefore the case that substantial positive weight attaches to these heritage outcomes in the overall planning balance in this instance.
- 8.19 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 five new-build cottages 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 help 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 discussions between Officers and the Applicant over a lengthy period of time and since the previously refused application was submitted in November 2021 (ref: 21/01318/FUL). Although the scale of the proposed new-build element of the development was reduced from 12no. to 7no. cottages during the course of that previously refused application, a detailed viability assessment was submitted in relation to the original proposal for 12no. cottages and this satisfactorily demonstrated that quantum of new-build development was the minimum required in order to fully fund the restoration works to the rest of the site. The viability report was independently 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. There was a subsequent reduction in the 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. The subsequent further reduction to 5no. cottages presented in this latest application in an attempt to overcome the Committee's previous concerns will therefore leave a large financial deficit in this case.
- 8.21 However, the Applicant remains keen and willing 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 cottages. 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 originally proposed and accepted as being necessary to cover the full extent of the restoration costs. Moreover, the Applicant has submitted a draft Unilateral Undertaking with the application giving a legal commitment under Section 106 of the Town and Country Planning Act 1990 (as amended) to complete the heritage restoration works prior to any material operations being commenced in the construction of the new-build cottages. 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 development.
- 8.22 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.
- 8.23 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.
- 8.24 LCC Archaeology have previously recommended the imposition of a condition requiring a programme of archaeological work to be completed which should commence with an initial

phase of earthwork survey and trial trenching to inform a final archaeological mitigation scheme for the site. It is again recommended that this condition be imposed on the grant of planning permission should Members be minded to approve the application.

#### 8.25 **Design & Impact on the Character of the Area**

8.26 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.

8.27 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.

8.28 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 with the intention being that the resultant building would provide annexe accommodation for the Manor. 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. 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 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 as annexe accommodation 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.

8.29 Turning to the proposed row of new-build cottages to the south east of the derelict lodge, the Council's Conservation Officer has been influential in the design approach to this aspect of the proposals in the interests of ensuring a high quality and visually sensitive design outcome that responds positively to the historic setting and significance of the site. The dwellings would take the form of a terrace of two-storey dwellings of brick and slate construction that 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 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 slate roofs with this aspect of the development being considered appropriate for both the application site and the wider locality.

8.30 Whilst 5no. cottages are proposed, the scale is 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 cottages 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.

- 8.31 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 cottages 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.
- 8.32 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.
- 8.33 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 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 Local Plan Policy D1, 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 cottages 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 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.
- 8.40 Concerns were originally expressed by the Highway Authority in relation to the previously refused application concerning the geometry of the proposed new access off Station Road and the visibility that can be achieved at this point. However, the Applicant submitted

amended plans addressing these issues and demonstrating that the minimum required visibility can be achieved in both directions at the point of the proposed new access. These access plans have been replicated in this latest application submission.

8.41 The final comments of the Highway Authority have been received and, subject to the recommended conditions and informatives set out below, they have confirmed that the proposals are acceptable from a highway safety perspective. This being the case, the application accords with the NPPF, Local Plan Policy IN2 and Neighbourhood Plan Policy T1 in respect of highway safety issues.

8.42 In relation to another matter, the Highway Authority have advised that Public Footpath I91 runs through the proposed site for the new-build cottages 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 accordance with Policy IN2 of the Local Plan.

#### 8.43 **Ecological Impacts**

8.44 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. Updates to the report have been requested which can be satisfactorily secured through the imposition of an appropriately worded condition whilst the County Ecologist has also requested that a copy of the Applicant's Impact Assessment and Conservation Payment Certificate (IACPC), countersigned by Natural England, be provided.

8.45 The County Ecologist's request is for a copy of the countersigned IACPC to be provided prior to the determination of the application, however the Applicant is not currently able to submit this at the time of preparing the Committee Report as updated survey information needs to be submitted to Natural England which can only be carried out during the next ecological surveying window starting Spring 2025. Should Members be minded to approve the application therefore, it is recommended that the decision notice is not released until such time that a copy of the countersigned IACPC has been submitted. This will ensure that the proposal accords with Policy EN2 of the Local Plan, and Policy ENV6 of the Neighbourhood Plan, in respect of the potential impacts of the proposed development on matters of ecological interest.

8.46 Biodiversity Net Gain (BNG) information has been submitted with the application in the form of a BNG Statement and accompanying metric calculation which together confirm that more than the mandatory 10% gain can be achieved on-site with an expected 43% improvement in ecological habitats and 35% gain in hedgerow value. The principle of the BNG proposals for the site have been accepted but detailed proposals and an updated calculation metric are required prior to development commencing which can be secured through the imposition of an appropriately worded condition in accordance with Local Plan Policy EN2, Policy ENV6 of the Neighbourhood Plan, and the NPPF in this respect.

#### 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 row of new cottages, would make a meaningful 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 and somewhat unique 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.
- 9.6 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 and would fundamentally alter the character and appearance of the historic part of the lodge house to the extent that it could never be returned back to its original form as is being proposed through this latest application.
- 9.7 The latest proposal presents a far more acceptable solution in heritage terms which would ensure that the route of the original driveway can be reinstated and that the historic part of the lodge house building can be preserved and incorporated into the scheme. 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, Local Plan Policy EN13 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.

- 9.8 Balanced against the significant heritage benefits is the inherent policy conflict arising from the proposed construction of 5no. new-build cottages 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.
- 9.9 The quantum of new-build development required to support the proposed heritage restoration works has been the source of discussions between Officers and the Applicant over a lengthy period of time. Indeed, Members will recall that a previous application seeking permission for the construction of a row of 7no. new-build cottages on the site to assist in funding the proposed heritage restoration works, itself a reduction in scale from a scheme of 12no. cottages originally proposed, was refused by Planning Committee in April 2024 (ref: 21/01318/FUL) whilst a further application for the construction of two much larger detached dwellinghouses instead of a terrace of smaller cottages was also refused by Planning Committee in July 2024 (ref: 21/00085/FUL)
- 9.10 Based on viability information submitted with the previously refused application for a terrace of cottages on the site, the reduction in scale from the very initially proposed 12no. cottages to the 5no. cottages now being proposed in this latest application will leave a substantial financial deficit in this case. However, 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 reduced number of cottages now being proposed. Moreover, the Applicant has submitted a draft Unilateral Undertaking with the application which gives a legal commitment under Section 106 of the Town and Country Planning Act 1990 (as amended) to completing the heritage restoration works prior to any material operations being commenced in the construction of the new-build cottages. 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.
- 9.11 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.
- 9.12 It is also the case that, subject to the recommended conditions, the development would be acceptable from a highway safety perspective, impact on protected species and their habitat, on-site biodiversity net gain proposals, 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/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(5) P08 - Proposed Site Plan 1 of 2

Dwg No 1546(5) P09 - Proposed Site Plan 2 of 2

Dwg No 1546(5) P10 Rev B - Proposed Ground Floor Plan (Gatehouse)

Dwg No 1546(5) P11 Rev C - Proposed First Floor Plan (Gatehouse)

Dwg No 1546(5) P12 Rev D - Proposed Elevations (Gatehouse)

Dwg No 1546(5) P13 Rev D - Proposed Elevations (Gatehouse)

Dwg No 1546(5) P14 Rev A - Proposed Garage (Gatehouse)

Dwg No 1546(5) P15 - Proposed Site Plan

Dwg No 1546(5) P16 - Proposed Workers Cottage Type A

Dwg No 1546(5) P17 - Proposed Workers Cottage Type B

Dwg No 1546(5) P18 - Proposed Workers Cottage Type C

Dwg No 1546(5) P19 - Proposed Workers Cottage Garage

Dwg No 1546(5) P20 - Proposed Bridge Plan & Elevation

Dwg No 1546(5) P21 - Proposed Bridge Elevation

Dwg No 1546(5) P22 - Proposed Visibility Splays

Dwg No 1546(5) P23 - Proposed Site Sections

Dwg No 1546(5) P24 - Proposed Site Sections

Dwg No 5701 Rev P4 - Proposed Drainage Layout Sheet 1

Dwg No 5702 Rev P3 - Proposed Drainage Layout Sheet 2

Drainage Design Technical Note

(all documents received by the Local Planning Authority on 30th August 2024)

**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 No development shall take place until an updated bat emergence survey report and an updated great crested newt survey report have 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 the mitigation measures contained in the Updated Ecological Appraisal Report prepared by Skilled Ecology Consultancy Ltd (dated May 2022; received 30th August 2024) and any additional mitigation measures identified as being required in the updated bat emergence survey report and updated great crested newt 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.

10.9 During the demolition and construction phases of the development hereby permitted, 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.

10.10 Prior to the commencement of the development (including ground works or vegetation clearance), a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The BEMP is to be based off the Biodiversity Net Gain Metric (Roger Spring BSc, MCIEEM; dated 29th August 2024) and the plan shall include:

- A) Description, evaluation and location of the ecological features and biodiversity enhancement measures to be created and managed;
- B) Ecological trends and constraints on site that might influence management;
- C) Aims and objectives of biodiversity enhancements and their management including for protected species;
- D) Appropriate management options for achieving the aims and objectives of the project;
- E) Prescriptions for management actions;
- F) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- G) Details of the body or organisation responsible for implementation of the plan;
- H) Ongoing monitoring and remedial measures; and
- I) Details of the legal and funding mechanism by which the long-term implementation of the plan will be secured.

The plan shall be supported by an updated BNG metric calculation using the latest DEFRA version of the metric and, once agreed, the approved plan shall be implemented in full in accordance with the approved details.

**Reason:** In the interests of preserving and enhancing the biodiversity and ecological value of the site in accordance with Policy EN2 of the Melton Local Plan.

10.11 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 30th August 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.

10.12 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.

10.13 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.

10.14 No part of the development shall be occupied until such time as the offsite works shown on Dwg No 1546(5) P08 (Proposed Site Plan 1 of 2; received 30th August 2024) 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.

10.15 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.

10.16 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.

10.17 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.

10.18 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(5) P15 (Proposed Site Plan; received 30th August 2024). 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.

10.19 The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: Planning Consultation Letter Re: 24/00793/FUL Ashby Folville Manor Gaddesby Lane Ashby Folville Melton Mowbray; received 8th October 2024) and the following mitigation measures set out therein:

- There will be no ground raising as part of the reinstatement of the original driveway or the creation of new hardstanding concrete areas.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** To prevent flooding elsewhere by ensuring that there are no detrimental impacts to flood storage or flood flow routes in accordance with Policy EN11 of the Melton Local Plan.

10.20 No demolition shall take place and no development commence until a programme of archaeological work has been completed. Such programme shall commence with an initial phase of earthwork survey and trial trenching to inform a final archaeological mitigation scheme. Each stage shall be completed in accordance with a written scheme of investigation (WSI) which has first been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed mitigation WSI which shall include a statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

**Reason:** To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy EN13 of the Melton Local Plan.

10.21 No development shall commence until such time that a Phase 1 contaminated land assessment has been submitted to and approved in writing by the Local Planning Authority. Such assessment to include a desktop study and site walkover to assess the likelihood of contamination based on historical land uses. In the event that the Phase 1 assessment should identify any potential risks for the development hereby permitted, a Phase 2 intrusive site investigation shall be carried out involving soil sampling and testing to confirm the presence and extent of any contamination. Thereafter, the results of the intrusive site investigation shall be submitted to and approved in writing by the Local Planning Authority before development commences along with a remediation strategy setting out how the identified contamination on the site is to be treated. Once approved the development shall not be carried out other than in complete accordance with the agreed remediation details.

**Reason:** To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants

- 10.22 The development hereby permitted shall not be brought into use until such time that a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved remediation strategy. Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required level of remediation has been fully met.

**Reason:** To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

- 10.23 If during development contamination not previously considered is identified, then an additional written method statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority and the measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the Applicant shall submit a signed statement indicating this to discharge this condition.

**Reason:** To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

## 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](mailto: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 The Applicant is advised that planning permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

## **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: 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.