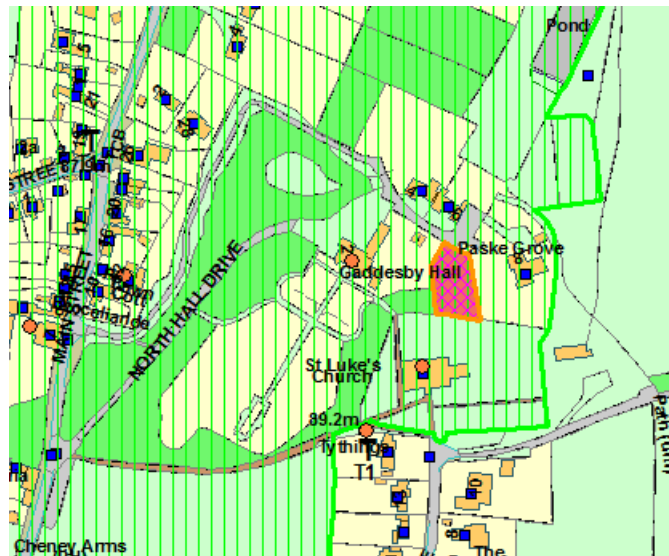


**COMMITTEE DATE: 20th February 2018**

**Reference:** 17/01139/FUL  
**Date Submitted:** 20.10.17  
**Applicant:** Mr & Mrs Jinks  
**Location:** Land Adj The Hall Main Street Gaddesby  
**Proposal:** Proposed two storey dwelling (with ground floor being subterranean).



**Introduction:-**

The proposal seeks planning permission for a proposed two storey dwelling (with the ground floor being subterranean) within the grounds of Gaddesby Hall. The proposed development site is located within the immediate setting of Gaddesby Hall (a Grade II listed building) as well as the wider setting of the (Grade I listed) Church of St Lukes.

**It is considered that the main issues arising from this proposal are:**

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the conservation area**
- **Impact upon the setting of the listed building**
- **Impact upon residential amenities**
- **Impact upon ecology**
- **Highway safety.**

**History:- 15/00826/FUL & 16/00691/DIS**

One new dwelling was permitted in 2015 on a former tennis court to the rear of Gaddesby Hall. The new property was a pastiche designed two storey, three bedroom dwelling in reconstructed stone quoins, rustic brick in stretcher bond and natural slate roof. A number of highway improvements were conditioned as part of the approval and these were satisfactorily discharged in 2016.

## **Planning Policies:-**

### **Melton Local Plan (Saved policies)**

**Policy OS1** – This policy states that planning permission will only be granted for development within the town and village envelopes where the form, character and appearance of the settlement is not adversely affected, the form, size, scale, mass, materials and architectural detailing is in keeping with the character of the locality, the proposal would not cause undue loss of residential privacy, outlook and amenity enjoyed by occupants of existing nearby dwellings and that requisite infrastructure, such as public services is available or can be provided and that satisfactory access and parking provision can be made available.

**Policy H6** – This policy states that planning permission for residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

**Policy C15** – This policy states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development and the development is designed to protect the species or arrangements are made for the transfer of the species to an alternative site of equal value.

**Policy BE1** – This policy states that planning permission will not be granted for new buildings unless (including): the buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing, the buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight/ daylight and adequate vehicular access and parking is provided.

### **The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:**

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

The NPPF also establishes 12 core planning principles that should underpin decision taking. Those relevant to this application include:

- proactively drive sustainable economic development to deliver homes, infrastructure and thriving local places the country needs,
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings,
- Take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it,
- Actively manage patterns of growth to make the fullest possible use of public transport, walking, cycling, and focus significant development in locations which are or can be made sustainable.

### **On Specific issues it advises:**

#### **Conserving and enhancing the historic environment**

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
- In determining planning applications, local planning authorities should take account of:
  - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

### **Listed Building and Conservation Area Act 1990**

As the site adjacent is Gaddesby Hall, a Grade II listed building, and the development site is within the Conservation Area, the Committee is reminded of the duties to give special attention to the desirability of preserving or enhancing the building and its setting and preserving and enhancing the conservation area, sections 66 and 72.

### **Promoting sustainable transport**

Paragraph 34 of the NPPF states that decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. This needs to take into account policies set elsewhere in the NPPF, particularly in rural areas.

### **Delivering a wide choice of high quality homes**

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities.

### **Requiring good design**

Paragraph 56 states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 57 further explains that it is important to plan positively for the achievement of high quality and inclusive design for all development.

Paragraph 61 states that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

## Conserving and enhancing the natural environment

Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Opportunities to incorporate biodiversity in and around developments should be encouraged. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

### Consultations:-

Consultation Reply	Assessment of Head of Regulatory Services
<p><b>MBC Building Control</b> No comment offered.</p>	<p>Noted.</p>
<p><b>LCC Highways</b></p> <p>As the application is for a single dwelling, LCC Highways has requested that MBC consider the highways impact of the application (parking provision, site access width and visibility) using the County Highway Authorities standing advice document.</p> <p>LCC Highways confirmed that while Main Street is classed as public highway and maintained by Leicestershire County Council, the development would be accessed off a private drive connecting to Main Street.</p>	<p>Noted</p> <p>In accordance with the LCC’s standing advice, the parking provision, site access width and visibility is considered acceptable for the one new dwelling on the private drive connecting to Main Street.</p> <p>There is an established number of cars that use the private road to access their properties to the rear of Gaddesby Hall, and the addition of one further dwelling will not sufficiently impact on the access along the drive to warrant a refusal.</p> <p>The parking at the site has been revised to include the removal of a garage as this would have impacted on the setting of the adjacent listed buildings. The revised parking layout is at the front of the property; there is ample space for two car parking spaces and the visibility when entering / exiting the proposed site is in accordance with LCC’s standing advice.</p> <p>The permission 15/00826/FUL for a new dwelling to the rear of Gaddesby Hall included conditions relating to the site access – all these conditions have been discharged and there are no identified issues with access in this location.</p>
<p><b>Gaddesby PC -</b></p> <p>Gaddesby Parish Council do not formally object to the application but they have made a number of observations:</p> <ul style="list-style-type: none"> <li>• The plan gives the impression that the entire lower floor will be subterranean. However the western elevation will appear as a two storey dwelling. When sun reflects on the south facing window the reflection will be seen through the Yew hedge screening.</li> <li>• The modern nature of the dwelling is not in keeping with the surrounding buildings.</li> <li>• The private drive will only allow single lane traffic and if the application is</li> </ul>	<p>Noted.</p> <p>Each of Gaddesby Parish Council’s observations must be considered as part of the application process:</p> <ul style="list-style-type: none"> <li>• While the scale of the western elevation will appear as over a single storey, it will not appear as two storeys in height. This was the view taken by both Historic England and MBC Conservation who do not consider this aspect to negatively impact on the setting of the adjacent buildings</li> <li>• The modern nature of the dwelling is considered to be a high quality design</li> </ul>

<p>approved there will be too many vehicles using the access road.</p> <ul style="list-style-type: none"> <li>• The Yew hedge has been cut back but not re-aligned enough to allow access onto Main Street and the visibility onto the street is not sufficient.</li> </ul>	<p>and innovative response to the site's context. The pallet of materials combine the use of a traditional reclaimed brick in English garden wall bond with wide expanses of modern glazing. It replaces the pastiche design ethos of previous approvals within the curtilage of Gaddesby Hall. These pastiche buildings have been constructed in stretcher bond brickwork and sit incongruously to the rear of the Hall. Historic England do not object to the proposal on design terms and consider the scheme acceptable for such a sensitive historic location.</p> <ul style="list-style-type: none"> <li>• It is acknowledged that the private drive is a single lane, however the addition of a single dwelling is not considered sufficient grounds to warrant refusal.</li> </ul>
<p><b>LCC Ecology –</b></p> <p>LCC Ecology are satisfied that the application does not require the submission of any surveys but recommends that should planning permission be granted, the applicant is required to follow a series of reasonable avoidance measures to minimise the impact on any GCN in the vicinity.</p>	<p>Noted.</p> <p>Any approval would be conditioned in accordance with the recommendations stated by LCC Ecology.</p>
<p><b>Historic England</b></p> <p>Historic England were consulted on the application on the basis that the new dwelling might impact on the setting of the Grade I listed Church of St Lukes. They did not consider the impact to the setting of the church to warrant grounds for a refusal and chose not to offer formal comments.</p>	<p>Noted</p> <p>The decision to consult Historic England was taken on the basis that the Yew hedge which separates the application site from the Church of St Lukes may not have been insufficient screening.</p> <p>In conversation with a member of the HE planning team, HE supported MBC's judgement that the Yew hedge provides sufficient screening between the church and newly proposed dwelling. They did not identify any additional harm that would arise from the proposed dwelling on the adjacent heritage assets.</p>
<p><b>LCC Archaeology</b></p> <p>LCC Archaeology stated that in order to safeguard any important archaeological remains potentially present no demolition/development should take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing.</p>	<p>Noted.</p> <p>Any subsequent approval would be met with a condition that requires the submission of a written scheme of investigation prior to commencement of works.</p>

**Representations:-**

The application was advertised by means of a site notice and letters were sent out to a number of neighbouring properties. Objections were received from eight individuals for the application and 3 letters of support. Comments received in this objection has been summarised below.

Consideration	Assessment of Head of Regulatory Services
<p><b>Objections</b></p> <p>The impact of this proposed building will be considerable on these two historic and listed buildings. The building will be clearly visible from the churchyard.</p> <p>The emerging Melton Local Plan is still under scrutiny and new houses should not be approved in Gaddesby until it has become formally adopted.</p> <p>A planning application for a new dwelling on the site from 1990 was rejected following an appeal to the secretary of state.</p> <p>The planning application states that there are 4 properties that use the private drive. This is incorrect and if the planning application is approved then the private drive will be serving 6 properties which is too many.</p> <p>The obligations to carry out improved maintenance on the private drive as part of the approval 15/00826/FUL</p> <p><b>Support</b></p> <p>The new dwelling will be a high quality building that will compliment the surrounding historic environment.</p> <p>The impact of the new development will be minor</p>	<p>The issue of increased traffic along the single width private drive was the principle point of objection. However this has been considered in the Highways consultation response. The addition of a single two-bedroom dwelling is not considered sufficient to grounds to warrant a refusal. If a new development of multiple dwellings was proposed then the circumstances would require further consideration.</p> <p>The issues of the impact on the setting of Gaddesby Hall and the church of St Lukes has been considered in the response from Historic England and the assessment taken by MBC Conservation.</p> <p>The new design is not considered to be unduly prominent when viewed from the rear of Gaddesby Hall; the high quality detailing in English garden wall bond with reclaimed brick will reference a traditional single storey outbuilding ancillary to a large country house, and the overall composition will make a neutral contribution to the setting of the two listed buildings.</p> <p>This new design contrasts with the other recent developments within the curtilage of the Hall that are crude pastiche buildings in stretcher bond brickwork that contribute a marginal degree of harm to the historic environment. Finally the yew hedge which is located in front of the Church of St Lukes is considered to provide sufficient screening between the application site and the Grade I listed building.</p> <p>The objection that houses cannot be developed while the emerging plan is still under consideration is not sufficient grounds to warrant a refusal. Furthermore the application that was rejected in 1990 was taken at a point in time when the surrounding environs to Gaddesby Hall was significantly different. New development to the rear of the site has set a precedent for change and this can be supported if the proposal is in accordance with Paragraph 132 of the NPPF.</p> <p>Finally any issues requiring the maintenance of the private drive is not a material consideration in</p>

	<p>this planning application. The driveway is considered suitable for the provision of an additional dwelling and there are no grounds to warrant a recommendation for refusal.</p>
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**Other Material Considerations not raised through representations:**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Planning Policies and compliance with the NPPF</b></p>	<p>The application is required to be considered against the Local Plan and other material considerations. The proposal is partially contrary to the local plan policy OS1; however, the NPPF is a material consideration of some significance because of its commitment to boost housing growth. The NPPF advises that local housing policies will be considered out of date where the Council cannot demonstrate a 5 year land supply and where proposals promote sustainable development objectives it should be supported.</p> <p>The Council’s most recent analysis shows that there is the provision of a 5 year land supply and as such the relevant housing policies are applicable.</p> <p>However, the 1999 Melton Local plan is considered to be out of date and as such, under para 215 of the NPPF can only be given limited weight.</p> <p>This means that the application must be considered under the ‘presumption in favour of sustainable development’ as set out in para 14 which requires harm to be balanced against benefits and refusal only where “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”</p> <p>The provision of one new dwelling in Gaddesby is acceptable in terms of a general location.</p> <p>The application is considered acceptable against paragraph 134 of the NPPF which states that: “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”</p> <p>The application is considered to make an overall neutral contribution to the setting of the Grade II listed Gaddesby Hall. The marginal degree of harm caused by introducing new built form within close vicinity to the Hall / Church is mitigated by the replacement of an unsightly close boarded</p>

	<p>fence around the perimeter of the site with new hedge planting of various species.</p> <p>The Application Site lies within the built framework of Gaddesby, and the development of a single dwelling in this location will not significantly disrupt the provision of existing rural facilities and services within the village. The Site lies within an area of established residential development and is not therefore incongruous with the surrounding urban grain.</p>
<p><b>The (new) Melton Local Plan –</b></p> <p>The Pre Submission version of the Local Plan was agreed by the Council on 20<sup>th</sup> October 2017 and in February 2018 it is under consideration for full adoption.</p> <p>The NPPF advises that:</p> <p>From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> <li>● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</li> <li>● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</li> <li>● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).</li> </ul> <p>The Pre Submission version of the Local Plan identifies Gaddesby as a rural hub, in respect of which development of up to 3 dwellings would be acceptable, subject to satisfying a range of criteria specified.</p> <p>Policy EN6 states that:</p> <p>Development proposals will be supported where they do not harm open areas which contribute positively to the individual character of a settlement.</p> <p>Policy EN13 states that:</p> <p>The Council will take a positive approach to the conservation of heritage assets and the wider historic environment through:</p> <p>A) seeking to ensure the protection and enhancement of Heritage Assets including non-</p>	<p>The new Local Plan is currently under consideration for full adoption, however until such time as a decision has been taken, it can only be afforded limited weight. It is therefore considered that it can attract weight but this is quite limited at this stage.</p> <p>The proposal is in alignment with the emerging local plan in terms of the number of dwellings proposed for a rural hub, in which development of up to 3 dwellings would be acceptable.</p> <p>Furthermore the application is acceptable in accordance with Policy EN as it is not considered to harm the open area around Gaddesby hall.</p> <p>The application adheres to Policy EN13 of the emerging Local Plan as it meets the criteria stated in A-C by ensuring the proposal would not impact on the historic significance of Gaddesby Hall of the Church of St Lukes.</p>



<p>designated heritage assets when considering proposals for development affecting their significance and setting. Proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.</p> <p>B) seeking new developments to make a positive contribution to the character and distinctiveness of the local area.</p> <p>C) ensuring that new developments in conservation areas are consistent with the identified special character of those areas, and seeking to identify new conservation areas, where appropriate;</p> <p>D) seeking to secure the viable and sustainable future of heritage assets through uses that are consistent with the heritage asset and its conservation;</p> <p>E) allowing sustainable tourism opportunities in Heritage Assets in the Borough where the uses are appropriate and would not undermine the integrity or significance of the heritage asset: and</p> <p>F) the use of Article 4 directions where appropriate.</p>	
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## **Conclusion**

It is considered that the application is acceptable for its location by virtue of its high quality design and architectural detailing. The building provides an innovative response to the provision of a new dwelling in a sensitive position with two listed building flanking its front / rear elevations. The accommodation is provided by introducing a subterranean element at basement level with the ground (upper) floor level remaining at standard single storey eaves height. The use of English garden wall bond reclaimed brickwork will ensure the building appears as a contemporary interpretation of an outbuilding to a country house / hunting lodge.

Any identified harm to the adjacent heritage assets caused by the new development will be mitigated by the removal of an unsightly close boarded fence around the perimeter, to be replaced with attractive hedge planting. The site presently appears as an undeveloped plot of building land and if a new dwelling is to be provided in this location, it is the consideration of MBC Conservation that this is the most viable solution.

The primary consideration to arise from neighbour objections relates to the addition of more cars on a private drive that is only single width. The increased capacity of cars using the drive through the provision of one new dwelling is not considered sufficient grounds to warrant a refusal.

The applicant has submitted a comprehensive heritage statement which has identified the significance of the adjacent listed buildings, and it is clear that the proposal is considered acceptable in accordance with paragraph 131 of the NPPF which recognises the desirability of new development to make a positive contribution to local character and distinctiveness. The proposal would make an overall neutral / marginally positive contribution to the historic environment at Gaddesby Hall.

It is considered that the issue of new residential development in a sensitive location within the Gaddesby Conservation Area requires good quality contemporary design, to ensure there is limited impact and harm to the character of the Conservation Area and the legibility of the listed buildings. Strict conditions have been placed on materials as part of any subsequent approval to ensure the innovative design appears in accordance with the plans submitted.

**Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that on the balance of the issues, permission should be permitted.**

## **Recommendation: PERMIT, subject to:-**

### **(a) The following conditions:**

- 1:** The development shall be begun before the expiration of three years from the date of this permission.
- 2:** All work must be carried out in strict accordance with the plans submitted to the Local Authority: 091 (SK) 16; 091 (08) 03 P6; 091 (08) 05 P6; 091 (08) P6
- 3:** In order to minimise the impact on any Great Crested Newts in the vicinity:
  - All materials to be stored off the ground (for example on pallets) to minimise the likelihood of GCN accessing them for refuge.
  - All spoil/waste materials to be removed from site at the end of each working day (or stored in a skip).
  - The site should be maintained as sub-optimal prior to the commencement of works.
- 4:** Works shall not commence until such time as samples of all external materials to be used on the works hereby granted consent shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed materials.
- 5:** No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the 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
- 6:** The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development 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.
- 7:** In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from (the date of the occupation of the building for its permitted use).
  - (a) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard (3998 (Tree Work)).
  - (b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the local planning authority.
  - (c) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

**8:** Notwithstanding the provisions of Part 8 of Schedule 2, of the Town and Country Planning (General Permitted Development Order) 1995 as amended (or any Order revoking and re-enacting that Order) the building(s) hereby approved shall not be extended or altered unless planning permission has first been granted by the Local Planning Authority.

Reasons:

- 1 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.
- 2 For the avoidance of doubt.
- 3 In the interests of ecology and for the protection of all wildlife in close vicinity
- 4 To preserve the special architectural and historic interest of the listed building.
- 5 To ensure satisfactory archaeological investigation and recording
- 6 To provide a reasonable period for the replacement of any planting.
- 7 To enable the Local Planning Authority to assess the effect of the development on existing trees and hedgerows in the interests of visual amenity.
- 8 To safeguard the visual amenities of the locality.

Officer to contact: **Toby Ebbs**

Date: **25.1.2018**