

Reference: 16/00926/OUT
Date Submitted: 12th December 2016
Applicant: Mr Brian Henton
Location: Sysonby Lodge, Nottingham Road, Melton Mowbray
Proposal: Outline Planning Application for a residential development comprising up to 24no. dwellings (Use Class C3) and associated access



Introduction:-

The application seeks outline planning permission to erect 24 dwellings within the grounds of Sysonby Lodge, a Grade II Listed hunting lodge, located off Nottingham Road. The application site is located just outside the village envelope of Melton Mowbray. There is also a Listed Building Consent application and Full planning application for the proposed conversion of the lodge and one outbuilding to ten additional dwellings which is the subject of a separate application.

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 setting of the listed building**
- **Impact upon residential amenities**
- **Impact upon ecology**
- **Highway safety.**

The application is presented to the Committee due to the number of representations received and the proposed development would constitute a departure from the Saved Adopted Local Plan (1999).

History:-

99/00323/LBC – Proposed partial removal of existing internal wall to facilitate improvements to reception area (LBC Granted)

03/00733/LBC - Proposed demolition of outbuilding 'E' and internal alterations. (LBC Granted)
03/00732/FUL - Proposed change of use from B1 offices to C2 residential school. (Permitted)
04/00461/LBC - Proposed change of use of Main House to residential. Change of use of Block A, B, and C to restricted residential - retirement complex (9 dwellings) (LBC Granted)
04/00460/FUL - Proposed change of use of Main House to residential. Change of use of Block A, B, and C to restricted residential - retirement complex (9 dwellings) (Permitted)
05/00225/LBC - Forming 5 new bathrooms at first floor and new 2.00m high brick boundary wall (LBC Granted)
07/00774/LBC - Internal and external works to enable conversion of Sysonby Lodge and outbuildings to 9 one and two storey apartments (8 two bed and 1 three bed) (LBC Granted)
07/00773/FUL - Conversion of Sysonby Lodge and outbuildings to 9 apartments (8 two bed and 1 three bed) (Application refused – allowed on appeal)
10/00582/VAC - Variation of condition 2 of permission 04/00918/FUL, to remove the occupancy restriction from unit 5 (Permitted)
10/00817/VAC - Removal of Condition 4 relating to Planning Approval 04/00460/FUL to remove the over 55 years age restriction to 3 Sysonby Mews. (Permitted)

16/00930/LBC - Listed Building Consent for the conversion and redevelopment of Sysonby Lodge and associated Outbuilding for residential development comprising 10no. dwellings (Use Class C3) with associated access, landscaping and car parking. (Pending Consideration)

16/00929/FUL - Conversion and redevelopment of Sysonby Lodge and associated Outbuilding for residential development comprising 10no. dwellings (Use Class C3) with associated access, landscaping and car parking. (Pending Consideration)

There is also a group TPO on the site – 151.900.14.

Planning Policies:-

Melton Local Plan (Saved policies)

Policy OS2 - This policy restricts development including housing outside of town/village envelopes.

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.

Policy H10: planning permission will not be granted for residential development unless adequate amenity space is provided within the site in accordance with standards contained in Appendix 5 (requires developments of 10 or more dwellings to incorporate public amenity space for passive recreation with 5% of the gross development site area set aside for this purpose).

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.

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.

Listed Building and Conservation Area Act 1990

The Committee is reminded of the duties to give special attention to the desirability of preserving or enhancing the building, sections 16 and 66.

Consultations:-

Consultation Reply	Assessment of Head of Regulatory Services
<p>LCC Highways</p> <p>Further to Melton Borough Council's re-consultation for up to 24no. dwellings at the above location. As the Applicant is seeking Outline Planning permission with access only the internal layout of the site not been subject to a detailed design check at this time.</p> <p>The County Highway Authority would expect any future Reserved Matters application to be designed in accordance with the standards contained in the 6C's Design Guide http://resources.leicestershire.gov.uk/environment-and-planning/planning/the-6csdesign-guide. For reference the access road for a development of this size is normally 7.5 metres wide (to include for a 2m footway and 2-way traffic) and not 7 metres wide as stated in the Applicants email.</p> <p>Notwithstanding the above the proposed road(s) do not conform to an acceptable standard for adoption and therefore they will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however,</p>	<p>The proposed development will connect to the highway network from the existing access of Nottingham Road (A606).</p> <p>As the application is for outline permission, the number of parking spaces have not been defined at this stage. However due to the location of the development, it is not considered that any parking would be detrimental to the highway network.</p> <p>The proposed development would include the creation of a new access road to run below the lodge and through to the proposed courtyard area. A condition can be placed so that bollards are erected to the north east of the lodge to prevent access for vehicular traffic, which would reduce any disruption to the amenity of existing occupiers at Sysonby Mews.</p>

serve APCs in respect of all plots served by all the private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded.

If the Applicant clearly indicates that the development roads are to be private, the CHA may also require the Applicant to:

- deposit a map with us under Section 31 (6) of the Highways Act 1980 identifying the roads which are to remain private (and any to be adopted too as appropriate);
- erect road signs indicating that the roads are unadopted and to maintain the signs for as long as the roads remain unadopted, all at your expense;
- evidence that the Applicant has made clear to potential purchasers of the dwellings on unadopted roads what the status of the road will mean to them in practice; and
- evidence that they have secured future maintenance of the roads, for example, a unilateral undertaking by you under Section 106 of the Town and Country Planning Act to set up a maintenance company;
- indemnify us against future petitioning by residents to adopt their road under Section 37 of the Highways Act 1980, where the road joins together two adopted highways* and
- clearly mark the boundary between the private road and the publicly-maintained highway by a concrete edging, boundary posts or similar.

*Please Note: The indemnity should normally be a legal covenant placed on the properties to prevent petitioning. We must approve the wording of the covenant.

LCC Ecology

A revised ecology report has been submitted in support of the application (EMEC, January 2018). This includes an updated badger mitigation strategy which places the replacement badger sett into an area of open space.

Concern that the badgers become trapped in the development. Long-term badgers will not be able to move to the south of this application site as this area is being developed (14/00078/OUT). This leaves the only way out for the badgers to be through the land to the west (the field adjacent to Nottingham Road), then travelling northwards to access larger areas of grassland.

The maps show that there is a watercourse marked as separated the field to the west and the application

Noted.

Following a conversation with the County Ecology Officer, it is considered acceptable if further information is supplied in relation to this at reserved matters stage. This is to include that access to the west of the site is available to badgers should they need to move out of the site area (where provision has been made for an artificial sett). Landscaping and boundary details would be submitted as part of a reserved matters/ discharge of condition applications and it can be ensured that there will be no fencing to prevent the movement of badgers (or allowance to allow the badgers to move such as gaps in fencing).

<p>site; does this or any fencing prevent the movement of badgers? Can the ecologist please confirm that these points have been considered.</p> <p>It is important that this mitigation is correct. Badger welfare is an obvious issue, but badgers can also be seen as a nuisance in gardens, which they are likely to use if there is insufficient foraging grounds within reach.</p>	
<p>LCC Arboriculture</p> <p>The purpose of BS 5837: 2012; Trees in relation to design, demolition and construction – Recommendations, is to identify trees on site which are or are not worthy of retention as part of a development. BS 5837 is not meant as an obstacle to development; the British Standard should be used a tool in retaining trees which can enhance a development and create a harmonious transition from conception to realisation. A robust tree survey is a key factor in this and allows a developer or architect to design the site around trees of higher quality.</p> <p>Within the current proposals a number of the houses have been replaced by a ‘Courtyard Development’ comprising of 10 units, and a change in location of the access road. The ‘Courtyard Development’ is located in a part of the site which had for the most part remained untouched. There are some minor changes in location and design of the other 14 units (detached & semi-detached houses).</p> <p>The current proposals require that a large proportion of trees within the site are removed to facilitate the ‘Courtyard Development’ and change in access road. A small proportion of the trees marked for removal sit within the lower retention categories of BS 5837, i.e. C & U. However, a significant number of trees marked for removal are recorded as categories A & B – trees of high or moderate quality</p> <p>The tree survey submitted in support of the development recorded 130 trees in and around the site. This includes individual trees, tree groups, hedges and privately owned trees on adjacent properties. Approximately 53 trees, 1 hedge (comprising of 9 separate stems) and 4 tree groups (comprising of 18 trees) are marked for removal as part of the ‘Courtyard Development’. Of these trees 9 are recorded as category A (trees of high quality) and 25 are recorded as category B (trees of moderate quality). In total 58 of the 130 recorded entries require removal – or around 45% of the total tree cover in and around the site. The actual number of trees marked for removal is higher, as the stated figure only concerns trees removed for the changed access road and ‘Courtyard Development’. Current proposal plans show approximately 51 trees marked for retention, 8 of which (including hedge 115) are located on private properties adjacent to the site. In</p>	<p>Noted.</p> <p>A condition can be included to ensure that appropriate replacement planting is provided (as part of a landscaping scheme). Suggestions have been included by the Arboricultural Officer as to what could be included in this information.</p> <p>Although it would be preferable to retain as many trees as possible on the site, the Arboricultural Officer does recognise that the status of the Lodge and works which would be required to this building and that it may be considered by some that this should take preference over the trees on site.</p> <p>LCC Ecology have been consulted on the application in relation to bats and have no objection to this proposed development (see above)</p> <p>In addition to the proposed landscaping condition, it is proposed that a condition to protect trees during the development with protective fencing will be included.</p>

effect less than 40% of trees recorded on the tree survey are to be retained as part of current proposal.

Sysonby Lodge is a grade listed building. The current development proposals and opening of vistas to Nottingham Road appear to be intended as an enhancement of the Lodge. The current design will have a dramatic impact on the site's tree population as well as those values to which they contribute, e.g. bio-diversity, amenity, landscape, ecology, flood risk prevention, oxygen and carbon dioxide processing...etc. A more altruistic approach to the design, would ineffably benefit trees within the site. A minor change in the layout of plan 7288 P 01C could easily accommodate two further units, whilst retaining a vast percentage of the mature and higher quality trees. However, recognition of the Lodge and its listed status should also be given. It may be considered - by Melton Borough Council and potential developers - that the improvement, retention and maintenance of a grade listed asset should take preference over existing trees on the site.

A bat survey was carried out in June 2017. Details of the survey reflected previous proposals (plan ref: 7288 P 01C) and did not take into account the loss of a large number of trees. Particular reference to site trees is made in sections 5.1.3 and 5.1.4 of the bat survey. Figure 3 of the bat survey shows trees considered to have bat roost potential and utilise plan ref 7288 P 01C. All three of the trees with a "moderate roost potential" and the two with a "low roost potential" are due to be removed as part of the current proposal (plan ref: 7288 P 01D). A further two trees with "negligible roost potential" are also marked for removal as part of current proposals. The loss of these trees accounts for almost all of those noted in the bat survey.

It is imperative that further advice from an appropriately qualified and accredited bat expert be sought in light of the current proposals. Failure to do so could have a detrimental impact on a protected species and/or its habitat.

As a part of the current design a large area of lawn is to be retained. This area is to be "left natural and enhanced with meadow flower mix". In terms of pollenating insects three mature alder trees can provide the same amount of resource as one acre of wildflower meadow. Whilst the lawn may create a landscape vista it can by no means replicate the habitat provided by the mature trees currently found on the site.

With all development proposals in close proximity to trees consideration over the depth and type of foundation must be given. Plots on the site which are within an actionable area of a tree should follow guidance provided by NHBC 4.2 - Building near

trees.

It is anticipated that scrutiny of new tree planting will be given at a time when landscaping plans are submitted. It will not be possible to immediately replicate the influence of trees removed to facilitate the current development proposals – especially in respect of contributions made by mature and middle aged trees. Assuming that each tree removed will be replaced with two new trees; I would conservatively estimate that a period of 50 years will need to elapse before the same level influence is matched by newly planted trees – this is also on the assumption that all newly planted trees survive and are allowed to develop to maturity, without regular or unnecessary pruning. Given the number of trees marked for removal, and the space available following development, it is unlikely that the site will accommodate over a 100 medium to large trees at maturity. However, a robust landscaping scheme could create provision for a selection of specimen trees around the site. The following planting locations may be considered desirable:-

- Site boundaries; individual landscape trees between existing properties or farmland and the Lodge or proposed properties.
- Open areas; occasional ‘parkland’ trees to be planted within the lawn area but not in conflict of planned vistas.
- Access roads, ‘Courtyard development’ and parking areas; specimen trees to be planted in areas of hardstanding - provision of dedicated tree pits must be utilised within such areas.
- Gardens; smaller ornamental trees in all front or rear gardens.

It would be reasonable to consider formal protection of all retained or newly planted trees, i.e. the creation of individual tree preservation orders for each tree on or adjacent to the site. The formal protection could be included as part of planning conditions for the site. I would take this opportunity to reiterate comments made in my previous reports regarding protective fencing: ***In the event that the development is to proceed, and that trees are to be retained; I would strongly advise that adequate protective fencing is installed around retained trees before any site works or ground preparation commences. Failure to afford the trees adequate protection can result in irrevocable damage being caused to trunk, branch, nutrient rich soils and the tree’s delicate root system. Excessive damage can cause trees to become unstable and/or decline in health, which may then require that they be removed.*** Further details on protective fencing may be found in BS 5837.

Severn Trent Water

Condition

The development hereby permitted shall not

The proposed condition can be included on any permission.

<p>commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.</p> <p>Reason To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.</p>	
<p>Lead Local Flood Authority</p> <p>When determining planning applications, Melton Borough Council as the local planning authority should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework (NPPF) and accompanying Planning Practice Guidance (PPG).</p> <p>The LLFA previously responded to this enquiry, accepting the application with conditions. As no alterations have been made to the drainage details at this time, the LLFA have nothing further to add. The response below reiterates our previous response for ease of reference.</p> <p>Lead Local Flood Authority Leicestershire County Council as LLFA advises the Local Planning Authority that: The proposed development would be considered acceptable to Leicestershire County Council as the LLFA if the following planning conditions are attached to any permission granted.</p> <p>1. Surface Water No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>2. Construction Surface Water Management Plan No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>3. SuDS Maintenance Plan & Schedule No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the</p>	<p>The suggested conditions can be included in an approval of the application.</p>

<p>sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>4. Infiltration Testing No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the FRA has been updated accordingly to reflect this in the drainage strategy.</p>	
<p>LCC Developers Contributions</p> <p>Civil Amenities</p> <p>The County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required of £1984.00 (to the nearest pound).</p> <p>The nearest Civic Amenity Site to the proposed development is located at Melton Mowbray and residents of the proposed development are likely to use this site. The calculation was determined by a contribution calculated on 24 units multiplied by the current rate for the Melton Mowbray Civic Amenity Site of £82.66 (subject to Indexation and reviewed on at least an annual basis) per dwelling/unit = £1984.00. (to the nearest pound).</p> <p>The developer contribution would be used on project reference GF/MEL/2090 at the Melton Civic Amenity Site. Project GF/MEL/2090 will increase the capacity of the Civic Amenity Site at Melton by:-</p> <ul style="list-style-type: none"> • New open topped containers 2015 <p>There are four other known or potential obligations from other approved developments, since April 2010, that affect the Melton Civic Amenity Site which may also be used to fund project GF/MEL/2090.</p> <p>Education</p> <p>This request for an education contribution is based on 24 houses and 0 flats/apartments with two or more bedrooms. No claim is made on one bedroom dwellings.</p> <p>Primary School Sector Requirement £0</p> <p>There is an overall surplus in this sector after including all primary schools within a two mile walking distance of the development of 103 pupil places. An education contribution will therefore not be requested for this sector.</p>	<p>Noted comments raised. S106 payments are governed by Regulation 122 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p> <p>It is considered that the contributions requested relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement and comply with CIL Reg. 122.</p> <p>However, the applicant is not willing to enter a S106 agreement for this application, which is discussed further below at “viability”.</p>

<p>Secondary School (11-16) Sector Requirement £71,683.44</p> <p>In order to provide the additional 11-16 school places anticipated by the proposed development, the County Council requests a contribution for the 11-16 school sector of £71,683.44. Based on the table above, this is calculated the number of deficit places created by the development (4.01) multiplied by the DFE cost multiplier in the table above (£17,876.17) which equals £71,683.44.</p> <p>This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at The Long Field School and/or John Ferneley College or any other school within the locality of the development. The contribution would be spent within 5 years of receipt of final payment.</p> <p>Post 16 Sector Requirement £0</p> <p>There are currently no pupil places in this sector being funded from S106 agreements for other developments in the area to be deducted. An education contribution will therefore not be requested for this sector.</p> <p>Special Schools £0</p> <p>As this development is less than 250 houses with two or bedrooms a claim for a Special School contribution will not be made.</p> <p><u>Total Requirement: £71,683.44</u></p> <p>Libraries</p> <p>No claim required for library services. The proposed development would not have any adverse impact on current stock provision at the nearest library which is Melton Mowbray.</p>	
<p>NHS</p> <p>Impact of new development on GP practice</p> <p>The development is proposing up to 22 dwellings which based on the average household size in the area (Census 2001) of 2.44 could result in an increased patient population of 100.</p>	<p>Noted.</p> <p>The figure requested is £4,790.21. This figure was based on a development of 22 dwellings with a potential for 53 patients. It is noted that this has now increased to 24 dwellings. NHS has been re-consulted on the amendment but has not provided any updated comments.</p> <p>It is noted that the applicant is not proposing to provide any contributions and this issue is addressed below.</p>

<p>GP practice most likely to be affected by growth and therefore directly related to the housing development</p> <p>The proposed site is within the practice boundaries of Latham House Medical Practice in Melton Mowbray and is likely to be impacted by the proposed development. The practice list size is currently 33,428.</p> <p>Financial Contribution requested</p> <p><u>The figure requested is £4,790.21</u></p>	
<p>Environment Agency</p> <p>We have reviewed our planning consultation workload to ensure that our time and expertise is focused on those locations and developments that present the following:</p> <ul style="list-style-type: none"> • a high risk to the environment • those that are able to offer significant environmental benefit. <p>We have reviewed the above application and feel that, as presented, the development is in Flood Zone 1, it does not fall under either of the above categories, and therefore we do not wish to comment further on these proposals as our standing advice applies.</p>	<p>Noted.</p>

Representations:-

The application was advertised by means of a site notice and letters were sent out to a number of neighbouring properties. Four representations of objection have been received and a signed letter from 10 of the properties at Sysonby Mews has also been submitted. Since the submission of the amended plans, no further comments have been received from neighbouring properties.

Consideration	Assessment of Head of Strategic Planning and Regulatory Services
<p>Concern the dwellings will block light – are visually intrusive, result in overlooking and loss of privacy.</p> <p>Proposed parking – create noise and pollution. Parking should not be allowed at the rear of existing residential properties.</p> <p>Proposed development at the top of the site will have a significantly detrimental impact on the historic character and setting – very close and at a higher level.</p> <p>Cannot comment on the design as no elevations are given. Likely to be modern and therefore out of</p>	<p>These comments were made in relation to the previous scheme where a number of dwellings were proposed to the North of the site in close proximity to existing occupiers. These proposed dwellings have now been removed from the scheme following the change in design of the scheme.</p> <p>The parking is separated from exiting housing by distance and the Lodge building itself. It is not considered that it will result in unacceptable impact.</p> <p>The impact on the setting of the Lodge is addressed in greater detail under ‘Historic assets’ below.</p> <p>As part of the newly submitted scheme, details of proposed elevations have been provided for the application.</p>

<p>keeping.</p> <p>Due to the lack of plans it is difficult to determine the impact of the development on topology.</p> <p>Access road would run straight past my property (previous design).</p>	<p>It is proposed that a condition will be included to insert a bollard at the rear of the lodge to prevent vehicular traffic using the existing access and ensure that access is gained on the new road to the front of the building.</p>
<p>Proposed internal road will be dangerous, noisy and smell of fumes. The number of homes would affect the driveway – this is already in a state of disrepair.</p> <p>Highways should look at the issues on Nottingham Road. Getting out of Sysonby Lodge is difficult as the access is substandard.</p> <p>Significant increase in vehicular movements – conflict with pedestrians.</p> <p>Additional traffic from other nearby development has not been taken into account and the impact this has on Nottingham Road.</p> <p>Existing narrow, gated drive meets Nottingham Road on a rising gradient with piers and trees – this affects visibility.</p> <p>Nottingham Road speed limit is 40mph, which is largely ignored.</p> <p>There is a staggered junction almost opposite. If gates are to be retained, it may be prudent to relocate these further back (to avoid build up of traffic on Nottingham Road).</p> <p>It is highly unlikely that residents will walk – more likely to drive into town.</p> <p>Will be commercial vehicles accessing the site.</p> <p>There should be a contribution made towards the ring road.</p>	<p>Leicestershire County Council Highways have not objected to the proposed development on highway safety grounds.</p> <p>The Highways Authority has commented on the application and has not raised concerns regarding visibility splays at the junction with Nottingham Road or the geometry of the access to allow vehicles to turn in. Nottingham Road is straight in the vicinity of the application site, affording good visibility of oncoming traffic and, travelling north, traffic turning right into the site. The site frontage contains a 2m footpath plus a verge and the pillars, walls and trees referred to are set back sufficiently that they do not interfere with sight lines.</p> <p>The access is wide, allowing vehicles to pass one another and the gates are set back significantly into the site.</p> <p>LCC highways have stated that due to the limited quantum of development and the limited impact on the highway that they would not be able to justify a request for a contribution towards the proposed Distributor Road.</p>
<p>There is a varied wildlife around and nearby fields are proposed to be built on.</p> <p>Concerns regarding the badger sett on site and the impact the neighbouring development may have had on this.</p> <p>Protected mature trees in the grounds.</p> <p>Object to the removal of healthy trees.</p> <p>Arboricultural assessment does not recommend the removal of trees – only if the benefits outweigh the loss.</p>	<p>LCC Ecology has been consulted on the application and has no objection in principle to the development (see above). Relevant conditions will be included in any permission.</p> <p>LCC Arboricultural Officer has been consulted on the application. The proposed development would result in the loss of some mature trees on site (which are covered by a group TPO); however it is considered that the removal of these trees is necessary to allow for the development to proceed. As part of the landscaping scheme (to be submitted at reserved matters) details of specimens to be replanted to replace the trees lost will be required (and conditioned).</p>

<p>Changes to the Listed Building would improve the situations but also impeach on the historical features and historic environment.</p> <p>Development would be dominant and oppressive and out of keeping with the character of Sysonby Lodge.</p> <p>High density scheme.</p> <p>Development in “lower meadow” will have less of an impact on Sysonby Lodge – at a lower level this will appear further away and looked down on from Sysonby Lodge. Visually this will have a less negative impact.</p> <p>Development would reduce the garden area of Sysonby Lodge – this in an inherent part of the Listed Building and will have an adverse impact on the historic character and setting.</p> <p>The green area which runs down Nottingham Road lends to the character of Melton Mowbray. Housing will be highly visible from Nottingham Road, especially in the winter.</p>	<p>The proposed development is proposed to enable to restoration works to the Listed Building as part of an “enabling development” scheme (see below). It is considered that the proposed development would not be significantly harmful to the character and setting of Sysonby Lodge (this is addressed in greater detail below).</p> <p>The density proposed is in part a result of the design approach that seeks to replicate historic building patterns, in order to be satisfactory within the setting of the Lodge.</p> <p>The design in the meadow area is less traditional reflecting that its location is not as sensitive (in terms of setting).</p> <p>More detailed consideration of the impact on the grounds of the Lodge – which form its setting – is addressed below.</p> <p>Whilst the proposed development would be on an existing green area to the front of the site, this is at a lower level than the lodge and Nottingham Road. The development has also been designed to allow views of Sysonby Lodge from Nottingham Road. The foreground row of trees, foreground paddock and second row of trees would remain undeveloped and continue to contribute to the character of the Nottingham Road approach.</p>
<p>There have been a number of applications which have been refused as they are “non development” land.</p> <p>There is pressure from Government to allow development for housing.</p> <p>As not a designated site for housing, out of principle this development should be rejected – unless there is an overwhelming and compelling case to do so. The site is not a brownfield site and has not been used for commercial for a long time.</p> <p>There is no affordable housing proposed even though there is a 38% requirement – mentions off site provision but doesn’t mention where.</p> <p>Need more emphasis on smaller dwellings (not 4 bed).</p> <p>Told there is a housing crisis but also at the same time there are suggestions that there is sufficient housing.</p>	<p>The applications as referred to also had other reasons for refusal (with one of these applications allowed at appeal).</p> <p>Although the site is not an allocated site, the development is considered to be acceptable as it will enable the restoration of the listed building. It is considered that this is a significant material consideration when determining this application. Development is encouraged upon, but not limited to, identified sites and is not restricted to Brownfield sites.</p> <p>No affordable housing is proposed for this development (see ‘Viability’ section of this report below).</p> <p>There is a varied mix of bedroom numbers for the dwellings proposed – including 2, 3 and 4 bedroom properties.</p> <p>There is a very strong need for housing in the Borough and supply has been inadequate in recent years. The need for new housing is well established and was reconfirmed by the Borough Council’s Housing Needs Study which was published in August 2016 and the latest evidence HEDNA (January 2017) and ‘Towards</p>

	a Housing Requirement' (January 2017). There has been a significant undersupply in the Borough in recent years of some 800+ and the current 5 year land supply requirement is some 1700+.
<p>There is an over 55 covenant on the existing properties – this must be applied to further inhabitants.</p> <p>Development would fly in the face of what was promised to occupiers as a “retirement scheme”.</p> <p>Noise from children playing – existing properties are occupied by senior citizens.</p> <p>Development would ruin haven and rural ambiance.</p>	<p>The over 55 restriction was included as a planning condition for the conversion of the buildings to the north of the site. This condition was included as it was considered that the development was in a location where – under the policies prevailing at the time - permission for a conversion to residential use would not normally be permitted but it had been recognised that the development would generate accommodation for a sector of the population where there was a recognised deficiency in supply and it would serve to pertain a listed building..</p>
<p>Concerns over issues relating to the building works.</p> <p>Driver is to maximise commercial benefit for applicant.</p> <p>Property has been neglected by the existing owner.</p> <p>Previously granted permission to develop the lodge – applicant chose not to and allowed the building to fall into disrepair.</p> <p>Concerns regarding construction and heavy vehicles.</p> <p>Concerns regarding land drainage – tank in my back garden.</p> <p>Sysonby Lodge is listed and so are the mews building and therefore the new properties in the grounds should be listed.</p>	<p>The objections as raised in this section are not material planning considerations.</p>
<p>In addition to these comments, a representation has been received on behalf of the land owner of nearby land and the access road, which the applicant has a right of way over. Their Client has no objection to the principle of residential development and they are aware of the other surrounding developments. They are also aware of the emerging Local Plan and that this will effectively result in the application site and their clients site being “enclosed” within the urban area. They understand that the access road will be the sole point of access to the development, which includes a relatively narrow bridge over the existing watercourse. Therefore this will need to accommodate all forms of traffic, including larger vehicles during construction and once the housing is occupied.</p>	<p>Noted.</p>

Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
Planning Policies and compliance with the NPPF	The application is required to be considered against the Local Plan and other material considerations. The proposal is contrary to local plan policy OS2; however, the NPPF is a material consideration of some

	<p>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 polices are applicable.</p> <p>However, the 1999 Melton Local Plan is considered to be out of date and as such, under pars 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 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 Sysonby Lodge. The marginal degree of harm caused by introducing new built form within close vicinity to the Lodge is mitigated by the retention of existing trees and proposed landscaping/ planting around the lodge and wider site.</p>
<p>National Policy on Heritage Assets (NPPF Chapter 12: Conserving and enhancing the historic environment)</p> <ul style="list-style-type: none"> • In determining planning applications, local planning authorities should take account of: <ul style="list-style-type: none"> • 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, 	<p>With regards to heritage related matters, 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 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 Sysonby Lodge. The marginal degree of harm caused by introducing new built form within close vicinity to</p>

<p>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.</p>	<p>the Lodge is mitigated by the retention of existing trees and proposed landscaping/ planting around the lodge and wider site.</p> <p>NPPF advises that “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 applications facilities the restoration and improvement of the Historic Asset (see related report 16/00929/FUL), whilst having a limited impact on its setting, and as such the balance of these issues is considered to be clearly in favour.</p>
<p>The (new) Melton Local Plan –</p> <p>The new local plan has now completed examination where modifications suggested by the Inspector are now the subject of consultation 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"> ● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); ● 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 ● 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). <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 SS1 states when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.</p> <p>Policy SS2 sets out the development strategy for the Borough and takes a sustainable approach to the location of new development, noting Service Centres will accommodate a significant proportion of new housing on allocated sites and unallocated sites.</p> <p>Policy SS3 relates to sustainable development on unallocated sites and sets out circumstances where</p>	<p>The relatively minimal amount of work required to complete the local plan modifications that do not impact upon the main policies of the plan means the plan can be afforded significant weight Of particular relevance in assessing the principle of development are policies SS1 to SS3.</p> <p>Under this policy the proposal can be supported as Melton is identified as the most sustainable settlement which is the focus of much of the anticipated growth.</p> <p>The site is well related to the town. Due to the location of the development and its position within the built up area the site is considered to be sustainable and complies with Policy SS1.</p> <p>The proposal is however a ‘windfall’ (unallocated) site and has not been allocated for development. Under policies SS2 and SS3 the principle of residential development can be supported on allocated sites or on unallocated sites where there is a proven local need. As such, the proposal does not fully comply with the specifics of these policies as no proven local need has been submitted. However, it is fully compliant with Policy SS1, occupying a sustainable location, and aligns with the overall spatial strategy of the emerging Local Plan.</p> <p>Therefore, on balance, the proposal is considered to comply with the spatial strategy of the emerging Local Plan in providing housing in a sustainable location, in compliance with Policy SS1 and SS2. There are other material considerations in support of the proposal which add weight to supporting the principle of housing at this location.</p>

<p>residential development may be supported where a robust case is made with particular emphasis on the need to support residential proposals with a proven local need.</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-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>	<p>Furthermore the application is acceptable in accordance with Policy EN6 as it is not considered to harm the open area around the building.</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 Sysonby Lodge.</p> <p>As such the proposal satisfies the criteria for Policies EN6 and EN13 of the (new) Melton Local Plan.</p> <p>The above factors are considered to add weight in favour of the application.</p>
<p>Proposed Design and Layout</p> <p>It is proposed that the development will result in 24 new dwellings within the grounds of the Listed Building. The proposed development includes a “courtyard” scheme, which will sit closer to the Listed Building and another area of housing at a lower level of the site.</p> <p>It is proposed that there will be an access road running at the front of the lodge building, at a lower level. This will not only reduce any visual impact on the lodge but also reduce any nuisance to the existing occupiers at Sysonby Mews.</p> <p>As the application is for outline permission only, full details of the proposed design has not been provided,</p>	<p>Any proposed development within the curtilage of the listed building needs to be sympathetic to the setting of the listed building. Therefore there is an expectation that the design of the new dwellings should be of a high quality, using high quality materials. As a result, it is proposed that there will be appropriate conditions placed on any decision to ensure that a high standard of development is achieved.</p> <p>It is considered that due to the design of the proposed dwellings, topography of the site, separation distances and vegetation on site, that there will not be a detrimental impact on the setting of the Listed Building. Proposed section plans have been submitted with the application to demonstrate how the proposed dwellings to the front of the lodge sit at a lower level.</p>

<p>however elevations and a site layout plan have been submitted as part of the application. In addition to this, details of proposed materials have been provided as part of this information.</p>	<p>The development at the lower section of the site (to the front of the lodge) has been designed to ensure that views from Nottingham Road and the access road up to the Lodge have been retained.</p> <p>The proposed courtyard scheme has been designed to complement Sysonby Lodge, with the use of white render and slate roof materials.</p> <p>The proposed materials include slate, render, red brick and timber windows. Any developer will be required to submit a sample panel and further details of the proposed materials. It is also proposed that details of the openings should be submitted for consideration.</p>
<p>Enabling Development</p> <p>Enabling Development and the Conservation of Significant Places – Historic England Policy Statement</p> <p>This guidance published by Historic England is applicable to development which affects heritage assets which would be contrary to planning policy.</p> <p>‘Enabling development’ is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved.</p> <p>The policy, as shown in the right column, determines whether a development would meet an “enabling development” scheme. Historic England believe that planning permission should only be granted if a scheme meets all of the criteria.</p> <p>Paragraph 140 of the NPPF states that Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.</p>	<ol style="list-style-type: none"> a. It will not materially harm the heritage values – it is considered that the development would result in a neutral contribution to the setting of the Listed Building (see above). b. Maintains cohesive coordinated site - the surrounding development relates to Listed Building and the important views (facing south from front) are retained. c. It will secure the long term future of the building – A precedent has been set with the 2007 approval. The long term future of the place has been established as residential previously, however development is needed to meet conservation deficit, which is to be done in a sympathetic way. d. It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid – A development appraisal has been undertaken by applicant, scrutinised by the Valuation Office. This does not take into consideration of applicants circumstances, and has been done on residential value, agreed and approved by Valuation Office. e. Sufficient subsidy is not available from any other source - No grants available from Local Planning Authority, Historic England or Heritage lottery fund or other resources such as a historic building preservation trust f. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests - This has been justified by a viability appraisal, which has been independently approved by the Valuation Office. There are additional dwellings proposed which are recommended for approval which are surplus. However these are considered to positively contribute towards the character and setting of the new development and therefore the setting of the Listed Building. They do not negatively affect neighbouring amenity and there are additional costs which have arisen through the revised scheme which now includes high spec materials to the courtyard area (plots 16-24) including a carriageway access to the south elevation which has been included to address the

	<p>issues of parking and the impact on neighbouring occupiers at Sysonby Mews.</p> <p>g. The public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies. - A decision has been taken in accordance with paragraph 140 of the NPPF which has allowed the scheme to depart from Local Planning Policy and exemptions of contributions under S106 (as listed above) to secure the optimum viable use of the heritage asset. Every effort has been taken to channel all costs into the restoration of the listed building and the provision of a high quality scheme that preserves the setting of the listed building and most importantly retains open views across the vista to the front of the lodge when viewed from Nottingham road.</p>
<p>Viability & S106 Contributions</p> <p>The applicant is not proposing to provide any affordable housing for this development or the contributions as requested by the County Council or NHS. The viability of the scheme has been tested which demonstrates that with the S106 contributions, the scheme would be at a deficit.</p> <p>Leicestershire County Council have raised questions regarding the viability assessments.</p> <p>This includes that they are not clear with why there is a viability issue in relation to the heritage asset, whether it would be possible to reduce the profit margin, whether the additional material costs should have been taken into account originally and whether there should have been provision to meet the additional costs.</p> <p>They have also stated that the development would be in a highly desirable location and question whether a sufficient premium has been placed on the sales prices.</p> <p>They have also queried if the applicant would be able to achieve funding from other resources.</p>	<p>As part of the application, a conditions survey has been undertaken in relation to the lodge and the works required, including costs associated with these works. This has helped to formulate a viability assessment for the proposed development.</p> <p>When independently assessed by the Valuation Office, it has been concluded that taking into account all costs and a developer's profit of 18%, that there would be no allowance for S106 contributions or affordable housing (on site or off site).</p> <p>The 18% profit as allowed is a conservative application an industry wide standard and takes into account the risk that any developer would take on when re-developing the Listed Building. It is at a level lower than previously accepted for viability purposes in MBC decision making.</p> <p>The figures that have been included in the viability assessment have been scrutinised by the Valuation Office and accepted as appropriate.</p> <p>The additional material costs have arisen due to the changes to the proposed scheme which would result in a higher quality development.</p> <p>Due to the type of development, it would not be possible for the applicant to achieve funding from other resources or grants.</p> <p>PPG advises that s106 obligations should not be so onerous as to stifle development. Guidance is provided that, when considering developer contributions, regard should be had to landowner and developer returns in order to ensure requests do not deter landowners from selling land and developers from developing it.</p>
<p>Relationship to Full application and Listed Building application.</p> <p>The application is being determined in conjunction with applications 16/00929/FUL and 16/00930/OUT.</p>	<p>In order to ensure that the works to the Listed Building are carried out at an appropriate stage in the development. Therefore it is proposed that there will be a phasing schedule put in place, including a S106</p>

<p>These applications are for the conversion of the lodge building.</p> <p>The proposed development for which this application relates to is proposed to release the money required to carry out the works needed for the restoration of the building.</p>	<p>Agreement to tie the applications together.</p> <p>This phasing schedule will ensure that the new dwellings are not constructed without the works being carried out to the Listed Building.</p> <p>Therefore it is proposed that the S106 Agreement will require the following:</p> <p>Area 1 – LB x 10 units Area 2 – x 9 Courtyard and Access road Area 3 – x 15 New build detached dwellings</p> <p>Initial Repair Works</p> <p>1. Not to effect allow or permit the occupation of any dwelling comprising part of the development within Area 2 as shown on the plan attached as (insert plan name here) unless and until the owner has to the reasonable satisfaction of the council:</p> <p>1.1. completed the initial repair works as outlined in Schedule of Works Part 1, and 1.2. has entered into a contract for the restoration and conversion of Sysonby Lodge</p> <p>Repair Works</p> <p>Not to undertake or permit any works or site clearance comprising part of the development within Area 3 as shown on the plan attached (insert plan name) unless and until the owner has completed the repair works outlined in Schedule of Works Part 2 to the reasonable satisfaction of the council.</p> <p>Conversion of Sysonby Lodge</p> <p>Not to effect, allow or permit the occupation of more than 7 dwellings comprising part of the development within Area 3 as shown on the plan attached as (insert plan name here) unless and until the owner has to reasonable satisfaction of the council achieved practical completion and fit out of the conversion units in Sysonby Lodge.</p>
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Conclusion

It is considered that the proposed development is acceptable for its location on the basis of its requirement to enable the re-development and retention of Sysonby Lodge and the location of the dwellings in relation to the Listed Building. It is proposed that there will be strict conditions put in place to ensure that this development would be of high quality and would not be harmful to the setting of the Listed Building.

Any identified harm to the setting of the adjacent heritage assets caused by the new development will be mitigated by appropriate landscaping. This would also include the re-planting of trees which would be lost as a result of the development.

It is also proposed that a phasing scheme will be implemented through the agreement of a S106 to ensure that the appropriate required works are carried out to the Listed Building at an appropriate time and that the dwellings are not constructed without the restoration/ conversion works being carried out.

The applicant does not propose to provide any S106 contributions or affordable housing provision as requested and has submitted viability evidence to support their argument against providing these contributions. This information has been independently assessed by the Valuation Office and confirmed that should the S106 payments and affordable housing provision been provided, the scheme would be unviable. Melton Borough Council have agreed with the findings of the Valuation Office and have accepted that there will be no affordable housing provision or S106 contributions made.

Should planning permission be refused for the proposed development, it is possible that the listed building would fall in to a further state of disrepair. As the building is in private ownership, it is not possible for the owner to obtain any grant funding to carry out repairs or works to the listed building.

In conclusion it is considered that, on the balance of the issues, the application should be recommended for full planning permission

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 completion of a S106 for the phasing of the development as set out in the report and to include the below phasing:**

Area 1 – LB x 10 units

Area 2 – x 9 Courtyard and Access road

Area 3 – x 15 New build dwellings

Initial Repair Works

1. Not to effect allow or permit the occupation of any dwelling comprising part of the development within Area 2 as shown on the plan attached as (insert plan name here) unless and until the owner has to the reasonable satisfaction of the council:
 - 1.1. completed the initial repair works as outlined in Schedule of Works Part 1, and
 - 1.2. has entered into a contract for the restoration and conversion of Sysonby Lodge

Repair Works

Not to undertake or permit any works or site clearance comprising part of the development within Area 3 as shown on the plan attached (insert plan name) unless and until the owner has completed the repair works outlined in Schedule of Works Part 2 to the reasonable satisfaction of the council.

Conversion of Sysonby Lodge

Not to effect, allow or permit the occupation of more than 7 dwellings comprising part of the development within Area 3 as shown on the plan attached as (insert plan name here) unless and until the owner has to reasonable satisfaction of the council achieved practical completion and fit out of the conversion units in Sysonby Lodge.

- b) Conditions as set out below:**

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the "scale and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.

3. The development hereby permitted shall be carried out in accordance with drawings: 7288 P09B, received by the Local Planning Authority on 12th December 2017, 7288 P01G and 7288 P03B, received by the Local Planning Authority on 31st January 2018 and 7288 P21 and 7288 P22, received by the Local Planning Authority on 6th February 2018.
4. Works shall not commence until such time as samples of all external materials have been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.
5. Works shall not commence until such time as a brick/stone sample panel showing brick/stone, bond, mortar and pointing technique shall be provided on site for inspection and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.
6. All external joinery including windows and doors shall be of a timber construction only. Details of their design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, 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 details.
7. In relation to the above condition, trickle vents shall not be inserted into the windows/doors hereby granted consent.
8. Works shall not commence until such time as details of the treatment of verges and eaves 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 details.
9. Works shall not commence until such time as samples or detailed specifications of all rainwater goods (including the method of fixing) shall be submitted to and agreed in writing by the Local Planning Authority. These rainwaters goods shall be cast metal or cast metal effect. The works shall be carried out only in accordance with the agreed details.
10. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
11. 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.
12. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority.
13. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the Local Planning Authority.
14. No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.
15. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the FRA has been updated accordingly to reflect this in the drainage strategy.
16. No development shall commence on site until all existing trees that are to be retained have been securely fenced off by the erection of post and rail fencing to coincide with the canopy of

the trees, or other fencing as may be agreed with the Local Planning Authority, to comply with BS5837. In addition all hedgerows that are to be retained shall be protected similarly by fencing erected at least 1m from the hedgerow. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left unsevered.

17. No development shall commence on site until details of a method of blocking the access road to vehicular traffic to the North East of Sysonby Lodge have been submitted to, and approved in writing, by the Local Planning Authority. The method of blocking this access shall then be retained in perpetuity.
18. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 as amended (or any Order revoking and re-enacting that Order) in respect of the replacement dwelling hereby permitted no development as specified in Classes A, B, C, D, E or F shall be carried out unless planning permission has first been granted by the Local Planning Authority
19. No development shall commence on site until full details of parking and turning facilities, access widths, gradients, surfacing, signing and lining (including for cycle ways and shared use footway/cycle ways) and visibility splays have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
20. No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The approved CMP shall be adhered to throughout the construction period and shall provide for:
 - i) details of construction traffic routing;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction.
21. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Officer to contact: **Joanna Lunn**

Date: **10.05.2018**