

Variation of conditions 2 and 6 of planning permission
12/01006/FUL, subsequently amended by application
reference 13/00695/NMA, to retain "As Built" changes

Report Item No
A8

Breedon Hall Main Street Breedon On The Hill Derby DE73
8AN

Application Reference
15/00648/VCI

Applicant:
Mr And Mrs C Meynell

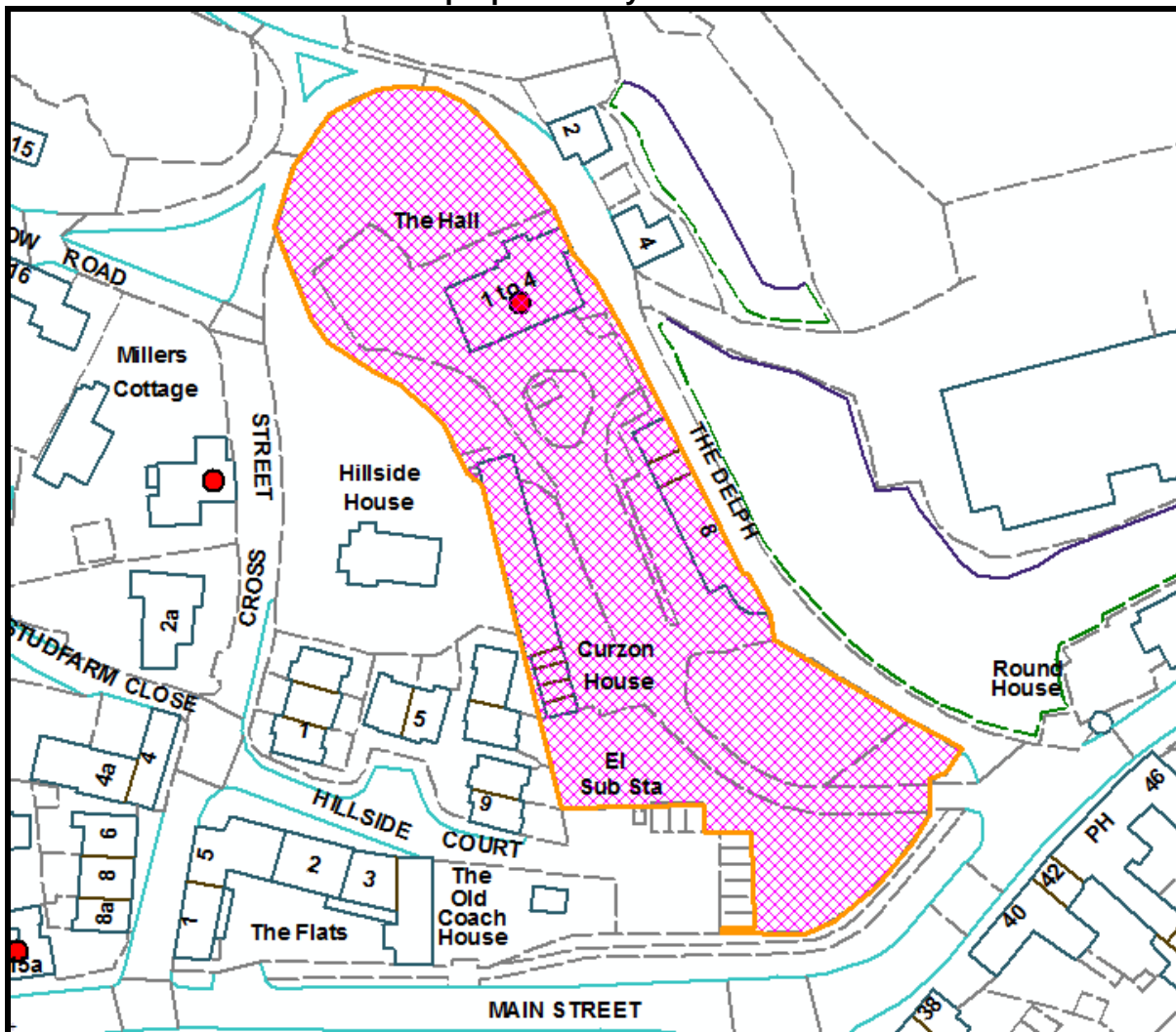
Date Registered
14 July 2015

Case Officer:
Adam Mellor

Target Decision Date
8 September 2015

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee as the applicant is related to a serving Councillor (Richard Blunt).

Proposal

Permission is sought for the variation of Conditions 2 and 6 associated with planning permission references 12/01006/FUL and 13/00695/NMA to incorporate "as built" changes on a development relating to the conversion of a curtilage listed stable block into three dwellings at Breedon Hall, Main Street, Breedon on the Hill.

Consultations

In the circumstances that the proposed access off The Delph is omitted from the application it is considered that there are no objections from statutory consultees or third parties to the "as built" changes.

Planning Policy

It is considered that the development would comply with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the North West Leicestershire Local Plan, Circular 06/05 and Sections 66 and 72 of the Planning (Listed Buildings and Conservation) Act 1990.

Conclusion

The 'as built' changes are relatively minor, in the context of the development as a whole, and also propose the omission of features that are no longer required. In the circumstances that the Council's Conservation Officer has raised no objections it is considered that the significance of the heritage assets would be preserved which would accord with Paragraphs 131, 132 and 134 of the NPPF, Policy E4 of the Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Sufficient off-street parking would also be provided for the dwellings in accordance with Paragraph 39 of the NPPF and Policy T8 of the Local Plan.

No protected species would be impacted on which ensures compliance with Paragraph 118 of the NPPF and Circular 06/05.

It is therefore recommended that the application be permitted.

RECOMMENDATION - APPROVE, subject to conditions;

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is an application under Section 73 of the Town and Country Planning Act 1990 to "vary" conditions 2 and 6 of planning permission 12/01006/FUL (subsequently varied by planning permission reference 13/00695/NMA) for the change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey side extension (the non material amendment application (NMA) related to the removal of a non-original chimney and formation of three roof lights on the north-east roof plane) at Breedon Hall, Main Street, Breedon on the Hill, which was approved on the 13th February 2012 (NMA Approved on the 14th November 2013). Section 73 relates to development of land without complying with conditions subject to which a previous planning permission was granted. The Council, in considering this application, is only entitled to consider the question of the conditions subject to which planning permission should be granted. Conditions 2 and 6 attached to 12/01006FUL which the applicant wishes to vary are listed below:

2. *The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:*

Drawing Number 2070 - 01 A received by the Local Planning Authority on 22 November 2012;

Drawing Number 2070 - 02 A received by the Local Planning Authority on 22 November 2012;

Drawing Number 2070 - 03 received by the Local Planning Authority on 22 November 2012;

Drawing Number 2070 - 04 received by the Local Planning Authority on 22 November 2012.

Reason- To determine the scope of this permission;

6. *The car parking spaces shown on drawing number 2070 - 02 A shall be provided prior to first occupation of any of the residential units and shall thereafter be available for the parking of vehicles at all times.*

Reason - to ensure that an adequate level of off-site car parking is required and to avoid against off-street car parking associated with the development.

Various changes have been made which conflict with the approved plans and as such an application has been submitted to rectify this issue following an enforcement investigation 15/00049/LB, with the changes being as follows: -

1. The roof light positions have changed although the total number would remain the same;
2. The omission of one new window on the rear elevation of Unit 1;
3. The installation of polycarbonate sheeting over the original coal drop to Unit 1 to provide additional day light to the stair in this dwelling;
4. The provision of a window in the area of the building previously designated to be the bin store, although this would now become a communal laundry room serving Units 1, 2 and 3;
5. The omission of the previously designated new plant room at the northern end of the building;

The above changes are 'as built' changes and whilst the application originally sought permission for the provision of a vehicular access to and from The Delph, this element of the proposal has now been removed from this particular application following the concerns raised by the Council's Conservation Officer.

An application for listed building consent to regularise the works, referenced 15/00637/LBC, is also under consideration with the Local Planning Authority and forms the basis of a separate report.

A design and access statement and heritage statement have been submitted in support of the application.

The planning history of the site is as follows: -

- 12/01006/FUL - Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey side extension (listed building consent) - Approved 13th February 2013;
- 13/00677/LBC - Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey side extension (Amended Scheme to LBC 12/01007/LBC to now include removal of non-original chimney and formation of three roof-lights on north east roof plane) - Approved 14th November 2013.

2. Publicity

5 Neighbours have been notified (Date of last notification 16 July 2015)

Site Notice displayed 17 July 2015

Press Notice published 29 July 2015

3. Consultations

Breedon On The Hill PC consulted 16 July 2015

Christine James/ Matt Savage consulted 16 July 2015

Severn Trent Water Limited consulted 16 July 2015

English Heritage- Grade I/II* LB Works consulted 16 July 2015

County Highway Authority consulted 16 July 2015

County Archaeologist consulted 16 July 2015

LCC ecology consulted 16 July 2015

NWLDC Conservation Officer consulted 16 July 2015

4. Summary of Representations Received

The following summary of representations is provided.

Breedon on the Hill Parish Council objects to the application on the following grounds:-

- *"We believe that the desirability of preserving the building which is Grade II Listed would be overridden by the loss of the existing exterior wall fronting The Delph;"*
- *"Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it clear that in considering whether to grant planning permission which affect a listed building or its setting the decision maker shall have special regard to the desirability of preserving the building or its setting."*

Historic England advise that the application should be determined in accordance with national and local policy guidance, and on the basis of the Local Authority's specialist conservation advice.

Leicestershire County Council - Archaeology no representation received.

Leicestershire County Council - Ecology has no comments to make on the variations given that the works have been carried out.

Leicestershire County Council - Highways has no objections subject to the imposition of conditions on any consent granted.

NWLDC - Conservation Officer has no objections to the 'as built' changes to the building but does object to the formation of a new vehicular access off The Delph as it would weaken the strong boundary treatment of the listed building and curtilage listed building and would not preserve the character and appearance of the conservation area.

Third Party Representations

Two no. representations have been received from the occupants of the Old Vicarage and No. 52 Main Street who object to the application and whose comments are summarised as follows: -

- It is stated that the new vehicular access is required for the convenience of residents, however, it would surely not be too inconvenient to expect residents to use the existing driveway which is only a few metres away;
- It cannot be acceptable to shoehorn a pair of modern timber gates into such an historic structure as this wall;
- The proposal would be incongruous with it not being relevant that, as the wall was 'non-original', it is less important as this is irrelevant when considering the wall as a complete entity: an historic boundary wall that surrounds the grounds of the house;
- It is perfectly possible to rebuild the section of wall that has been demolished as a similar section was successfully rebuilt along The Delph just a few years ago;
- The heritage statement at Paragraphs 1.12, 1.13, 11.1 and 11.3 contradict the statement within Paragraph 15.3 of the Heritage Appraisal with the proposed access being visually detrimental and resulting in impacts on highway safety.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 10 (Achieving sustainable development);

Paragraph 14 (Presumption in favour of sustainable development);
Paragraph 17 (Achieving sustainable development);
Paragraph 28 (Supporting a prosperous rural economy);
Paragraph 32 (Promoting sustainable transport);
Paragraph 39 (Promoting sustainable transport);
Paragraph 49 (Delivering a wide choice of high quality homes);
Paragraph 53 (Delivering a wide choice of high quality homes);
Paragraph 55 (Delivering a wide choice of high quality homes);
Paragraph 57 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 111 (Conserving and enhancing the natural environment);
Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 123 (Conserving and enhancing the natural environment);
Paragraph 128 (Conserving and enhancing the historic environment);
Paragraph 129 (Conserving and enhancing the historic environment);
Paragraph 131 (Conserving and enhancing the historic environment);
Paragraph 132 (Conserving and enhancing the historic environment);
Paragraph 134 (Conserving and enhancing the historic environment);
Paragraph 137 (Conserving and enhancing the historic environment);
Paragraph 141 (Conserving and enhancing the historic environment);
Paragraph 203 (Planning conditions and obligations);
Paragraph 204 (Planning conditions and obligations);

Adopted North West Leicestershire Local Plan (2002)

The application site is within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S3 - Countryside;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E7 - Landscaping;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy H4/1 - Housing Land Release;
Policy H6 - Housing Density;
Policy H7 - Housing Design;

Other Policies

National Planning Practice Guidance

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The Guidance does not change national policy but offers practical guidance as to how such policy is to be applied.

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development;

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should

have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites;

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

6. Assessment

The principle of the works associated with the conversion of the building into residential units has been established as being acceptable by virtue of the approval of application references 12/01007/FUL and 13/00695/NMA. In these circumstances the only matters for consideration relate to whether the 'as built' changes would impact on the historic integrity of the heritage assets.

Impact on the Historic Environment and Streetscape

The building which forms the subject of this application is a curtilage structure to the principle Grade II Listed Building, Breedon Hall. In the assessment of the previously approved schemes (12/01006/FUL and 13/00695/NMA) it was concluded that the development would not impact upon the special architectural and historic interest of this Grade II Listed Building and that the development would accord with the aims of Paragraphs 131 and 132 of the NPPF.

In respect of the 'as built' changes which have occurred to the converted dwellings, the Council's Conservation Officer has commented that *"I consider the alterations to generally be acceptable and have a minimal impact on the historic fabric, character and appearance of the outbuildings. The majority of the changes relate to fenestration and I consider these to be sufficiently sympathetic and of acceptable materials and suitability to have no undue impact on the heritage asset."* This aspect of the development is therefore considered to be appropriate and would preserve the significance of the heritage assets.

The initial concerns of the Council's Conservation Officer and residents have been addressed by deleting the proposed access to the site from The Delph.

On this basis the proposed development would accord with Paragraphs 131, 132 and 134 of the NPPF, Policy E4 of the Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highway Safety

The County Highways Authority have raised no objections to the proposed works although it is noted that the vehicular access proposed off The Delph is no longer being progressed as part of this particular application.

Comments from the County Highways Authority have indicated that the parking space dimensions would not accord with the guidelines contained in the 6C's Design Guide however

this is only relative to their length which is 0.5 metres short. It is considered that sufficient space exists to increase this length and still allow vehicles to manoeuvre and as such Condition 6 would be reworded accordingly to ensure that sufficient off-street parking is provided. Overall the development would remain compliant with Paragraph 39 of the NPPF and Policy T8 of the Local Plan.

Ecology

The proposal seeks amendments and omissions to the development and as such would not result in any greater impacts on protected species than the scheme originally approved which ensures the development complies with Paragraph 118 of the NPPF and Circular 06/05.

Summary Reasons for Granting Planning Permission

The 'as built' changes are relatively minor, in the context of the development as a whole, and also propose the omission of features that are no longer required. In the circumstances that the Council's Conservation Officer has raised no objections it is considered that the significance of the heritage assets would be preserved which would accord with Paragraphs 131, 132 and 134 of the NPPF, Policy E4 of the Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Sufficient off-street parking would also be provided for the dwellings in accordance with Paragraph 39 of the NPPF and Policy T8 of the Local Plan.

No protected species would be impacted on which ensures compliance with Paragraph 118 of the NPPF and Circular 06/05.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 The development shall be carried out in strict accordance with drawing number 2070 - 03 (Site Location Plan), received by the Local Authority on the 9th September 2013, as agreed under application reference 13/00695/NMA, and the following drawing numbers, with the exception of the proposed vehicular access off The Delph which is not approved: -
 - Drawing Number 2070 - 01 A (Survey as Existing);
 - Drawing Number 2070 - 02 E (Proposed Plans & Elevations);
 - Drawing Number 2070 - 04 A (Block Plan);received by the Local Authority on the 14th July 2015, unless otherwise required by another condition.

Reason - to determine the scope of the permission.

- 2 Notwithstanding the details shown on Drawing No. 2070-04A, this planning permission does not authorise the provision of a vehicular access off The Delph as confirmed by the agents e-mail dated 12th August 2015.

Reason - for the avoidance of doubt.

- 3 The development shall be constructed in accordance with the following materials: -
 - Bricks - Salvaged bricks;
 - Lintels - As shown on drawing numbers 2070 - 05 (Proposed Joinery Details for Doors)

- and 2070 - 06 (Proposed Joinery Details for Windows), received by the Local Authority on the 5th September 2013;
- Roofing Materials - To match existing roof tiles if any are necessary;
 - Rain Water Goods - Black Powder Coated Aluminium Rainwater Goods and Proposed Outlet Pipes and Mechanical Extraction Systems as specified in the letter from David Richards of Montague Architects to James Mattley of the 4th September 2013 (Ref: DRR MAJ 2070), received by the Local Authority on the 5th September 2013, in the positions shown on drawing number 2070 - 02 C (Proposed Plans & Elevations), received by the Local Authority on the 5th September 2013;
 - Windows and Doors - As shown on drawing numbers 2070 - 05 (Proposed Joinery Details for Doors) and 2070 - 06 (Proposed Joinery Details for Windows) with the materials as specified on drawing number 2070 - 02 C (Proposed Plans & Elevations), received by the Local Authority on the 5th September 2013;
 - Rooflights - in accordance with the details supplied by the Rooflight Company on the drawing referenced CR_WRCS_LS_B, received by the Local Authority on the 5th September 2013;
- As discharged in the correspondence from James Mattley to Andrew Shannon of Montague Architects of the 3rd October 2013 under application reference 12/01007/LBC.

Reason - to ensure that the works are executed in an appropriate manner given the sites location in within the curtilage of a Listed Building.

- 4 The development shall be carried out in accordance with the recommendations of the bat survey report prepared by Peter Harris of Train4ecology of September 2013 attached to an email from Andrew Shannon of Montague Architects to James Mattley of the 27th September 2013, received by the Local Authority on the 27th September 2013, and as discharged in the correspondence from James Mattley to Andrew Shannon of Montague Architects of the 3rd October 2013 under application reference 12/01006/FUL.

Reason - to ensure that bats are not inhabiting the roofspace at the time that the development commences.

- 5 No external lighting or floodlighting shall be installed unless precise details have first been submitted to and agreed in writing with the Local Planning Authority.

Reason - in the interests of the visual amenities of the locality, the heritage assets and to avoid against impacts upon protected species.

- 6 The car parking spaces shown on drawing number 2070 - 02 E (Proposed Plans & Elevations) and 2070 - 04 A (Block Plan), received by the Local Authority on the 14th July 2015, shall be provided with dimensions of 5.5 metres in length by 2.4 metres in width, with an additional 0.5 metres being added to the width of the car parking space abutting the communal laundry room, within one month of the date of the approval date of this application and shall thereafter be available for the parking of vehicles at all times.

Reason - to ensure that an adequate level of off-site car parking is required and to avoid against off-street car parking associated with the development.

- 7 The development shall be carried out in strict accordance with the Historic Buildings Survey of Former Stable Building at Breedon Hall, Breedon on the Hill, Leicestershire by

Pre-Construct Architecture (Ref No. 11491), attached to an email from David Richards of Montague Architects to James Mattley of the 13th September 2013, received by the Local Authority on the 13th September 2013, and as discharged in the correspondence from James Mattley to Andrew Shannon of Montague Architects of the 3rd October 2013 under application reference 12/01006/FUL.

Reason - to ensure satisfactory archaeological investigation and recording.

- 8 The foul and surface water drainage for the development shall be provided in strict accordance with that shown on drawing numbers 2070 - 01 B (Survey as Existing) and 2070 - 02 C (Proposed Plans & Elevations), received by the Local Authority on the 5th September 2013, and as discharged in the correspondence from James Mattley to Andrew Shannon on Montague Architects of the 3rd October 2013 under application reference 12/01006/FUL.

Reason - to ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 You are reminded to comply with the conditions attached to 15/00637/LBC.
- 4 Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.