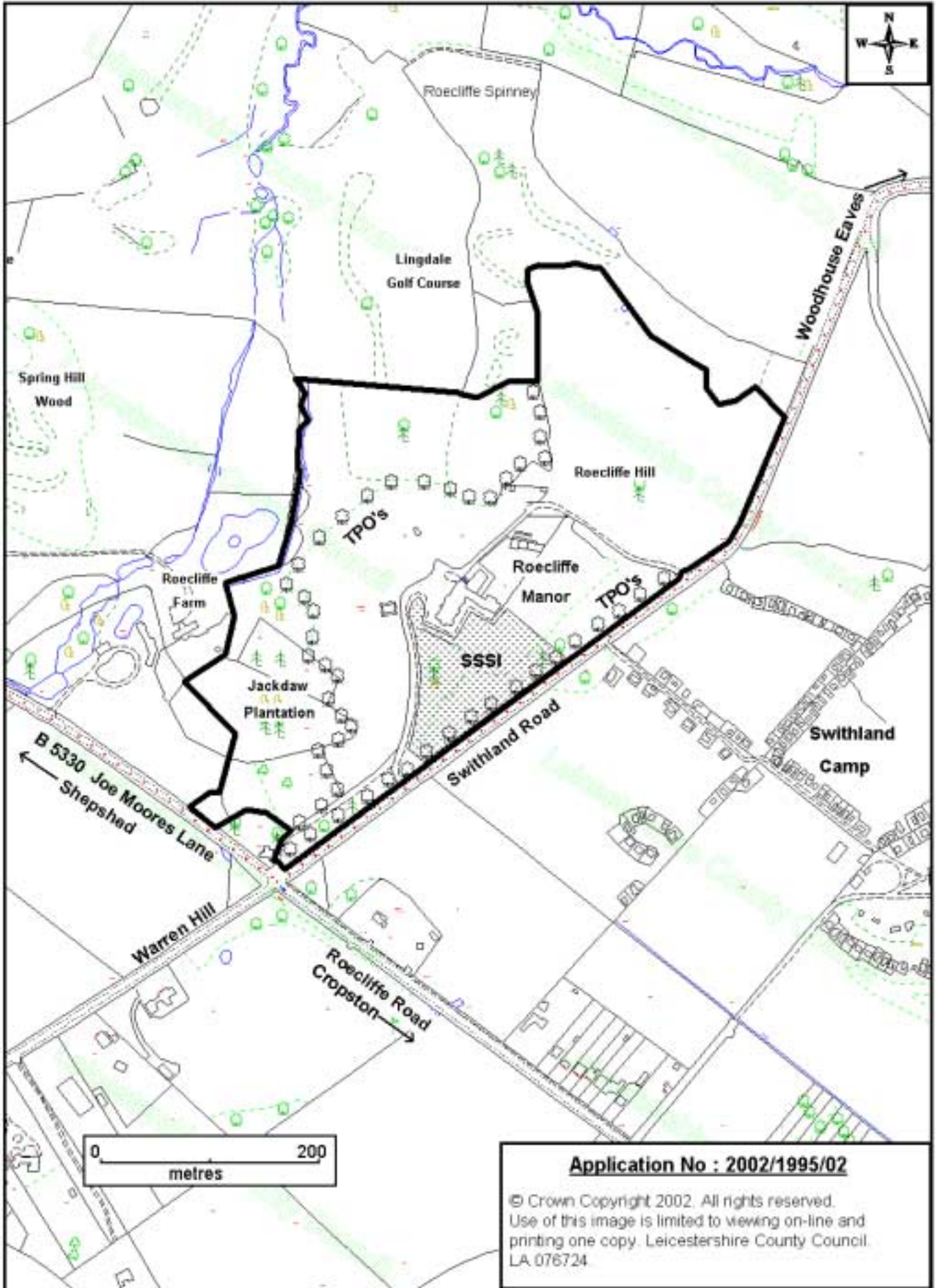


**DEVELOPMENT CONTROL AND REGULATORY BOARD****12<sup>TH</sup> DECEMBER 2002****REPORT OF THE DIRECTOR OF COMMUNITY SERVICES****APPLICATION UPON WHICH THE COUNTY PLANNING AUTHORITY  
IS CONSULTED BY THE DISTRICT COUNCIL****CHATSWORTH DEVELOPMENTS – CONVERSION OF ROECLIFFE MANOR  
INTO 13 DWELLINGS AND 7 ADDITIONAL DWELLINGS INCLUDING PROVISION  
OF COMMUNITY RECREATION OPEN SPACE, OFF JOE MOORE’S LANE,  
WOODHOUSE EAVES (CHARNWOOD BOROUGH)****2002/1995/02 – Received by L.C.C. on 26<sup>th</sup> July 2002****Background**

1. Charnwood Borough Council has consulted the County Planning Authority (CPA) to obtain its strategic views on this proposal. It has treated this application as a 'departure' from the development plan, in which case it would be forwarded to the Secretary of State under the 'departure' procedures, if the Borough is minded to grant consent for the development. In such circumstances the Government Office for the East Midlands (GOEM) would wish to be informed of the CPA's views on the proposal, in the context of strategic planning policies for the area.
2. The application is accompanied by a lengthy supporting statement, which sets out the historic background to the property, the concept behind the scheme and planning justification. There is a summary document of the costs of conversion of the Manor House into alternative residential units, and statement on the 'enabling costs' required to achieve the re-use of the property. Also provided is a summary of the marketing activities that have taken place between September 2000 – May 2001. The contents of these documents are dealt with in the relevant sections below.
3. The County Council has been consulted separately on the potential requirements for developer contributions towards Council services that might arise from the development. This is being dealt with under the established procedures for consultation between the two planning authorities.

**History of Development**

4. Roecliffe Manor is a Grade II listed building in the heart of Charnwood Forest and dates from about 1800. It was owned by Leicestershire County Council as a



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convalescence home for children from the 1930's until 1973, when it was purchased by the Leonard Cheshire Foundation as a residential home for the care and rehabilitation of persons with disabilities. In the last few years, the Foundation has adopted a policy of transferring its care services to a number of smaller, purpose-built units on the edge of Leicester and settlements within Charnwood Borough.

5. As a result, Roecliffe Manor has been largely vacated and is surplus to the needs of the charity body. It now seeks to boost the financial provision for its current restructuring of the service through the sale of the property. The current application has been submitted by Chatsworth Developments in collaboration with the Leonard Cheshire Foundation, to seek consent for conversion of the property and erection of additional residential units in the grounds.
6. The main house is two storeys in height and has rendered elevations with a Swithland slate roof. There is an extensive 20<sup>th</sup> century wing on the north side, together with formal garden and a range of outbuildings/greenhouses. There are remnants of other outbuildings to the north-west, with all the buildings set into a well wooded, parkland landscape. The total site area extends to 15.5ha close to the junction of Joe Moore's Lane (B5330) and Swithland Road.
7. There is a Site of Special Scientific Interest (SSSI) within the grounds, being an area of grassland fungi associated with an area of old unimproved acidic grassland (the Roecliffe Manor Lawns SSSI) on the west side of the house.
8. The site includes various blocks of woodland affected by the LCC Charnwood Forest Tree Preservation Order (TPO) 1949 and the Charnwood Borough Swithland Road TPO 1974. These include Joe Moore's Screen; the Jackdaw Plantation; Roecliffe Spinney; Roecliffe Hall Spinney; and Roecliffe North Plantation. The submitted proposal is accompanied by a woodland management plan for the retention and on-going maintenance of these important features on the site.
9. An *earlier application* was submitted by the Leonard Cheshire Foundation for conversion of the Manor into an hotel/leisure club, including an extension of some 560 sq. m. (ref. No. 1998/1924/02). The CPA objected to that proposal on strategic policy grounds, as an inappropriate commercial use in this isolated rural location. In the event, Charnwood Borough Council resolved to approve that application, subject to the completion of a Section 106 agreement for the management of existing woodland and habitat on the site.
10. Apart from the range of buildings on the site, there are large expanses of woodland plantations, including a wooded boundary along Swithland Road on the south-east side of the site. On the opposite side of this road is the open expanse of Swithland Camp. Other blocks of woodland separate the western side of the site from adjoining farmland and the adjacent Lingdale Golf Course.
11. The application provides for various elements of residential development, to create a total of 20 dwellings on the site, namely:

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- (i) conversion of the Manor into 13 dwellings, dividing into vertically separated units. These would provide (mainly) 3-bedroom units of two storeys in height, created by significant alterations to the internal walls within the building. The units within the 20<sup>th</sup> century wing on the north-east side would surround the existing courtyard, with garaging incorporated.
  - (ii) alteration and extension of the glasshouse to form 2 semi-detached three bedroom bungalows, retaining large areas of glass on the elevations;
  - (iii) erection of a new 'stable style' block of 3 single storey dwellings, around a courtyard with attached garage block, to the north-east side of the Manor (on the site of an overspill car park;
  - (iv) erection of a detached, 3-bedroom 'woodland' house on the north side of the main buildings, within the walled compound of redundant maintenance buildings;
  - (v) erection of a single-storey, 2-bedroom 'gate house' at the vehicular access to the site (Swithland Road); and;
  - (vi) erection of separate garage blocks on either side of the Manor to serve the units in the converted Manor and glasshouse.
12. There is about 1200 sq. m. of accommodation within the existing Manor, and the conversion of buildings to 13 dwelling units involves a total of 2,360 sq. m. The seven new dwellings on site would provide a further 1,000 sq. m. of residential accommodation.
13. The accompanying statement of design intent asserts that the conversion of the main house and associated buildings would be achieved with minimal disruption to those elements worthy of retention. It also provides the opportunity to remove incongruous and unsympathetic alterations made to facilitate the institutional uses of the past. It is intended to provide the new dwelling units in the converted Manor with separate 'low-key' garden curtilages, extending away from the building on its western side. The gardens would be separated by 'estate' fences, walls and hedging.
14. The remainder of the site would provide woodland recreation areas for future residents, and an open meadow area in the centre of the site for similar use, available for ball games, etc. (apart from the protected SSSI). A management company would be established to look after the communal areas on the site.

**Planning Policy**

15. The relevant national, strategic and local planning policies are set out in Appendix A attached. The policy considerations relate to issues of sustainable locations for residential development, protection of the countryside and whether there are exceptional circumstances for permitting the development in this rural location. The last of these issues involves an assessment of the appropriate level of 'enabling development' to secure the heritage asset at Roecliffe Manor. Policies at all levels seek to preserve and enhance the character of the listed building and its setting.

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### **Highway Considerations**

16. The new build element is inconsistent with PPG13. Nevertheless, if Charnwood Borough Council is minded to approve this development, it is recommended that::
- i) Details of the proposed vehicular and pedestrian access shall be approved prior to the commencement of development. This should consist of a single point of access only, with 4.5m x 160m visibility splays.
  - ii) All other means of vehicular access shall be permanently closed to users of this development.
  - iii) Prior to the development being brought into use a footway should be provided from the access to the existing bus stop together with a pedestrian hard-standing and bus stop on the opposite side of the road. The Applicant will be required to enter into Section 278 Agreement (Highway Act 1980) with the County Council for these works.

### **Assessment of the Proposals**

17. The assessment of the current proposals must be set in the context of the relevant policies affecting this isolated site, and the justification for 'enabling development' to secure the 'heritage asset'. In balancing these competing objectives, the advice of English Heritage on enabling development is of fundamental significance. Roelcliffe Manor and its grounds represent an important heritage resource to the County, albeit there have been significant internal (and some external) alterations to the property to facilitate previous institutional uses. The desire to preserve and enhance this 'asset' must be balanced against the established objective strictly to control development in this particular rural location.
18. The fundamental thrust of national and strategic planning policies is to limit the erection of new dwellings in this location, well outside any settlement and poorly served by alternative means of transport. There is a presumption against the creation of 20 new dwellings on the site, especially 'new build' dwellings, which conflicts with the relevant policies of the Structure Plan and emerging Local Plan.
19. Turning to the 'exceptional' case for the development, this relies on an assessment of the need to generate sufficient funds from the enabling development to secure the long-term future of the Manor itself. The financial analysis submitted in support of the proposal appears to conflict with the stringent advice from English Heritage.
20. In particular, it incorporates an inherent 'cost' on the conversion of the existing building which amounts to a pre-determined purchase value (£1.6m). This may be desirable for the seller, but - whatever the personal aspirations of the present owner - these should not be given particular weight. They effectively inflate the requirement to raise funds from enabling development, contrary to the criteria for such calculations.
21. Similarly, the marketing exercise conducted between September 2000-May 2001 was based on the earlier hotel and leisure proposal, at an asking price of £2m. Whilst the greatest interest has been generated in connection with residential

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development, this should not discount the possibilities of other uses (e.g. another institutional use). Neither should the owner's asking price discount the possibility of a lesser form of residential development/conversion. As pointed out above, the optimum viable use that is compatible with the site and building may not necessarily be the most profitable.

22. In the circumstances, it is considered that an overriding case for the proposed 'enabling development' has not been made and that other alternative solutions cannot be discounted. The desire of the present owner to maximise profit from the sale of the property should not be allowed to override valid planning objectives.
23. Also, there are concerns about the details of the submitted scheme for conversion of the existing building, especially the inclusion of private curtilages/gardens on the principal elevation to the Manor. In the context of Environment Policy 2 of the approved Structure Plan, it would be appropriate to draw attention to these particular concerns, in the interests of the character and setting of the listed building.

### **Recommendations**

The Cabinet be recommended to forward the following as the views of the County Planning Authority:-

Charnwood Borough Council be advised that, whilst the County Planning Authority has no objection to an appropriate enabling scheme for the conversion of existing accommodation at Roeclyffe Manor, it *objects* to the submitted proposal, in the context of approved Structure Plan policies, the Deposit Local Plan (as modified) and relevant Government advice.

The scale and form of residential development is contrary to the intentions of Strategy Policy 4 of the approved Structure Plan and the emerging policies of the Replacement Structure Plan (1996-2016). It would result in an unsustainable form of development, in conflict with the objectives of national and local planning policy objectives. If approved, it would make it difficult to resist other similar proposals for speculative residential development in the general locality.

There does not appear to be sufficient justification for the proposed form or amount of development to secure the 'heritage asset' on site, as an exception to the established policy framework for this isolated location. There is insufficient evidence to show that an alternative use and/or form of 'enabling development' would not produce adequate funds to secure the 'asset'. The optimum viable use need not necessarily be the most profitable.

With respect to the details of the proposed conversion of the Manor to form individual dwelling units and the proposed new dwelling units, it is considered that:

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- (i) an archaeological evaluation of the interior of the building , its current internal layout and fixture is required, to determine the importance of the original layout and later additions;
- (ii) the sub-division of gardens would have a clearly detrimental effect on the character and setting of the listed building;
- (iii) the proposed designs of new dwelling units appears to be too mixed in approach, combining reflections of C18/19<sup>th</sup> broad style with modern vernacular elements, and are inappropriate to the setting of the listed building.

Any proposed redevelopment scheme should secure binding agreements on the necessary contributions towards the long-term maintenance of the woodland and landscape on site *and* any other contributions towards community services arising from the development.

### **Circulation Under Sensitive Issues Procedures**

Mr. P. C. Osborne, CC

### **Officers to Contact**

Mr. C. J. Noakes (Tel: 265 7053)  
E-Mail: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

**Appendix A: Planning Guidance and Policy****National Policy Guidance**

1. Planning Policy Guidance Note 1 (PPG1) deals with General Policy and Principles. It includes advice on the primacy of the development plan in the determination of planning proposals, in the context of Section 54A of the 1990 Act. PPG1 also promotes forms of sustainable developments to meet future development requirements, so that new development patterns are shaped in a way to reduce the need to travel. Features of historic importance are to be valued and protected, and their continued use is considered to be important.
2. Whilst the guidance confirms that any consideration which relates to the use and development of land can be a material planning consideration (e.g. enabling development), it also emphasises that the personal circumstances of any applicant normally will not be relevant to the proper planning considerations of a case.
3. Whilst the applicant has quoted the contents of PPG3 (Housing) in support of the application, it is considered that the proposal does not accord with the general thrust and objectives of this advice (March 2000). It promotes the location of new housing development to central and urban locations, preferably on 'previously developed land' that is identified on the basis on a sequential test.
4. The Government's guidance for the countryside is set out in PPG7 (1997), which stresses the need to protect the countryside for its own sake. It also emphasises the objectives for sustainable development in rural areas, through the operation of a plan-led system. The Government's policies for meeting new housing needs are based on the concentration of new development in existing towns and villages; new housing in the countryside, away from established settlements or allocated sites, this should be strictly controlled.
5. PPG 13 (Transport) was revised in April 2001 and sets out the Government's intentions to secure an integrated land use-transportation policy that reduces the growth in use of the private car and encourages alternative means of transport. It reflects the general objectives of the earlier (1994) version of the guidance, in that development is to be concentrated in and around those locations that offer choice of transport mode.
6. PPG15 was issued in 1994 and sets out the Government's intentions for 'Planning and the Historic Environment'. It provides comprehensive advice on the controls for the protection of historic buildings, conservation areas and other aspects of the historic environment. The guidance reiterates the role of the planning system in reconciling the need for development with protection and enhancement of the environment.
7. There are aspects of the guidance that are particularly relevant to the current proposals, including the importance of the setting of listed buildings. Change of use can often be the key to the successful preservation of such buildings by

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keeping it in active and viable use, especially if carried out in a sympathetic manner. The range and acceptability of alternative uses will usually be a major consideration when considering the future of listed buildings.

8. It is necessary to balance the economic viability of different uses against the effect of any changes on the special architectural and historic interest of the building. In principle, the aim is to identify the optimum viable use that is compatible with the fabric, interior and setting of the historic building. *This may not necessarily be the most profitable use.* It is a duty of local planning authorities to have special regard to the desirability of preserving the character and setting of listed buildings.

Strategic Policy Considerations

9. The approved Structure Plan for Leicestershire sets out the overall strategy for development in the County between 1991 - 2006. *Strategy Policy 1* sets out the overall intentions for development and provides that (inter alia):
  - The environment will be conserved and, where possible, enhanced;
  - most new development is located where a realistic choice of transport is or will be available; and
  - built development in the countryside is minimised.
10. *Strategy Policy 4* states that built development in the countryside (i.e. beyond the existing and planned development limits of settlements) will not normally be appropriate. However, provision is made for the re-use and adaption of existing buildings in the countryside. The application site is within the Charnwood Forest area of particularly attractive countryside, in which it is intended that only small scale built development for employment and leisure uses will normally be acceptable, so long as it has no adverse effect on the appearance and character of the landscape.
11. *Environment Policy 2* promotes measures to identify, protect, preserve and enhance sites and buildings of historic, architectural and archaeological importance. Development proposals on or adjacent to these sites will be considered against the need to ensure their preservation. Other Environment policies set out the general strategic intentions to protect and enhance sites of ecological significance (*Environment Policy 7*) and safeguard against the loss or damage to woodlands, (*Environment Policy 10*).
12. *Environment Policy 12* provides for development within the rural parts of the National Forest, so long as it facilitates its use as a woodland resource. There is no presumption in favour of any new built development in the Forest.
13. *Housing Policy 1* identifies a requirement for 8350 new dwellings Charnwood Borough between 1991-2006, for which a significant number dwellings are already built or committed for development as at March 2001. For the most part, any new dwellings are directed towards the main urban areas of Loughborough, Shepshed and settlements adjoining Leicester and the defined transport choice corridors, in accordance with the requirements of *Housing Policy 2*.

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14. *Transport Policy 4* provides that development should not be allowed where it would give rise to unacceptable environmental circumstances, or where the local or wider road network cannot accommodate the traffic generated by such development.
15. The Draft Replacement Structure Plan (1996-2016) has reached the stage where the three planning authorities have published their Proposed Modifications to the Deposit Draft (Summer 2002), and will be considering the representations in the New Year. The objectives of the Plan (formerly Strategy Policy 1) seeks to promote a sustainable form of development by integrating social, environmental, economic and resource objectives, including patterns of development that (inter alia) minimise the need to travel.
16. The locational policies of the Plan (as set out in revised *Strategy Policies 3A and 3B*) provide for the vast majority of new development to be concentrated within and adjoining the main urban areas. A sequential approach is set out, whereby priority is given to development in and around the urban centres, with an emphasis on those locations well served by alternative forms of transport. Priority is given to the use of 'previously developed land and buildings' within these locations.
17. *Strategy Policy 9* (as modified) re-emphasises the restrictions of new development in the countryside, in the context of the general appearance and character of the landscape, and the need to safeguard the countryside. Built development should be well integrated to existing development, and limited to strictly limited types of uses (not normally residential).
18. *Strategy Policy 14* provides for appropriate forms of rural development in appropriate locations in the National Forest, subject to the creation of a woodland setting. *Strategy Policy 15* deals specifically with the Charnwood Forest, in which any appropriate development needs to demonstrate that it conserves and enhances the character of the area. Where development may adversely affect the special qualities of the Forest, it will only be allowed where it can be demonstrated that there is a clear and overriding need for the development and adequate compensatory measures are incorporated.

Local Plan considerations

19. The Draft Local Plan for Charnwood was placed on deposit in June 1996 and was the subject of an extensive public inquiry (Spring - Summer 1998). In response to objections and in advance of the public inquiry, the Borough Council published its *Proposed Changes* to the Plan. The Inspector's report was received in June 2000 and, in response, the Borough Council has recently published its *proposed Modifications* to the Plan. These have been on the subject of a separate public inquiry, and the report by the appointed Inspector. The Borough Council has considered its response to that Inspector's findings this Autumn and shortly will be publishing its findings and intentions for any final Modifications to the Plan.

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20. *Policies EV/4 – EV/6* of the Draft Local Plan relate to the protection of listed buildings and their settings. They seek to ensure that any alterations or extensions are in keeping with the special character and setting of the building, and that development that would adversely affect the setting should be refused. Applications for change of use of listed buildings should be in keeping with the character, appearance and historic interest of the building.
21. *Policy CT/1* of the Local Plan (as modified) provides the relevant basis for development in the countryside, which will be strictly controlled. It provides for the re-use and adaption of rural buildings for uses suitable in scale and nature, and small-scale new built development, where there would be no significant adverse environmental impact. However, it also provides that any such development should be limited to an appropriate rural use (e.g. agriculture, recreation, or utilities).
22. *Policy CT/2* seeks to ensure that the historic, nature conservation, amenity and other interests of the countryside are safeguarded. Development in the Charnwood Forest is covered specifically by *Policy CT/7*, which seeks to safeguard the essentially undeveloped rural character of the landscape, by resisting inappropriate forms of development. Where it is accepted in principle, it will be expected to enhance the character and appearance of the landscape.

#### **Other material considerations**

23. English Heritage issued its Policy Statement in June 1999 as a means of amplifying and reinforcing guidance in PPG15 (Planning and the Historic Environment) and PPG16 (Archaeology). It subsequently published a policy framework which provides a detailed justification of its original policy statement - 'Enabling Development and the Conservation of Heritage Assets' (June 2001). This provides further practical guidance on the interpretation of its policy.
24. The 1999 Statement provides a general presumption against 'enabling development' that does not meet all of the following criteria:
  - (i) It does not materially detract from the archaeological, architectural, historic or landscape interests of the 'asset', or materially harm its setting;
  - (ii) The proposal avoids detrimental fragmentation or management of the heritage asset;
  - (iii) It will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose;
  - (iv) The requirement arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid;
  - (v) Financial assistance is not available from any other source;
  - (vi) It is demonstrated that the need for the enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises any dis-benefits for the asset; and
  - (vii) The value or benefit of the retained asset or enhancement of the heritage asset outweighs the long-term dis-benefits of providing the enabling development.

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25. The financial analysis that accompanies the scheme now identifies a deficit of £1.35m to secure the conversion of the existing 'historic asset' into 13 residential units. *However*, this figure includes a provision for £1.68m+ to purchase the site (excluding fees) and a profit margin of £0.84m+ on the sale of those properties. Consequently, the identified deficit is a direct reflection of the assumptions about the market value of the site and 20% profit margin on the sale of the properties.
  
  26. The perceived net surplus from the sale of the proposed 7 new dwellings (after all costs and 20% profit margin are taken into account) is calculated about £0.53m. This implies that, even after the profit from all new dwellings is taken into account, there would still be a shortfall of £0.82m in the income required to achieve the base value of the 'historic asset'. Clearly, all of these calculations depend on the accuracy of the sums applied to the costs of the new development and their subsequent sale value.
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## **DEVELOPMENT CONTROL AND REGULATORY BOARD**

The considerations set out below apply to all preceding applications.

### **EQUAL OPPORTUNITIES IMPLICATIONS**

Unless otherwise stated in the report there are no discernible equal opportunities implications.

### **IMPLICATIONS FOR DISABLED PERSONS**

On all educational proposals the Director of Education and the Director of Property will be informed as follows:

#### **Note to Applicant Department**

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984.

You are advised to contact the County Council's Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

### **BACKGROUND PAPERS**

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

### **SECTION 54A OF TOWN AND COUNTRY PLANNING ACT 1990**

Members are reminded that Section 54A of the 1990 Act requires that:

"Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. the Structure Plan or any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices (the phrase occurs also in the new s. 172 which is substituted by the Planning and Compensation Act 1991, but not in the new provisions relating to planning contravention notices (new s. 171C) and breach of condition notices (new s. 187A);
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.