

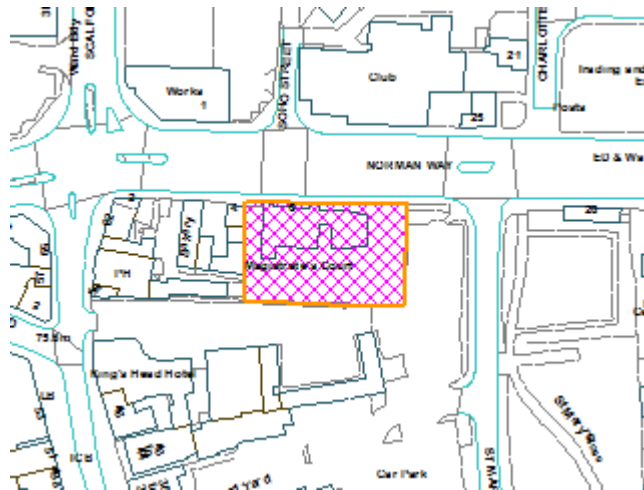
Reference: 14/00499/FUL

Date submitted: 16.06.14

Applicant: 1NA (Melton) Limited

Location: Magistrates Court, 6 Norman Way, Melton Mowbray

Proposal: Conversion and new build works to form nine residential units



Proposal :-

Planning permission is sought for the conversion of the former Magistrates Court to form 8 residential units and the construction of one attached new build residential unit. The application site covers approximately 0.134 ha of land and is sited facing Norman Way. Access to the car park is via the existing entrance way off Norman Way.

The site is located within both the town centre and Conservation Area for Melton Mowbray and the building is also Grade II Listed. The site is surrounded by a variety of different uses – to the north of the site is Norman Way with commercial units opposite, to the south and east is a municipal car park and retail units lie to the west.

The proposed development mainly sits within the existing footprint and floors of the building complex. A small extension is proposed to the south west of the site to form a new build residential unit.

The application is to be considered by Committee because it represents a departure from the Development Plan.

Relevant History:-

There have been various applications on this site, for alterations and adaptations to the former Magistrate Court, none of which are relevant to this application.

14/00500/LBC - Conversion and new build works to form nine residential units – currently under consideration.

Planning Policies:-

Melton Local Plan (saved policies):

Policies OS1 and BE1 allow for development within Town Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy H7 states that an appropriate level of affordable housing will be sought based on evidence of need.

National Planning Policy Framework – Introduces the ‘Presumption in favour of Sustainable Development’ and states that development proposals should be approved if they accord with the Development Plan, or, if it is out of date or does not address the proposal, approve proposals unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,
- specific policies in this Framework indicate development should be restricted.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support **sustainable** economic development to deliver homes and business that local areas need
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- encourage the effective use of land by reusing land that has been previously developed (brownfield land)
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

On Specific issues relevant to this application it advises:

Delivering a Wide choice of High Quality Homes

- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
- Set out own approach to housing densities to reflect local circumstances
- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.
- Securing high quality and inclusive design goes beyond aesthetics considerations and 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 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.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p data-bbox="177 1641 770 1673">Housing Policy Officer</p> <p data-bbox="177 1673 770 1765">The application proposes conversion and new build works to form 9 residential units to what was the Magistrates Court in Melton Mowbray.</p> <p data-bbox="177 1794 770 2045">The applicants have shown regard to Melton's shortfall of smaller market housing as the application seeks to provide a mixture of 2 and 3 bedroom apartments and town houses. Melton has a surplus of larger, detached housing and this application seeks to appropriately provide for the housing needs of the Borough, not exacerbating the current situation.</p>	<p data-bbox="770 1673 1364 1977">Melton Local Plan Policy H7 states that the Council will have regard to evidence of need for affordable housing in the locality when considering planning applications for residential development on land not allocated in the local plan. Where there is evidence of need, the Council will negotiate for the inclusion of an element of affordable housing having regard to site, size, suitability, the economics of provision and the need to achieve a housing development that incorporates a mix of housing types.</p> <p data-bbox="770 2007 1364 2045">This application seeks planning consent for internal</p>

<p>The Leicester and Leicestershire Strategic Housing Market Assessment (Blinc Housing, 2009) supports this and states that controls need to be established to protect the Melton Borough (particularly its rural settlements) from the over development of large executive housing, and to encourage a balanced supply of suitable family housing (for middle and lower incomes), as well as housing for smaller households (both starter homes and for downsizing). It states that the undersupply of suitable smaller sized dwellings needs to be addressed to take account of shrinking household size which if not addressed will exacerbate under-occupation and lead to polarised, unmixed communities due to middle and lower income households being unable to access housing in the most expensive and the sparsely populated rural areas.</p> <p><u>Affordable Housing</u></p> <p>The application exceeds the Councils affordable housing threshold and is therefore subject to a 40% Affordable Housing Contribution. However, an independent viability assessment has been completed for this site and this concludes, subject to there being no major changes to the application proposals since the date of the assessment, the scheme is unable to make any contributions towards the provision of Affordable Housing. From a housing policy perspective, therefore, with the housing mix deemed suitable and appropriate and the lack of affordable housing provision supported by an independent viability assessment, the application is recommended for approval.</p>	<p>alterations to create a total of 9 residential units comprising a mixture of 2 and 3 bedroom apartments and town houses.</p> <p>The application seeks the conversion of a Grade II Listed Building. The building is considered to be an important feature of Melton's heritage. The proposals will help to secure the continued use of the building as a whole for the foreseeable future and will ensure that the existing buildings which are currently under utilised are repaired and refurbished in an appropriate manner. This will help to enhance the character and appearance of the Listed Building and Conservation Area. Accordingly the proposed mix of units is considered to be acceptable in this instance.</p> <p>The Council has undertaken several assessments in order to be informed by an evidence base of housing need (households unable to access suitable housing without financial assistance). The level of identified need for affordable housing is extremely high within the borough. Therefore a 40% policy requirement was adopted in accordance with saved policy H7 of the Melton Local Plan in January 2008 under the same processes and procedures which have previously set the threshold and contribution requirements for affordable housing within the Melton Borough.</p> <p>An independent viability assessment has been carried out which concludes that the proposed residential development scheme <u>is not viable</u> if it is to include affordable housing. Accordingly the imposition of Affordable housing requirements would render the project totally unviable.</p> <p>It is considered that in this instance, given the outcome of the viability assessment, along with the individual circumstances of this application in terms of its potential to restore and provide long term security to the listed building, a justification exists for an affordable housing contribution to be waived.</p>
<p>Highways Authority –</p> <p>With regard to parking provision the site is ideally located close to the town centre and therefore suitable for a lower level of parking. I therefore think that an appropriate level of parking would be around 150% (13 or 14 spaces) communal parking, this should provide sufficient without leading to indiscriminate parking within the site and provide an opportunity for some amenity space.</p> <p>The car parking is a little tight and I note that they have made some spaces a little wider in order to</p>	<p>The site offers off street parking for 16 cars with vehicular access from Norman Way. This is the only point of access for vehicles and utilises the existing access arrangements. Other points provide access for pedestrians to individual entrance doors or a shared lobby.</p> <p>Given the town centre location, access to a range of public transport options, and the previous usage of the property this provision is considered acceptable and there are no objections from the Highway Authority.</p>

<p>give more room to manoeuvre. This arrangement will work providing that they do not provide walls, fencing, planting at the side of any parking area that would restrict doors from opening as well as restrict manoeuvring.</p> <p>Initially expressed concerns about the gated access, however, the location of the gates shown on the amended plan are in a similar position to the existing gates, albeit that the barrier was located further back. Given this, and the security measures being proposed, it would be difficult to resist the proposal as shown.</p> <p>Therefore the details submitted for the proposed access and car parking arrangements are acceptable to the Highway Authority.</p>	
<p>Building Control: Has the following concerns:-</p> <ul style="list-style-type: none"> • Bin Store area is not large enough to allow recycling for nine dwellings – this has been confirmed by Environmental Health • Fire Appliance will require access at side gate otherwise, Plots 6 and 7 do not comply with B1. 	Noted.

Representations:

A site notice was posted and neighbouring properties consulted. As a result one letter of representation has been received making the following comments:

Representation	Assessment of Head of Regulatory Services
<p>Melton Mowbray & District Civic Society does not object to this Planning Application. The Society welcomes the beneficial reuse of one of Melton's important listed buildings. It has been noted that the applicant intends to "... respect the original building, in terms of materials, spatial layout, character and integrity."</p>	<p>The application has been extensively discussed with the Council's Conservation Officer. The proposal is therefore considered acceptable subject to conditions to safeguard and appropriately manage the impact of development upon the heritage asset.</p>

Other material considerations (not raised through consultation or representation)

<p>Impact on Character and Appearance of the Area</p>	<p>The proposals will help to secure the continued use of the building as a whole for the foreseeable future and will ensure that the existing buildings which are currently under utilised are refurbished in an appropriate manner. This will help to enhance the character and appearance of the Listed Building and Conservation Area. Care has been taken to ensure that significant features of the existing listed building are retained. Accordingly the proposals are considered to be in accordance with the NPPF Guidance.</p>
<p>Impact on Listed Building</p>	<p>The building has lost some of its original features as a result of its former use but several remain. Amended plans have been received which are more sympathetic to the building and retain a greater</p>

	range of historic features, including retention of the timber windows (rather than replacement) and retention of staircases, cornices and decorative plaster ceilings.
Layout and Design	<p>Overall the conversion makes use of the existing fabric with only modest interference in terms of demolition of internal walls and new walls which affect its layout.</p> <p>The proposals include a new two storey extension but this replicates exactly the approach of the existing 'rear wing' and as such is considered to be sympathetic to the building and not harmful to its character and appearance.</p> <p>Accordingly the proposals are considered to have a negligible impact on the special architectural and historic interest of the building and will enhance the character and appearance of the Listed Building and Conservation Area.</p>
Impact on Residential Amenity	<p>The building does not have any immediate neighbours in residential use and as such issues of amenity are easily achieved. Within the scheme itself, careful design has prevented overlooking between units etc and a satisfactory standard of amenity.</p> <p>It is not considered that the proposals will result in any adverse impact on the residential amenities of adjoining/ surrounding properties and accordingly the proposal is considered acceptable.</p>
Application of Development Plan and other planning policy	The site sits within the town envelope where residential development is supported. Policies OS1 and BE1 seek to ensure that development respects the character of the area and that there would be no loss of residential amenities and satisfactory access and parking provisions can be complied with. It is considered that the proposals are in accordance with Policy and are therefore considered acceptable.
Compliance (or otherwise) with Planning Policy	As stated above, the development is considered to accord with the applicable Local Plan policies. In this instance, the policies are not considered to conflict with the NPPF and as such there is no requirement to balance the regimes against one another.

Conclusion

The application site lies within the Town envelope of Melton Mowbray and thus benefits from a presumption in favour of development under policies OS1 and BE1, and fulfils the objectives of the NPPF in terms of sustainability. The proposed development has been designed to have limited impact on adjoining properties, the street scene and has been designed to reflect the surrounding area. The proposed access and parking arrangements are also considered to be acceptable given the town centre location.

It is considered that the proposals will help to secure the continued use of the building as a whole for the foreseeable future and will ensure that the existing buildings which are currently under utilised are refurbished

in an appropriate manner. This will help to enhance the character and appearance of the Listed Building and Conservation Area.

However, the proposal does not satisfy the normal requirements in terms of affordable housing provision which is contrary to Development Plan Policy H7 and NPPF objectives.

Accordingly, it is considered that a conflict exists and the determination requires a balanced judgement between the conservation interests and affordable housing contributions set out above. An independent Viability assessment confirms that the proposed residential development is not viable on the basis of the Affordable housing provision. **Accordingly, it is considered that in this instance, given the outcome of the viability assessment (and bearing in mind that refusal of permission would negate any form of benefit), along with the individual circumstances of this application in terms of its benefit to conservation interests, that there is justification for the development to be approved without a requirement for affordable housing.**

RECOMMENDATION: Permit subject to following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. the works hereby permitted shall be undertaken strictly in accordance with Drawing Nos:
 - + 7021 P 05B (Revision B) dated 23 July 2014;
 - + 7021 P 06B (Revision B) dated 23 July 2014;
 - + 7021 P 07B (Revision B) dated 23 July 2014;
 - + 7021 P 08B (Revision B) dated 23 July 2014;
 - + 7021 P 09B (Revision B) dated 23 July 2014;
 - + 0721 P 02B (Revision B) dated 29 July 2014.
3. All works of making good the existing fabric of the historic element of building shall be carried out in reclaimed materials, which shall match the existing in size, colour and texture and which shall be bonded in the manner prevailing in the building.
4. The following original historic features of the building shall be retained in situ:
 - + the principal staircase and the tiled floor in the communal hallway;
 - + the decorative ceiling in the first floor courtroom (Flats 4 and 5);
 - + any original doors and doorcases;
 - + any original windows
5. Any new pipework or ducting in relation to the new sanitary fittings or kitchens shall be discretely installed to ensure minimal disruption to the historic fabric of the listed building.
6. All external materials used in the extension to the building hereby permitted shall be of the same type, texture and colour as those used in the existing extension.
7. Before the development hereby permitted is first brought into use, car parking spaces shall be provided within the curtilage of the premises. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt
3. To preserve the historic character of the building.
4. For the avoidance of doubt
5. To preserve the historic character of the building.

6. To ensure a satisfactory standard of external appearance.
7. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

Officer to contact: **Mr Richard Spooner**

26th August 2014

