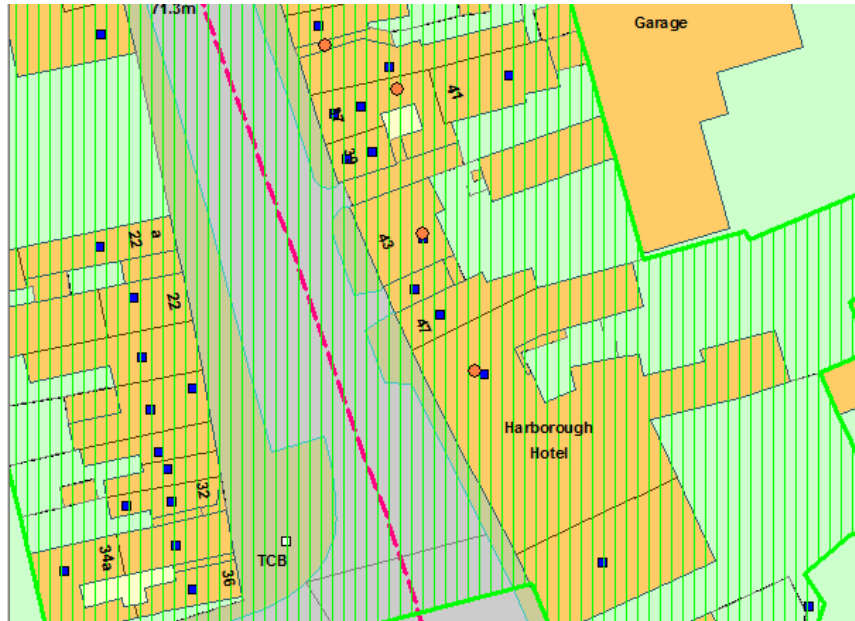


Reference: 16/00116/FULHH
Date submitted: 7 March 2016
Applicant: Mr Robert Oxley
Location: Equity House 47 Burton Street Melton Mowbray LE13 1AF
Proposal: Change of use from offices into 6 residential apartments



Introduction:-

The application comprises of a change of use from offices into 6 residential apartments within a listed building. The change of use from B1(a) to C3 (dwelling houses) is recognised as permitted development under the General Permitted Development order 2015, however development is not permitted if the property is a listed building and / or located within a conservation area.

At present the property is a vacant building, last in use as a solicitor's office. 47 Burton Street is listed in group form together as 43-47 Burton Street; a late 18th century building with an arch providing access through to the rear. The property is located within Conservation Area and is in close proximity to a number of listed buildings of a similar age and design.

It is considered the main issues relating to the proposal are:-

- **The principle of change of use from office to residential in a listed building**
- **Visual impact on the building and locality, including on the setting of the listed building and the conservation area;**
- **The impact on the residential amenities of occupiers of neighbouring properties;**
- **Flood risk;**
- **Highway safety.**

The application is to be heard by the Development Committee as the applicant is related to a member of council.

Relevant History:-

None relevant

Development Plan Policies:

Melton Local Plan (saved policies):

Policy OS1

Policy OS 1 states planning permission will only be granted for development within the town and village envelopes shown on the proposals map where:-

- 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 the character of the locality;
- the proposed use would not cause loss of amenity by virtue of noise, smell, dust or other pollution;
- the development would not have a significantly adverse effect on any area defined in policy be12 or other open areas, the historic built environment or buildings and structures of local importance or important landscape or nature conservation features including trees;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity;
- requisite infrastructure, including such facilities as public services, is available or can be provided;
- satisfactory access and parking provision can be made available;
- the design, layout and lighting of the development minimises the risk of crime.

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;
- deliver sufficient community and cultural facilities and services to meet local needs;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focusing development in locations which are or can be made sustainable.

On Specific issues relevant to this application it advises:

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.

Delivering a Wide Choice of High Quality Homes

- Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near

their place of work in the countryside or where the development would re-use redundant buildings and lead to an enhancement of the immediate setting.

Conserving and enhancing the historic environment

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

- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.

- Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

- In determining planning applications, local planning authorities should take account of:
 - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.

- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Listed Building and Conservation Area Act 1990

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

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Melton Craven Ward – no comment received	Noted.
LCC Ecology – No comment received	Noted

<p>Highways –</p> <p>In light of existing use and town centre location the Local Highway Authority has no comment to make</p>	<p>Noted</p> <p>Parking provision is proposed through the archway to the rear courtyard of the property. This has previously been in use as parking while the property was in use as an office and there is sufficient space to provide for the new dwellings while ensuring there is no harm caused to the setting of the listed building. Furthermore the space provides an off-street solution and will not cause undue parking congestion along Burton Street.</p> <p>It is not considered that the proposal would have an adverse impact on highway safety.</p>
<p>Environment Agency</p> <p>The Environment Agency has assessed the submitted flood risk assessment and are satisfied with the proposal.</p>	<p>Noted. Revised plans were received which now provide for flood doors to the property.</p>

Representations

A site notice was posted, the application advertised in the press and neighbouring properties consulted. No representations have been received to date

Other material considerations (not raised through consultation or representation)

<p>Application of Development Plan and other planning policy</p> <p>Policy OS 1 states planning permission will only be granted for development within the town and village envelopes shown on the proposals map where:- (amongst other things):-</p> <ul style="list-style-type: none"> • the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; • requisite infrastructure, including such facilities as public services, is available or can be provided <p>Policy BE1 allows for development providing that (amongst other things):-</p> <ul style="list-style-type: none"> • Adequate access and parking can be provided. 	<p>In light of the existing use and town centre location, the site is considered acceptable for a change of use to residential dwellings, due to the adequate provision of amenities and public services within Melton Mowbray.</p> <p>As the proposal relates to a conversion of an existing building it is not considered that there will be any undue loss of residential privacy or outlook issues to neighbouring properties. The proposed separation of the property into individual apartments does not involve any external material changes to the building.</p> <p>See above, the scheme therefore complies with Policy BE1 and it is noted that the Highway Authority raised no objection.</p> <p>It is considered the principle of the conversion can be supported.</p>
<p>Heritage Assets</p>	<p>The conversion of 43-47 Burton Street from office to residential would involve a number of internal alterations to provide separate apartment dwellings.</p> <p>Following a site inspection, it was determined that there are few remaining historic features within the</p>

	<p>building, aside from the cornice mouldings in each room and a fireplace surround in a single room. If considered acceptable a condition can be placed to ensure the cornice mouldings and fireplace will be retained. Where any internal material changes are proposed, such as the addition of partition walls, these are located within the 20th Century extension, and as such there will be no harm caused to the historic fabric of the building.</p> <p>The conversion of the property into residential dwellings ensures the building no longer sits unoccupied and as such mitigates against issues of wind and weatherproofing; thereby ensuring the structural integrity and longevity of a listed building.</p> <p>It is considered that the proposal ensures the longevity of a listed building and is considered to preserve the character and appearance of the Conservation Area and complies with the requirement under s.66 and s.72 of the Listed Buildings and Conservation Areas Act 1990.</p> <p>On balance it is considered the benefits to the scheme outweigh any issues caused in changing the use of a listed building for residential purposes.</p>
<p>Impact on Streetscene</p>	<p>The conversion of 47 Burton Street will not have an adverse impact on the streetscene or character of the Conservation Area because there are no material changes proposed to the external elevations of the building.</p> <p>All existing sash windows, external render and ground level rustication will remain in situ; any subsequent changes such as double glazing to enhance the thermal performance of the building would require a separate listed building consent.</p>

Conclusion

The proposal relates to the change of use from office to residential of a listed building within the Melton Mowbray Town Centre Conservation Area. It is considered that the change of use will not cause undue harm to the fabric of the listed building and any internal changes can be conditioned to ensure the few remaining historic features are preserved.

The proposed conversion and extension would be sympathetic to the visual appearance of the building and surroundings and would be satisfactory in terms of residential amenity, highway safety, flood risk and ecology. The proposal is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Approve, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All work must be carried out in strict accordance with plans PL003A and PL002B
3. Any internal changes to the building must not remove, alter or enhance the cornice moulding which runs throughout each room in the building and the original fireplace which is located on the first floor, as identified on Plot 2 in plan PL002B

Reasons:

1. To prevent the unnecessary accumulation of unimplemented permissions, to encourage early implementation and to enable the Local Planning Authority to review the consent if a further application is made.
2. For the avoidance of doubt.
3. To preserve the historic character of the building.

Officer to contact: **Mr Toby Ebbs**

Date: 12.05.2016