

**PLANNING COMMITTEE**

**31<sup>ST</sup> MARCH 2016**

**REPORT OF HEAD OF REGULATORY SERVICES**

**VAGRANTS CELLS & FORMER WORKHOUSE:  
LAND AND BUILDINGS AT MELTON MOWBRAY HOSPITAL, THORPE ROAD,  
MELTON MOWBRAY, LE13 1SJ**

**1. PURPOSE OF THE REPORT**

- 1.1 To seek the approval of the Committee to confirm a Direction under the provisions of Article 4 of the Town and Country Planning (General Permitted Development Order) 2015, as amended, to remove the right to demolish the identified buildings, located at Melton Mowbray Hospital, Thorpe Road, Melton Mowbray LE13 1SJ

**2. RECOMMENDATION**

**2.1 It is recommended that:**

- (i) The Committee agrees to confirm an Article 4 Direction removing the 'permitted development rights' for specified buildings at the Melton Mowbray Hospital site for any building operation consisting of the demolition of a building. The designated buildings are included as Appendix 1.**

**3. BACKGROUND**

- 3.1 The consultation for the imposition of an Article.4 Direction at Melton Mowbray Hospital was opened 11<sup>th</sup> February 2016 following consideration by this Committee on 28<sup>th</sup> January 2016.. The consultation was carried out for 28 days and expired 10<sup>th</sup> March 2016. One representation was received during the consultation period, a combined response from the agent and heritage consultant acting on behalf of the NHS; the current freeholder of the site.
- 3.2 The background to the history of the Melton Mowbray Hospital site is detailed in a report submitted for Planning Committee of 28<sup>th</sup> January 2016. On 18<sup>th</sup> February a site visit was carried out with staff members of the NHS property Services, their agents and their appointed heritage consultant.
- 3.3 After considering the written representations of the agent and heritage consultant, it is recommended that the Article.4 Direction is confirmed, with an amendment to the overall designation which now excludes the former matrons ward and flanking wings adjoining the workhouse; both are later additions to the primary building and not part of the original Grade II listing (Amended site map Appendix 1).
- 3.4 An Article 4 direction does not prevent the carrying out of demolition to which it applies, but instead requires that a specific grant of planning permission is first

obtained for that demolition to be carried out which would otherwise be needed. As such the Local Planning Authority (LPA) would be afforded the opportunity to influence the upcoming site redevelopment. It would be in a position to ensure that redevelopment of the land is acceptable, satisfies heritage policies and considers the wellbeing of the area and would be in a position to discharge its responsibilities under NPPF para 135 to weigh applications that affect non-designated heritage assets in a balanced manner, having regard to the scale of any harm or loss and the significance of the heritage asset.

- 3.6 For all Article 4 directions the legal requirement is that the LPA is satisfied that it is expedient that development that would normally benefit from permitted development rights should not be carried out unless permission is granted for it on an application.

#### 4. APPRAISAL

- 4.1 The representations received by the agent and heritage consultant acting on behalf of the NHS are summarised in the below table:

Representation	Assessment of Head of Regulatory Services
<p>If an outcome for redevelopment is not delivered through a properly considered planning application this could equate to compensation payable for MBC to the NHS property services in order of £500,000-£1,000,000</p>	<p>The liability to pay compensation and the planning committee will be notified of this prior to any decision being taken (please see 'Financial Implications' section below)</p>
<p>A historic area assessment has not been carried out for those areas not in designated Conservation Areas.</p>	<p>Please see comments below – none of the site is in a Conservation Area,</p>
<p>The extent of the designation should be reviewed and reduced to the central part of the workhouse and vagrants cells</p>	<p>It is considered this recommendation to be appropriate and the designation can be amended to exclude the former matron's ward and flanking wings to the primary workhouse.</p>
<p>15 years have elapsed since the delisting of the workhouse and a local list or conservation area designation should have been created to afford the buildings protection</p>	<p>A 'local list' has not yet been compiled by MBC. However the aims of the agent to market the site with potential for total demolition and redevelopment highlighted the vulnerability of the buildings as 'non-designated heritage assets';</p>
<p>Based on government issued guidance, the LPA should prove and evidence 'exceptional circumstances' prior to the application of an A4D</p>	<p>The MOLA report has based much of its findings on the government's recommendation that an A4D should only be applied in 'exceptional</p>

	<p>circumstances'. However, these findings are not based on extant Guidance as the wording has now been changed in Planning Policy Guidance, (March 2014) in which 'exceptional circumstances' no longer applies. Where any issues raised within the MOLA report are based on out of date policy wording, no comment is provided. As assurance Historic England have been approached on this aspect and have confirmed the absence of 'exceptional circumstances' from current Guidance.</p>
<p>The LPA has confused the tests of an A4D with the criteria for assessing significance</p>	<p>Planning Policy Guidance (March 2014) now states that an A4D should be limited to situations where it is 'necessary to protect local amenity or the wellbeing of the area'. MBC recognises the potential for heritage assets to contribute to the wellbeing of an area. If an A4D is placed on the workhouse and vagrants cells then a planning application for demolition would be needed and trigger the expectations of the NPPF regarding non designated heritage assets. This would lead to a consequential outcome that would not necessarily be achieved without the A4D in terms of amenity benefits and improved wellbeing for the area.</p>
<p>An A4D is not a preventative measure in its own right and the A4D will not preserve the assets</p>	<p>MBC does not wish to pursue an A4D as a preventative measure for development and welcomes the opportunity for the incoming freeholder to propose a scheme that meets MBC's sustainable development targets and provides such outcomes as to justify the loss of the non-designated heritage assets.</p>
<p>The undesignated heritage assets are considered to be of low significance</p>	<p>The former workhouse was previously a Grade II listed building. While it is no longer of national significance according to specific criteria, in consultation with Historic England and workhouse and vagrant cell historian Peter Higginbotham, it is considered to</p>

<p>An Article.4 Direction is not a precursor to consideration for listing, the appropriate means of getting a building considered to be at risk is via a Building Preservation Notice (BPN)</p> <p>An A4D is not a substitute for a Local List and the identification of the buildings is informal.</p> <p>Objection to the loss of something is not a demonstration of community value, it is only a reaction to change.</p>	<p>be one of the most significant non-designated heritage assets in the Borough. In the absence of a Local List an A4D seeks to protect it, in order that it can be considered within plans for redevelopment of the site. The assessment of the vagrant's cells as possessing low significance is in conflict with Historic England's determination, as they have put the building forward for full-assessment and currently await response from the NHS to carry out a site-visit and determine the building for listed status.</p> <p>As the vagrant's cells have now been put forward for listing, there is no need to apply a Building Preservation Notice. An A4D is proposed to protect the wellbeing of the area and allow the cells to be considered in plans for redevelopment.</p> <p>The specification from Grade II listing criteria has been used as a determination of the building's significance. It is considered that the removal of the later extensions and insensitive accretions of the workhouse will leave a building no less visible as a workhouse than the National Trust visitor centre at Southwell, Nottinghamshire. MBC refers to Historic England in their identification of significance for the vagrant's cells.</p> <p>Historic England's 2008 'Conservation Principles' document state that people may value a place for many reasons beyond utility or personal association; people enjoy cultural heritage values in the historic environment and want to sustain them for the benefit of present and future generations at every level from the 'familiar and cherished local scenes to the nationally and internationally significant place'.</p> <p>Should an A4D be confirmed, an application for a redevelopment of the site which preserves or enhances the</p>
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<p>An A4D allows consideration of the situation rather than applying blanket control.</p>	<p>existing building and its setting would be welcomed.</p> <p>This point is agreed and is the main purpose of the proposed Direction.</p>
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4. 2 A representation in support of the proposed Direction has also been received (this was received outside the statutory consultation period):

<p><b>Representation</b></p>	<p><b>Assessment of Head of Regulatory Services</b></p>
<p>The imposition of this order should, hopefully, avoid a characterless, intensive development devoid of good local design and historic features.</p> <p>The National Planning Policy Framework (Chapter 12, para 126) states that local planning authorities should "... recognise that heritage assets are an irreplaceable resource...". By applying for an Article 4 direction on this site Melton Borough Council is showing that it appreciates the importance of historical sites and buildings in the Borough.</p> <p>The imposition of either an Article 4 direction or listing does not preclude beneficial reuse. Indeed in Melton the beneficial reuse of listed buildings such as The George Hotel and the Magistrates' Court shows what can be achieved if some restrictions are imposed on development. Historic buildings and their surroundings make an important contribution to the character of a town and its sense of place.</p> <p>"... there is an inextricable relationship between heritage, place</p>	<p>The objective of the Direction is to allow assessment of development to be considered utilising para.135 of the NPPF. This means the buildings, their retention or loss and/or how they are affected otherwise will be one factor within the balanced assessment of harm and benefit required to be carried out when proposals come forward. As such it should incentivise better design, in order to add to the benefit within the balance.</p> <p>This does not mean that demolition will cease to be an option, but that it will be a factor within the balance, i.e. that there could be a proposals with sufficient benefits to outweigh the harm caused by the loss of the buildings.</p> <p>However the main purpose is to allow this opportunity, which could otherwise be negated by uncontrolled demolition of the buildings.</p>

<p>and identity and that it was implausible for architects to think they could remove old buildings simply because they or their clients wanted to.” The Farrell Review of Architecture and the Built Environment, (2015), Chapter 3 Cultural Heritage. Farrell considers that heritage has an increasingly important role to play in the social and economic life of our country and that the listing process should include social aspects of heritage in addition to historic and architectural features. The social impact of Saint Mary’s Hospital site and buildings on the residents of Melton Mowbray has been substantial; the majority of families in the Borough have some connection with it.</p>	
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- 4.3 The representation has been considered and MBC recommends that the Planning Committee confirms the Article.4 Direction, limited to the central block of the former workhouse and Vagrants Cells (Appendix 1). Should the Planning Committee decide to confirm the proposal, the Secretary of State will be notified immediately and the Article.4 Direction will come into effect.

**5. FINANCIAL IMPLICATIONS**

- 5.1 Costs associated within the establishment of the Direction are limited and can be met by exiting budgets.
- 5.2 There are compensation arrangements associated with Article 4 Directions. S108 of the Town and Country Planning Act 1990 makes provision for landowners to make a claim for compensation against an Authority in certain circumstances, where the Direction has removed ‘permitted development’ rights. These relate to circumstances where:
- Refuses planning permission for development which would otherwise have been permitted development; or
  - Grants planning permission subject to more limiting conditions than the General Permitted Development Order
  - Adherence to prescribed timetables

The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.

- 5.3 It is not possible to estimate the risk of compensation at this stage. It can only be considered when a development proposal is produced and an assessment of it is

carried out. This is because any claim for compensation is dependent upon the submission and refusal of an application..

Contact Officer:

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# Appendix 1 – Amended designation, Article.4 Direction Melton Mowbray Hospital Site

