

## PLANNING COMMITTEE

28TH January 2016

### REPORT OF HEAD OF REGULATORY SERVICES

#### **CASUAL WARD, MATRON'S RESIDENCE & 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 issue a Direction under the provisions of Article 4 of the Town and Country Planning (General Permitted Development Order) 1995, 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 **That the Committee agrees to the use of an Article 4 Direction as described, 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 process for establishing such a Direction is included as APPENDIX 1 to this report**

#### **3. BACKGROUND**

- 3.1 The Melton Mowbray Hospital site on Thorpe Road, Melton Mowbray is currently being marketed for sale. As of 11<sup>th</sup> January 2016, final bids have been received and the agent is in the process of selecting a preferred bidder on behalf of the NHS. The site has been identified by the agent as a potential residential and mixed use development opportunity and is located outside of the Melton Mowbray Conservation Area.
- 3.2 Various members of the public have separately informed Melton Borough Council of the historical significance of a number of buildings located at the Melton Mowbray hospital site and a site visit was carried out in December 2015 to determine the relevant buildings. Three buildings have been identified:
1. The 1836 former workhouse, recognised as the primary building on the site.
  2. The former casual ward (vagrants cells), an ancillary building to the workhouse.
  3. The 1863 former Matron's residence, a detached building adjacent to the former workhouse and connected to the primary building via a linked corridor.
- 3.3 Under the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 11, Class B '*demolition of buildings*' an owner is permitted to demolish a building subject to certain conditions without the need for

planning permission. An Article 4 Direction would remove the ability of the site purchaser to demolish these buildings that are considered to be of historical significance, without first acquiring full planning consent.

- 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. As such the Local Planning Authority (LPA) would have control over the upcoming site redevelopment and be in a position to ensure that redevelopment of the land is acceptable and satisfies heritage policies.
- 3.5 Guidance advises that a Local Planning Authority should consider making Article 4 directions only in those exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area. In deciding whether an article 4 direction would be appropriate, local planning authorities should identify clearly the potential harm that the direction is intended to address.
- 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. Additionally, for directions with immediate effect, the legal requirement is that the LPA considers that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenity of their area.

#### **4. APPRAISAL**

- 4.1 The 1836 workhouse, designed by Charles Dyer 1794-1848, was designated Grade II listed status in 1976. Due to a significant amount of C19 and C20 extensions and internal remodelling, the building was de-listed in 2000 (**APPENDIX 2**) by English Heritage, stating: '*Its historical importance, architectural quality and integrity are all below the standard required listing in this type of building*'. The de-listing took place at a time when NHS was attempted to sell the site, although the property has since remained within their ownership. It is considered that the building is still easily identifiable in its original function and form; any forthcoming planning application for the redevelopment of the site could include the demolition of the later extensions, with the potential to retain the original building for modern use.
- 4.2 In the same year 2000, members of the public submitted an application to English Heritage for the listing of the casual ward, an ancillary building that was first built as a separate, purpose-built block near the workhouse entrance for the provision of overnight shelter to vagrants. The building was later used as storage when the workhouse was converted to a hospital, although many of its original features remain intact, including the original cell doors, cabled alarm system and cell-bar fenestration. However English Heritage declined the application for listing (**APPENDIX 3**), stating: '*The building falls below the standard required, and has insufficient group value*'. At present the building is boarded up and inaccessible.

- 4.3 The 1863 former Matron's residence was also submitted for listing in the same application in 2000, and is largely unaltered. However English Heritage chose not to list the building on the grounds that the former workhouse had been de-listed and therefore the building could not be included for group value.
- 4.3 Chapter 12 Paragraph 126 of the National Planning Policy Framework (NPPF) states that: 'local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance'.
- 4.4 Planning Practice Guidance notes on 'conserving and enhancing the historic environment' state that: 'When considering development proposals, local planning authorities should establish if any potential non-designated heritage asset meets the definition in the National Planning Policy Framework at an early stage in the process. Ideally, in the case of buildings, their significance should be judged against published criteria, which may be generated as part of the process of producing a local list.'
- 4.5 Historic England state that: 'Heritage assets not designated under statutory regimes, but recognised by the LPA as having heritage significance, do merit consideration in planning matters; with the LPA taking a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset' .
- 4.6 In the absence of adopted local plan heritage policies and the lack of a local list of non-designated heritage assets, it is considered necessary to secure an Article 4 direction (**APPENDIX 1**) to ensure the preservation of three non-designated local heritage assets, that have been identified as historically significant by the Melton Conservation Officer and members of the local community.
- 4.7 Historic England (2008) identify four 'core values' in determining the significance of heritage assets: 'historical values, evidential values, aesthetic values and communal values. In the determination of the heritage values at the Thorpe Road Hospital Site, there is a clear case for the recognition and retention of the aesthetic, communal and evidential values which no longer benefit from protected listed status. Aesthetically, it is considered that the primary building is no less recognisable than the workhouse at Southwell, Nottinghamshire; now a National Trust property and popular visitor destination. Evidentially, the group of buildings are some of the last remaining pre 1840's structures built for this purpose in Leicestershire; the primary workhouse in Leicester was demolished in 1977. The extent to which the local community has registered its concern for the future of the buildings demonstrates its considerable communal values.
4. 8 Securing an Article.4 direction at the Thorpe Road Hospital Site will allow Melton Borough Council to control any proposed redevelopment of the site and exert the required policy of the NPPF with regards to non-designated heritage assets. Without the ability to control this process, the incoming freeholder will be legally entitled to clear the site through demolition, leading to the significant and

irreplaceable loss of established communal, aesthetic and evidential heritage values of the identified buildings.

Contact Officer:

Mr T Ebbs – Conservation Officer

Mr J Worley - Head of Regulatory Services

## Appendix 1 – Article 4 Direction Process

<p>1. <i>Check whether an article 4 direction is appropriate, and whether the direction should come into force following consultation or immediately</i></p>	
<p>2. <i>Draft an article 4 direction</i></p> <p>Annex B provides a model for non-immediate directions, Annex C a model for directions with immediate effect. A local model may be used, but it must contain all the information set out in the appropriate model in this guidance.</p>	
<p>3. <i>Serve notice locally and notify the Secretary of State as soon as practicable after the direction has been made, adhering to requirements of details to be contained in the notice.</i></p>	
<p>3.1. <i>Local notification procedure</i></p> <p>Notice of an article 4 direction shall be given by the local planning authority:</p> <ul style="list-style-type: none"> <li>- by local advertisement (as defined in article 1(2) of the GPDO)</li> <li>- by site display at no fewer than two locations within the area to which the direction relates (or if the direction relates to a particular development, on that site) for a period of not less than six weeks);</li> <li>- individually on every owner and occupier of every part of the land within the area or site to which the direction relates (unless it is impracticable because it is difficult to identify or locate them, or the number of owners or occupiers within the area to which the direction relates would make individual service impracticable- this exemption from individual service of notice does not apply, however, when the owner/occupier is a statutory undertaker or the Crown);</li> <li>- between County planning authorities and district/ local authorities within whose county or district the area/ site to which the direction relates is situated (where both tiers exist).</li> </ul>	<p>3.2. <i>Notifying the Secretary of State</i></p> <p>On the same day that notice of an article 4 direction is first published or displayed locally, the local planning authority shall notify the Secretary of State. A copy of the direction (and a map defining the area/ site to which it relates) as well as a copy of the local consultation notices should be sent to:</p> <p>Government Office West Midlands (email: <a href="mailto:wmplanning@gowm.gsi.gov.uk">wmplanning@gowm.gsi.gov.uk</a>)</p> <p>or post to:</p> <p>Government Office for East Midlands, Planning, Sustainable Futures Directorate,</p> <p>It may not be possible to send a copy of the local publicity notices themselves on the same day as those affected by the direction are notified- it is therefore acceptable to send a copy of the notices as will be published.</p>

<p><i>4. Determine whether to confirm the direction</i></p> <p>Any representations received during consultation must be taken into account by the local planning authority in determining whether to confirm a direction (see paragraphs (9) and (10) of article 5 of the GPDO). Material changes to the direction resulting from consultation will require re-consultation. Immediate directions will expire six months after they come into force, unless confirmed. The local planning authority shall not confirm a direction until after the expiration of either a period of at least 28 days following the latest date on which any notice relating to the direction was served or published, or such longer period as may be specified by the Secretary of State (after having been notified by the local planning authority of making a direction).</p>	
<p><i>5. Direction comes into force</i></p> <p>If confirmed by the local planning authority, a non-immediate direction will come into force on the date specified in the notice that the local planning authority served originally on those that would be affected (see article 5(7) of the GPDO). Taking into account representations received during consultation may require that the direction comes into force later than specified in the initial notice of the direction. Once confirmed both non-immediate and immediate directions permanent (unless cancelled by the local planning authority or Secretary of State).</p>	
<p><i>6. Serve notice locally and notify the Secretary of State</i> as soon as practicable after the direction has been confirmed, adhering to requirements of details to be contained in the notice. This requirement neither applies to immediate directions related exclusively to Conservation Areas where the development is specified in 6(3) (a) to (j) of the GPDO, nor to directions related exclusively to listed buildings where permitted development rights withdrawn are in Parts 1-4 and 31 of Schedule 2 to the GPDO.</p>	
<p><i>6.1. Local notification procedure</i></p> <p>See stage 3.1 in advice</p>	<p><i>6.2. Notifying the Secretary of State</i></p> <p>As soon as practicable after the direction has been confirmed the local planning authority shall send a copy of the confirmed direction to the Secretary of State (see stage 3.2. in advice).</p>

In all cases notice of an article 4 direction must:

- Include a description of the development and the area/site to which the direction relates (as the case may be);
- Include a statement of the effect of the direction;
- Specify that the direction is made under article 4(1) of the GPDO;
- Name a place where a copy of the direction and a copy of a map defining the area/ site to which it relates (as the case may be) can be seen at all reasonable hours;

Where notice is of the making of any article 4 direction the notice must additionally:

- Specify a period of at least 21 days, stating the date on which that period begins, within which any representations concerning the direction may be made to the local planning authority

Where notice is of the making of a non-immediate article 4 direction, the notice must additionally be displayed on the site and lodged with the Secretary of State.

## **Appendix 2 – Former Workhouse Delisting Advice**

### **Referral Outcome**

**Case ID:** 145680 (Centre Block Only of St Mary's Hospital)

**Date of Advice:** 23/12/1999

**Advice Author:** Mr M Eaton

**Rec. Outcome:** Yes, amend

**Rec. Grade:** NL

**Standard Reason:** an amendment should be issued

#### **Background:**

This item was listed in 1976, well before thematic studies of hospitals and workhouses became available. The listing specifically includes nothing but the central block, and excludes the side ranges and wings, which are part of the same building. This decision does not conform to current conventions, and may have been made because the side ranges and wings were already too altered for listing to be justified. This is certainly the case today, as the left side range has been substantially refenestrated, and a single-storey addition made to the rear as part of its conversion to kitchens. The left wing has also been eroded by the insertion of a doorway and construction of an addition at the front, the addition of a C19 stair tower at the rear and C20 additions at the left end, and extensive internal remodelling in the mid and late C20. The right range has also been eroded by the addition of a lift tower and porch to the rear, and C19 and C20 additions to the front. The right wing has been extended by a single bay stair tower in the mid C19 and a sanitary tower in the later C19. Single storey C19 additions to its rear have broken through the ground floor walls. Some original staircases with stone treads and iron balustrades remain, and the original queen post trusses are visible. There has been some internal remodelling, particularly on the ground floor. The architect, Charles Dyer, 1794-1848, practised mainly in Bristol, where he designed the Orphan Asylum in 1827. This, and a commission in nearby Waltham on the Wolds c1833, may explain why he was selected to design the Melton Mowbray workhouse. It appears to be his sole workhouse design. While this is an early example of a workhouse built following the new Poor Law, the design is in no way outstanding in terms of architecture or plan. At least 2 windows have been reglazed since 1976, and it is unclear whether the glazing of the first floor windows is original. Internally, the centre block has no visible original features other than minor joinery items, and it seems the ground floor has been remodelled to allow access to the 1863 building at the rear. Workhouses are complexes of buildings, which should be considered as a whole. This evidently was not the case in 1976, and the current survey reveals no buildings of listable quality surviving on the site (see elsewhere). The central block is only a small fraction of the whole, and neither its age, quality and integrity, nor the status of the architect, is sufficient to justify its remaining on the list. REFERENCES: Colvin, p277; RCHM survey report, 1993.

**Assessment:** This case was discussed with Kathryn Morrison, and she should be invited to comment in the light of information found during the site visit. The case, and particularly certain comments in the application, have

been discussed with Alastair Ward.

**Reason for Designation Decision:**

This building has been reassessed in the light of extensive research on workhouses published since it was listed, and taking into account the principle that complexes of buildings, and indeed individual buildings, should be considered as a whole. Its historical importance, architectural quality and integrity are all below the standard required for



### **Appendix 3 – Former Ancillary Buildings Delisting Advice**

**Case ID:** 145827 (Ancillary Buildings at St Mary's Hospital)

**Date of Advice:** 04/01/2000

**Advice Author:** Mr M Eaton

**Rec. Outcome:** No, do not list

**Rec. Grade:** NL

**Grade Qualifier:** N

**Group Value:** N/A

**Standard Reason:** the criteria for listing are not fulfilled

#### **Background:**

The application was for the listed central block of the former workhouse to be reconsidered, along with its flanking ranges and wings. This is covered under ID 145680. The application also drew attention to other buildings on the site, and so all existing buildings were seen and assessed. These were:

2 Former Casual Ward. C19, though detailing suggests a later date than 1836, and the projection at the west end is an addition. The original use was abandoned in the inter-war period, and the east end of the building was converted to a mortuary in the mid C20, while the remainder was adapted as stores. This resulted in the removal of internal partitions, and the alteration of many openings. Distinctive fittings such as stonebreaking gauges have been removed. Kathryn Morrison's advice is that casual wards are not uncommon, and that unless they are exceptionally complete, as eg at Ripon, they are not normally listable in their own right. This building falls below the standard required, and has insufficient group value, even if the centre block remains on the list.

7 1863 building at rear of main block. This resembles a detached house, and was formerly used as the matron's residence. It has an unusually pretentious staircase, but otherwise contains small, plain rooms. This may indicate that it was originally an administrative building. Its position in relation to the main block, and the fact they were linked by a corridor later in the C19, may support this. Some windows have been reglazed, and 2 windows converted to doors, late C20. The building is not of sufficient interest to justify listing in its own right. Whether it has group value depends on the status of the central block.

**Assessment:** N/A

#### **Reason for Designation Decision:**

The former Casual Ward, former Infirmary, and the 1863 building alone have any historical interest. The Casual Ward is not particularly unusual, and alterations have removed most of its distinctive features. Without these, it is not listable. The infirmary is also a common type of ancillary building, and has been very extensively altered, rendering it unlistable. The 1863 building is not sufficiently outstanding in terms of design or function to be considered listable.