

DEVELOPMENT COMMITTEE: 25th MAY 2011

COMMITTEE UPDATE : 08/00326/FUL - CONVERSION OF EXISTING BUILDINGS TO FORM 7 ONE AND TWO BED TERRACED HOUSES AND ERECTION 4 TWO BEDROOM TERRACED DWELLINGS, AT BEEBYS YARD, BURTON STREET , MELTON MOWBRAY, LE13 1FD

Preface

Members will recall that this application was originally brought to the Development Committee on 24th July 2008 where it was resolved to Delegate to Permit subject to:-

the securing of developer contributions as follows:

- i) a contribution for new or improved Civic Amenity Site Infrastructure (£878);**
- ii) a contribution for library services (£570);**
- iii) a contribution towards enhancing healthcare facilities (£6413)**
- iv) Four affordable dwellings on site (3 to be socially rented and one intermediate affordable housing such as shared equity at 50% equity) with a financial contribution towards alternative affordable housing provision equating to outstanding 0.4 contribution requirement.**

Despite an appreciable delay, the Section 106 has now been signed and the decision is due to be issued.

It is therefore considered that as there has been a considerable lapse in time between the resolution originally made at Committee and the Section 106 being signed that it is necessary to consider the implications of any changes in material considerations affecting the resolution reached in July 2008. In this period there have been changes to planning policy including the adoption of a new regional plan and a revised PPS 3 The purpose of this report is therefore not to re-consider all aspects of the application but to evaluate whether changes to material planning considerations affect the resolution originally made. The original report for the application is included as an appendix to this report.

Proposal:-

Planning permission was sought for the conversion of a terrace of buildings to form 7 dwellings and the erection of a further 4 new build dwellings. The site is located at Beeby's Yard which is situated off Burton Street and lies within the Melton Mowbray Conservation Area close to the heart of the historic town. The site is accessed through an existing opening between two listed buildings within the street frontage. The site is surrounded by residential properties to the north and east, and a mixture of commercial and retail units to the south and west.

Relevant Planning Policies:-

The previous report detailed PPS1, PPS3, PPG13. There have been no changes to PPS1 and PPG13 since the application was previously considered.

PPS 3 'Housing' – The latest version of this document, deletes the requirement for development to meet a 'minimum housing density' it requires new housing to reflect the local housing need and omits garden land from the definition of previously developed land.

There are no implications in relation to the current proposal, as this remains an appropriate re-use of historic buildings close to the town centre, it remains 'previously developed land in a sustainable location and is a type of housing that meets the identified local housing needs as well as affordable housing.

The report referred to PPG15, this has subsequently been superseded by PPS5 **Planning for the historic Environment (2010)**

PPS5 Policy HE7.1 states that in decision-making local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset) taking account of:

- (i) evidence provided with the application
- (ii) any designation records
- (iii) the historic environment record and similar sources of information
- (iv) the heritage assets themselves
- (v) the outcome of the usual consultations with interested parties; and

(vi) where appropriate and when the need to understand the significance of the heritage asset demands it, expert advice (from in-house experts, experts available through agreement with other authorities, or consultants, and complemented as appropriate by advice from heritage amenity societies).

PPS5 Policy HE7.4 Local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping; and
- the positive contribution that conservation of heritage assets and the historic environment generally can make to the establishment and maintenance of sustainable communities and economic vitality

Policy HE7.5 Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

East Midlands Regional Plan (March 2009)

Policy 1 – Regional Core Objectives – to secure the delivery of sustainable development within the East Midlands which includes a core objective to ensure that new affordable and market housing address the need and choice in all communities in the region

Policy 2 – Promoting Better Design – states that the layout, design and construction of new development should be continuously improved.

Policy 14 – Regional Priorities for Affordable Housing – should have regard to the priorities identified in the Regional Housing Strategy, and include policies seeking the provision of the mix of dwellings in terms of size, type, affordability and location.

Policy 48 – Regional Car Parking Standards – states that Local Planning Authorities should apply the maximum amounts of vehicle parking for new development as set out in PPG13.

The saved policies of the Melton Local Plan remain unchanged from the previous report.

Core Strategy Preferred Options – This recent policy document, defines a hierarchy of settlements based on sustainable principles as outlined in PPS 1, PPS 3 and the Regional Plan. Melton remains the key settlement for the provision of new housing.

The document, following PPS 3, seeks to define the local housing need following extensive Housing studies, and that the proposed development is of a type to meet such needs.

Update on S106 Agreement

The terms of the S106 have been agreed in line with the committee resolution (with contributions reflecting recent updated amounts) and the agreement has now been signed and engrossed.

Conclusion

The Committee is requested to consider the impact of alterations to material considerations upon the resolution to grant planning permission previously agreed by the Development Committee on the 24th July 2008. This is due to the time period between the resolution at Committee and the S106 being agreed and signed.

The East Midlands Regional Plan has been adopted, PPS 3 revised, the Core Strategy is being advanced through the LDF process and PPS5 has been introduced since the application was originally reported to the Development Committee. However, it is considered that these policy documents do not significantly alter the policy basis applicable to the above application. The Local Plan has not altered since consideration of the application and the Council is not aware of any other material planning considerations that affect the decision to grant planning permission.

Recommendation:- Delegate to Permit the application following the signing the Section 106 as originally resolved and drafted

Officer to Contact – Robin Forrester

ORIGINAL COMMITTEE REPORT

Committee date: 24th July 2008

Reference: 08/00326/FUL
Date submitted: 04.04.08
Applicant: Mr G Dawkins
Location: Beebys Yard, Burton Street, Melton Mowbray, LE13 1AE,
Proposal: Conversion of existing buildings to form 7 one and two bed terraced houses and erection 4 two bedroom terraced dwellings.

Proposal :-

Planning permission is sought for the conversion of a terrace of buildings to form 7 dwellings and the erection of a further 4 new build dwellings. The site is located at Beeby's Yard which is situated off Burton Street and lies within the Melton Mowbray Conservation Area close to the heart of the historic town. The site is accessed through an existing opening between two listed buildings within the street frontage. The site is surrounded by residential properties to the north and east, and a mixture of commercial and retail units to the south and west.

The application is to be considered by Committee as it is a major development and also because of the history of the site.

Relevant History:-

Application 06/00965/FUL for the erection of 11 dwellings was refused permission on 20 December 2006 for the following reasons –

1. *The demolition of the existing buildings would result in the loss of a traditional former hunting yard which makes a positive contribution to the character and appearance of the Conservation Area. Their loss would be to the detriment of the character and appearance of the area and would adversely affect the setting of the adjacent listed buildings.*
2. *The design of the proposed dwellings which are to replace the demolished buildings were not considered satisfactory for the redevelopment of the site.*
3. *The development that would adversely affect the occupants of neighbouring properties on Elms Road by reason of loss of privacy and overlooking.*
4. *The proposed development, if permitted, would result in an unacceptable increase in traffic flows at a location where traffic volume is excessive and the access point is dangerous by virtue of its narrow width and limited visibility. The proposal was therefore considered to result in an increased danger for road users to the detriment of highway safety.*

Application 06/00966/CON for the demolition of some existing buildings was refused on 20 December 2006.

Application 06/00264/FUL for the demolition of existing buildings and erection of 11 dwellings was withdrawn.

Application 06/00265/CON for the demolition of buildings for redevelopment was also withdrawn.

Application 96/00787/FUL for the retention of workshop for joinery was granted planning permission on 26 February 1997.

04/00287/OUT – outline application for erection of two detached dwellings was granted permission on 28 May 2004.

06/00311/OUT - outline planning application for residential development was granted on 10 September 2006.

Planning Policies:-

PPS 1: Delivering Sustainable Development - The guidance says that planning should promote sustainable and inclusive patterns of development. A key principle involves the need to reduce the need to travel by car and to identify land for development in locations where there is, or the potential for, a realistic choice of access by means other than the private car.

PPS 3: Housing – the planning system should deliver a flexible, responsive supply of land - which makes efficient and effective use of land, including re-use of previously-developed land. It supports the efficient use of previously developed sites (brownfield). It promotes designs and layouts which make efficient and effective use of land, encouraging innovative approaches. 30 dwellings per hectare (dph) net should be a national indicative minimum to guide decision-making. Density of existing development should not dictate new housing. It emphasises the need for good quality design contributing to the distinctiveness of settlements and for new housing to contribute to a balanced housing mix meeting identified needs

PPS7 - Sustainable Development in Rural Areas - states that many country towns and villages are of considerable historic and architectural value, or make an important contribution to local countryside character. Planning authorities should ensure that development respects and, where possible, enhances these particular qualities. It should also contribute to a sense of local identity and regional diversity and be of an appropriate design and scale for its location, having regard to the policies on design contained in PPS1 and supported in 'By Design'.

PPG13: Transport states that 'to promote more sustainable patterns of development and make better use of previously developed land, the focus of additional housing should be existing towns and cities' and goes on to state that local authorities should "place the needs of people before ease of traffic movement in designing layout of residential development".

PPG15 - Planning and the Historic Environment - authorities should pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. The general presumption should be in favour of retaining buildings which make a positive contribution to the character and appearance of a conservation area.

Regional Spatial Strategy

Policy 2 – Locational priorities – directs development towards accessible urban centres first, with more remote rural locations being less preferable.

Policy 3 – Sustainability criteria – sets out the criteria for appraising the suitability of land for development in terms of sustainability. For example, a preference for brownfield land sites is specified, as are accessible sites and sites which shows benefits for local communities.

Melton Local Plan (saved policies):

Policies OS1 and BE1 allow for development within Village 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 H6 :- residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

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

Policy H10 seeks to ensure that adequate amenity open space is provided in new residential developments.

Melton LDF Core Strategy: seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with provision/contribution of 40% affordable housing from all developments, and expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations. Identifies villages by virtue of a hierarchy reflecting their sustainability and, therefore, suitability for development.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – Object as the proposed layout does not conform to the conditions laid out in the outline planning permission, and if permitted would be likely to create undesirable dangers for highway users to the detriment of highway safety.</p> <p>Amended plans have been submitted to try and overcome the highway authority concerns, and the Highway Authority have confirmed that they are now satisfied that the development is in accordance with the conditions imposed on the out – Originally objected to the proposal because the development has too many parking spaces and therefore did not encourage sustainable travel usage. However the amended plans show the removal of 5 parking spaces which is considered acceptable. Therefore have no objections subject to conditions.line application.</p>	<p>The applicant has been advised of the Highway Authority concerns and amended plans have been sought to address their concerns. An amended layout has been submitted with alterations to the visibility splays, carriageway and footway widths. The plans also show one single point of access onto Grantham Road and the removal/alteration of a number of trees proposed within the site to accommodate concerns over pedestrian visibility. The plans submitted are in accordance with the conditions imposed on the outline application and therefore the proposal is considered acceptable on this basis. A detailed assessment of the highway issue is considered below.</p>
<p>Housing Policy Officer – the housing market analysis clearly demonstrates that there is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough and the rural north of the borough in particular. Future development has therefore to address the imbalance of stock type and size, both by tenure and location and create a more sustainable and balanced housing market. This will require a bias in favour of small units to address both the current shortfall and future demographic. This application only proposes larger dwellings of which there is an oversupply in the locality. The mix of housing proposed in this application is therefore not supported. The development should include a wider variety of properties; it should address the local need for low cost market housing and housing suitable for the needs of older households.</p> <p>David Couttie Associates conducted a Housing Market Analysis for Melton Borough Council (Housing Stock Analysis 2006-2011; 2006) which clearly demonstrated that there is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough and the rural north of the borough in particular. Future development has therefore to address the imbalance of stock type and size, both by tenure and location to create a more sustainable and balanced housing market. This will require a bias in favour of small units to address both the current shortfall and future demographic and household formation change which will result in an increase in small households.</p>	<p>This application is for the development of 12 dwellings. The housing units proposed are six 3-bedroom townhouses, one 4-bedroom house, two properties detailed as 4-bedroom houses with an additional ‘family room’ on the third floor which could easily become a 5th bedroom and a further two 5 – bedroom houses.</p> <p>PPPS3 specifically states that “Developers should bring forward proposals for market housing which reflect demand and the profile of households requiring market housing, in order to sustain mixed Communities” (Para 23). In relation to market housing PPS3 states that “One of the Government’s key objectives is to provide a variety of high quality market housing. This includes addressing any shortfalls in the supply of market housing and encouraging the managed replacement of housing, where appropriate. Local Planning Authorities should plan for the full range of market housing. In particular, they should take account of the need to deliver low-cost market housing as part of the housing mix” (Para 25 & 26). The Core Strategy carries forward these objectives at the local level, based on the assessment of local market needs.</p> <p>It is considered that the mix of housing proposed in this application seeks to address the local housing needs. It is therefore considered to be in accordance with PPS3 and the findings of the Councils Housing Needs Survey.</p>

<p>This application proposes ten 2-bedroom terraced houses and a single 1-bedroom terraced house (with additional study space room on first floor). These properties fit well with the type of housing which is required within Melton Mowbray and are therefore supported.</p> <p>The Melton Local Development Framework Core Strategy proposes that all residential dwellings which are granted planning permission need to make a contribution towards affordable housing provision and developments of 6 or more dwellings should provide 40% affordable housing provision within the development site. As the Melton Local Development Framework Core Strategy is based upon up to date national and regional policy and robust local evidence of need we consider this policy direction to be a material consideration in planning applications.</p> <p>40% of 11 dwellings equates to 4.4 of the dwellings to be affordable housing on the site. Based upon local affordable housing needs, this contribution would be acceptable as either;</p> <ul style="list-style-type: none"> o Four dwellings with a financial contribution towards alternative affordable housing provision equating to the outstanding 0.4 contribution requirement; with three of the affordable dwellings to be socially rented affordable housing and one dwelling to be intermediate affordable housing such as shared ownership at 50% equity. o Five dwellings; with three of the affordable dwellings to be socially rented affordable housing and a two others to be intermediate affordable housing such as shared ownership at 50% equity. <p>The 1-bedroom terraced house would not be meet the most significant need for socially rented affordable housing and therefore would not be acceptable as such. The plots which are to be affordable should be agreed with the Council and be set out as part of a S106 agreement.</p>	<p>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. The agent has confirmed that they are willing to accept the first alternative i.e. the provision of 4 affordable dwellings on site with a financial contribution towards alternative affordable housing to make up the outstanding 0.4. It is therefore considered that this is acceptable and should be included within the S106 agreement.</p> <p>The applicant has been informed of the concerns of the housing officer, however, they wish to proceed with the application in its current form.</p>
<p>Parish Council – have raised a number of concerns:- The site is over intensive with very little off street parking available.</p> <p>No affordable housing has been included</p>	<p>The application proposes 12 dwellings on a site measuring approximately 0.4 hectares. This equates to 30 dwellings per hectare which meets the requirements of PPS3. The application proposes sufficient off street parking to meet Highway Authority standards and is therefore considered acceptable.</p> <p>The outline application fell below the threshold for requiring affordable housing. Accordingly it is not</p>

<p>A number of trees and hedges could disappear</p> <p>Three storey dwellings would be out of keeping with the character of the surrounding area</p> <p>Bottesford has sufficient 4 and 5 bedroom properties and smaller dwellings would be more welcome.</p>	<p>possible to seek affordable housing at reserved matters stage, which seeks approval only for the design and layout of the houses..</p> <p>The trees proposed to be removed are not protected and the site is not located within a Conservation Area. Accordingly the trees can be removed without requiring consent. The trees are not considered to merit a Preservation Order and it is considered that the landscaping scheme proposed is suitable and will ensure that the loss is minimal.</p> <p>A detailed assessment of this issue is set out above.</p>
<p>Conservation Officer – The houses fronting Grantham Road are in simple cottage style and respect the street scene. However, makes the following observations:-</p> <ul style="list-style-type: none"> - In order to give a degree of visual interest and reduce the identical appearance of the dwellings suggests ‘handing’ the porch/lean to addition on the front of units 3 & 4; - Incorporate gable end chimney stacks to units 1 – 6 (as unit 12) - Concerned about the design of the flat roof dormers on the rear elevation of plots 1 – 6 & 10. - Concern regarding fenestration on units 7 and 11. - There is a cast iron milepost (surprisingly not listed) fronting units 1 & 2 which must remain in situ and be protected during the construction process. <p>Amended plans have been received which address these concerns.</p>	<p>Amended plans have been received which overcome all of the concerns raised.</p>
<p>LCC Developer Contributions –</p> <ul style="list-style-type: none"> • In respect of additional users of the existing library facilities a contribution of £570 is sought towards the cost of books, materials and other facilities to be spent over a period of 12 months on the basis of the following formulae – <ul style="list-style-type: none"> 1 bedroom houses/apartments @ £27.18 per house 2 bedroom houses/apartments @ £54.35 per house (rounded to the nearest £10) • Waste Management seek a developer contribution of £878 towards Civic Amenity Site Infrastructure works at Melton Mowbray at a rate of £ 79.82 per new dwelling created. <p>At the present time there is surplus capacity in the local primary, high and upper schools. An education contribution is therefore not requested for any sector.LCC Developer Contributions – this application is a reserved matters application and as</p>	<p>It is considered that these contributions relate appropriately to the development in terms of their nature and scale, and as such are matters appropriate for a S106 agreement.A Section 106 Legal Agreement was signed as part of the outline application 06/00311/OUT which included developer contributions for education and libraries. It is not considered reasonable or necessary to request these amounts again as they are covered by the current agreement.</p>

<p>such the County Council has no comments in relation to developer contributions as they are covered by the existing S106 agreement attached to the outline application.</p>	
<p>NHS Primary Care Trust – seek a contribution of £6413 towards enhancing healthcare facilities and services in the area at a rate of £583 per 1&2 bedroom dwelling.</p>	<p>It is considered that this contribution relates appropriately to the development in terms of the nature and scale, and as such is appropriate for a S106 agreement</p>
<p>LCC Archaeology – request a conditions to ensure that a programme of historic building recording and archaeological work is carried out.safeguard any important archaeological remains potentially present.</p>	<p>Noted. These conditions were imposed on the outline application.</p>
<p>STW – no objection subject to conditions regarding satisfactory disposal of foul and surface water drainage.</p>	<p>Noted.</p>
<p>Melton Conservation Officer – It has always been the intention that the range of existing buildings to the north side of the yard be retained and restored to a suitable use be it residential or commercial. To that end previous demolition proposals were resisted.</p> <p>The current submission therefore meets the objective of retaining these buildings through conversion to residential use. As such the character of Beeby’s Yard is maintained and indeed enhanced and the setting of adjacent listed buildings (particularly the II* listed Bede Houses) unaffected by the proposals.</p> <p>The conversion of the range of buildings is achieved by:</p> <ul style="list-style-type: none"> • stabilising the existing structure whilst maintaining its form; • maximising the use of existing openings whilst standardising window, window heads and door styles; • replacing corrugated asbestos roofing material with natural slate and supplementing the existing red pantiles; • retaining and repairing some of the architectural details, notably the brick steps at the west end. • The landscaping proposals, cobbled surfaces etc reflecting the former equestrian use of the yard. <p>Naturally all these measure are welcomed to ensure the longer term future of this important range of buildings.</p> <p>Would advocate the repair and retention of the two existing chimney stacks if only as architectural details. Likewise, some of the brickwork is currently painted white whist some remains natural. The appearance should be standardised one way or the other. In that regard the new build should also match in terms of detailing, brickwork, bonding, roofing materials etc.</p>	<p>Beeby’s Yard is considered to be an important part of Melton Mowbray’s heritage and social history. It is surrounded by listed buildings within the historic town centre and makes a positive contribution to the town’s conservation area. The buildings within the site, although used for the most part, are currently in very poor condition and display a mix of roofing materials, fenestration, doors, brickwork (some painted some natural) etc.</p> <p>The previous application was refused on the grounds that the proposal resulted in the loss of the range of existing buildings to the north of the yard and also because the design of the replacement dwellings was not an acceptable alternative. It is considered that this application, which involves the retention and conversion of the existing buildings and the addition of 4 new dwellings overcomes the previous reasons for refusal and is therefore considered acceptable.</p> <p>The Conservation Officer expressed a number of minor concerns to the original design of the proposal. Amended plans have been received which include the retention of the 2 existing chimney stacks and the standardisation of appearance of the dwellings. It is therefore considered that these concerns have been overcome.</p>

Therefore recommends approval subject to minor amendments and necessary conditions	
<p>Melton Civic Society – has some concerns:- The buildings at the entrance to the site as well as those adjacent are listed. How will damage to these structures be avoided?</p> <p>Headroom at the entrance to the site may have been sufficient for small vans but it is likely that there will be problems for larger removal/delivery vehicles, and emergency vehicle that need access to dwellings.</p> <p>If the development is allowed it is likely that there will be more traffic movements at peak times. In addition there will be delays caused by kerbside sorting of domestic waste.</p> <p>As the site has previously been used for industrial/commercial purposes what measures have been taken to ensure that there is no soil pollution from oils or chemicals associated with the processes that have been used on the site?</p> <p>Generally residential development close to a town centre is beneficial but in this location the additional hazards to listed buildings and traffic flow may outweigh the benefits.</p>	<p>The application proposes to retain the terrace of buildings on the northern side of the yard. The conversion of these existing buildings should prevent any damage to the adjacent listed buildings which may be caused from demolition. Further commentary on the impact of the setting of the listed buildings is considered below.</p> <p>The Highway Authority consider that due to the existing commercial useage of the site it is not possible to object to the application on these grounds.</p> <p>A consideration of the impact of the development on traffic movements and highway safety is reported below.</p> <p>As stated below, the Senior Environmental Health Officer has considered the proposal and recommends a condition is imposed regarding contamination.</p> <p>Noted.</p>
<p>Senior Environmental Health Officer – recommends a condition requiring a desk top study and walk over site inspection in relation to contaminated land.</p> <p>In relation to traffic noise form the adjacent Thorpe End recommends a condition is imposed requiring a noise assessment of the site.</p>	<p>This can be covered by means of a condition</p> <p>It is not considered necessary to impose a condition requiring a noise assessment as there are already a number of residential properties in the area.</p>
<p>LCC Ecology – computer data indicates that bats, barn owl and grass snake have been recorded in the vicinity of the site. Recommend that the developer be required to incorporate bat bricks and boxes into the design of the new properties and to plant native trees, common to the area to establish feeding grounds for bats.suggest that a protected species survey may be required.</p>	<p>Noted. It is considered that this can be covered by a note to the applicant.The outline application contained a note to applicant recommending green corridors are maintained/established. It is not possible to request any additional conditions at this reserved matters stage.</p>
<p>Environment Agency – no objections but recommends conditions</p>	<p>Noted.</p>

Representations:

A site notice was posted and neighbouring properties consulted. As a result 512 letters has been received, objecting to the proposal on the following grounds. Several representations were lost in the fire of 30th May but all contributors have been contacted and given the opportunity to resubmit their comments.

Representation	Assessment of Head of Regulatory Services
<p>Objecting to the Development Plan: 1: Layout & design: concerns regarding the height of the dwellings proposed at the north-eastern corner of the site (plots 1 & 2). The buildings should not be converted as they are part of Melton’s heritage.</p> <p>The proposed dormers in the roof constitute a design feature which is out of keeping with the character of the area and are visually intrusive.</p> <p>There is no reference to the type of materials to be used in the construction of the dwellings. Ensure the proposed development is inkeeping with other properties fronting Grantham Road.</p>	<p>The site is within one of the most historically rich areas of the town centre, opposite the Grade I listed Church and adjacent Grade II listed Bede Houses and behind the Georgian facade of Burton Street. The buildings along Burton Street are identified in the various listing descriptions as having group value and it is clear that the context of Beeby's Yard is one of a very important historic environment, with outstanding buildings of a range of dates and styles. The more utilitarian nature of the Beeby's Yard buildings adds a further layer of interest to that diverse historic environment.</p> <p>The buildings within Beeby’s Yard are a mix of date, style and quality. There are some very good 19th century survivals, in brick with brick segmental arched window heads. These 2-storey buildings retain the fenestration pattern and door openings (ground and elevated) of their previous use as stabling for hunt horses. Foxhunting was a key element of Melton Mowbray’s activity, economy and image from the end of the 18th century to the Second World War. This association with an important element of Melton’s history is significant, and the buildings represent key evidence of that past. A number of interesting features within the range of buildings are still evident; eg. Unit 1 has brick sett flooring and the queen post truss roof structure in Unit 3. Other buildings within the site consist of a variety of scales and materials: eg. corrugated iron sheds. These are later 20th century interventions which are considered to be of no significance.</p> <p>It is considered that many of the buildings in Beeby's Yard site make a positive, and important, contribution to the Melton Mowbray conservation area, both in terms of their architectural form, character, and significance as evidence of an important aspect of Melton's history and their conversion to residential, whilst maintaining as many original features as possible, will ensure the retention of these buildings for a number of years to come. The application proposes the erection of 12 dwellings.</p> <p>Grantham Road has a mixture of semi-detached and detached dwellings and bungalows. The proposal has been designed to mirror the linear pattern of development along the south side of Grantham Road</p> <p>A condition has been imposed on the outline application requiring materials to be submitted and approved to retain control over the materials used.</p>

<p>Highways :</p> <ul style="list-style-type: none"> - Burton Street is a very busy road and access to Beeby's Yard is under a narrow archway with limited visibility. - The proposed development will create more traffic at peak times Impact on the highway and increased traffic 	<p>The access to the site is through the existing opening off Burton Street. The Highway Authority have stated that they would seek to resist a development that could lead to a more intensive use of an existing, substandard access. However, in this instance it must be noted that there are already established business uses within Beeby's Yard that amount to a combined floor area of approximately 540 sq metres. The site has an authorised B1 (office and light Industrial) use in planning terms and on this basis, with reference to the TRICS Database (based on measurement of similar uses), it is calculated that the potential for daily traffic from the existing uses of the site is equivalent to a residential development of between 7 and 11 dwellings. Therefore notwithstanding the substandard nature of the existing access and other road safety concerns (such as the proximity of the Town Station Site and the additional traffic this development is likely to attract) and the fact that the number of proposed dwellings is at the upper end of the quoted range, it is unlikely that it would be possible to demonstrate that traffic using the access would increase and therefore to sustain a reason for refusal on highway grounds.</p> <p>A communal parking area containing 11 spaces is proposed to the east of the site with a further 3 spaces in front of units 5, 6 and 7. This is considered to meet the requirements for parking provision within the town centre and is accordingly considered acceptable.</p> <p>The Highway Authority, therefore have no objection to the proposal subject to conditions relating to parking and access requirements. Accordingly it is not considered that the proposed development would be detrimental to highway safety and in view of the absence of an objection from the Highway Authority the proposed access and parking is considered acceptable. However, it must be borne in mind that the Committee refused the previous application on highway safety grounds despite similar advice from the highway Authority and it must be recognised this issue has not been overcome.</p> <p>The access to the development was approved at the outline stage and is not a consideration of this application.</p>
<p>Privacy and Amenity: the rear dormers serving units 1 – 6 will result in overlooking and a loss of privacy to 18 Grantham Road.</p> <p>Loss of privacy and security (the gates are currently locked at night) and impact on the adjacent Bede House</p>	<p>Concern has been expressed with regards to the impact the proposed development would have on the residential amenities of properties on both Elms Road and the garden of Bede House to the north. The proposed dwellings are sited along the northern and eastern boundaries of the site in the location of the existing buildings. The dwellings along the northern boundary (plots 1 - 7) involve the conversion of the existing buildings and have no windows proposed in the north elevation adjacent to</p>

	<p>the Bede House gardens. It is therefore considered that there will be no loss of privacy to the communal garden.</p> <p>The proposed dwellings along the southern boundary (plots 8 - 11) are two storeys in height and the gable end of plot 8 is located approximately 11 metres from the boundary of the dwellings on Elms Road. This gable only has one secondary lounge window on the ground floor. The dwellings on Elms Road have garden lengths of approximately 19 metres and the dwellings have a total separation distance of approximately 28 metres. The dwellings therefore exceed the 23 metre separation standard usually required between dwellings and accordingly it is considered that the previous refusal reason has now been overcome.</p> <p>Plots 8-11 are proposed to have a number of windows in the rear elevation facing Mill Street. However, the ground floor windows serving the kitchens can be well screened by suitable boundary treatment and the first floor windows serve bathrooms and landings and can be conditioned to be obscure glazed if necessary.</p> <p>The site is currently used for a range of industrial uses which have the potential to adversely affect residential amenities through noise and other forms of disturbance. Removal of these uses and replacement with residential properties is regarded as a positive impact of the development. It is therefore considered that the proposal will not adversely affect the residential amenities of neighbouring properties.</p>
<p>Impact on adjacent Listed Buildings</p>	<p>The site is accessed through an existing opening between two listed buildings within the street frontage. The site is approximately 50m away from the Grade I listed church of St Mary, the tower of which forms an important backdrop to the site. To the north west of the proposal site is Bede House, a Grade II* range of almshouses, built in 1640 and refurbished in 1890. The site itself lies immediately behind Nos 21-23 (Crawford House), and No 25 Burton Street, both early-mid 19th century houses, of brick build, 3-storeys high, listed Grade II. To the south east stands No 27, formerly the Manor House, listed Grade II it is a building of the 1870s in 18th century style. Accordingly it is important to ensure that the proposal will not be detrimental to the historic integrity and character of the adjacent buildings or their setting.</p> <p>The rear wall of dwellings 1-7 also form the garden boundary wall to the adjacent Grade II listed Bede Houses and is considered to be an essential element to the setting of the listed building and the tranquility of the space which it encloses. The</p>

	proposed plans involve the retention of the buildings along the northern boundary and accordingly it is not considered that the proposal could adversely affect the setting of the Bede House.
Flood Risk – concern regarding flood risk	The site lies within the maximum extent of flood zone 3 (high risk) as defined in PPG25: Development and Flood Risk. However, this area benefits from the upstream flood alleviation scheme at Brentingby, which significantly reduces the risk of flooding. The Environment Agency have been consulted and have raised no objections to the proposal subject to conditions requiring surface water run-off and discharge. These matters can be addressed by condition.
Impact on existing businesses – the existing businesses in Beebys Yard will have to find new premises – impact on businesses and loss of trade to the town	Planning decisions must be taken in the wider public interest.
Demolition of existing – the single storey buildings are asbestos and need to be demolished under the correct rules and regulations	This is not a planning matter but will be considered under Environmental Health and Building Regulations during the process of demolition.
Removal of trees: this application proposes to remove two large conifers at the northern boundary of the site but also the adjacent mature horse chestnut tree. This tree is particular adds significantly to the amenity of the area and its removal will result in a detrimental impact on the environment.	A detailed assessment of this issue is set out above. It is considered that the landscaping scheme submitted will create an aesthetically pleasing landscaping layout.

Other material considerations (not raised through consultation or representation)

Principle of Development	<p>The application site is situated within the town envelope of Melton Mowbray within close proximity to the shops and public transport. A site in this location would be considered suitable for residential development in terms of its broad principles under local plan policy BE1. PPS 3 also supports the redevelopment of such sites as effective use of land and 'brownfield site' development. PPS 3 seeks greater intensity of development at locations with good transport accessibility to facilities and the guidance also seeks higher density development and would usually expect between 30 and 50 dwellings per hectare net. The application proposes 11 dwellings on a site measuring approximately 1.77 hectares. This equates to 416 dwellings per hectare which is below the requirements of PPS3. However, it is considered that the site is a key characteristic of the surrounding area and visual amenity and the development of the site in accordance with the density requirements of PPS 3 would have a detrimental impact on the surrounding area in this instance.</p> <p>The application is located within the Town Envelope where there is a presumption in favour of development in the Local Plan under policies OS1.</p>
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	Development should therefore be permitted unless it fails to meet the detailed criteria of the policies detailed above.
Layout	The internal layout of the scheme has been designed around two terraces of dwellings, thus maintaining the courtyard feel to the development. In terms of the relationship between dwellings within the site there is a distance of approximately 12.5 metres between the front elevations which is slightly below the separation distance of 14 metres usually applied. However, the proposed development retains the existing character and appearance of the yard and accordingly it is not considered that this relationship is so unsatisfactory to warrant a refusal of planning permission.
Impact on the character and appearance of the area	The development proposes to retain a group of important buildings and use traditional materials and building elements to provide interest and variety which will be in keeping with the character and appearance of the area. It is therefore considered that the proposal can contribute positively to the character and appearance of the area in terms of the layout, scale, form and appearance of the development.
Consideration against PPG15	It is considered that many of the buildings in Beeby's Yard make a positive, and important, contribution to the Melton Mowbray conservation area and are significant as evidence of an important aspect of Melton's history. Their conversion to residential, whilst maintaining as many original features as possible, will preserve the buildings and the setting of the adjacent listed buildings. The site is considered in need of restoration and it is considered that the proposed change of use to residential would preserve the setting and character of the area and ensure their longer term future. On this basis, it is considered that grounds exist to accept a use other than commercial, in accordance with the objectives of PPG15.
Open Space	<p>A development of this size and number of units is required to provide an amenity open space within the site on the basis of 5% of the overall site area in accordance with Policy H10.</p> <p>The application proposes the provision of a small amenity area which is located in the south western corner of the site. The area will be overlooked by the houses to the north thus ensuring natural surveillance of the space. It is therefore considered that the provision of open space would comply with policy H10 of the adopted Melton Local Plan.</p> <p>The proposed dwellings also have a very small amenity area either to the front or rear of the dwellings. Although this is below the garden standards usually required it is considered that due</p>

	<p>to the nature of the development, town centre location and proximity to Play Close, this provision is acceptable in this instance.</p> <p>A development of this size and number of units is required to provide amenity open space within the site on the basis of 5% of the overall site area in accordance with Policy H10.</p>
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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 PPS3 in terms of sustainability and the density of development. BE1. Residential development has been agreed in principle with approval of outline application 06/00311/OUT. The proposed development has been design 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 considered acceptable and the site provides sufficient landscaped areas and the internal layout is sufficient so as not to adversely affect the future occupant of the dwelling units.

The proposal is considered to overcome the previous concerns regarding loss of important buildings and impact on neighbouring properties. However, it concern has been expressed by the Housing Policy Officer in relation to the mix and type of dwellings proposed. nor therefore the objectives of the currently prevalent policies, PPS3 and the Core Strategy, and accordingly the application is recommended for approval on this basis, However, it is recognised that the previous application was also refused on highway safety grounds and this proposal does not overcome the previous refusal reason based on highway safety.

RECOMMENDATION: Permit

A: subject to the securing of developer contributions as follows:

- i) a contribution for new or improved Civic Amenity Site Infrastructure;
- ii) a contribution for library services;
- iii) a contribution towards enhancing healthcare facilities
- iv) appropriate affordable housing provision on the site.

B : the following conditions:

AND

C : Delegate to Refuse if agreement in respect of the contributions described at (a) above is not secured within 1 month on the basis of policy OS3 (see above - the precise wording to be delegated to the Head of Regulatory Services).

- 1 The development shall be begun before the expiration of three years from the date of this permission.
- 2 No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
- 3 No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
- 4 The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

- 5 No development shall commence on site until provision has been made for the satisfactory disposal of foul and surface water from the site in accordance with a scheme which shall first have been submitted to and approved by the Local Planning Authority.
- 6 The proposed car parking shown on the amended plan 1869-101 rev A shall be provided, hard surfaced, marked out and made available for use before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.
- 7 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the Highway boundary and shall be hung so as to open inwards only.
- 8 No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording and archaeological work. This should include Level 2 building survey and an initial stage of exploratory trial trenching followed by an appropriate mitigation strategy. This work shall be conducted in accordance with a written scheme of investigation, which has been submitted and approved in writing by the Local Planning Authority.
- 9 Finished floor levels of the new buildings shall be set at least 300mm above existing ground level
- 10 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate sustainable drainage principles and shall be implemented in accordance with the approved programme and details.
- 11 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- 12 The proposed development shall be carried out strictly in accordance with the amended plans deposited with the Local Planning Authority on 26 June 2008
- 13 Details of the means of maintenance of all parts of the site not falling within the residential curtilage of any of the dwellings shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The arrangements shall be implemented prior to the occupation of any of the dwellings and shall be adhered to thereafter on a permanent basis.
- 14 No development shall start on site until a detailed survey of possible contaminants affecting the site has been submitted to and approved in writing to the Local Planning Authority. The survey shall be carried out by a specialist and include any necessary remedial works to deal with hazards identified. Any contaminants present considered to be or likely to be a "significant risk" to proposed users of the site and create a "pollution linkage" shall be removed to a suitable disposal site and any material brought onto the site shall be from sources which would not contain any contaminants.
- 15 The bathroom windows on the south elevation of plots 8-12 shall be obscure glazed and shall be maintained as such at all times

Reasons :-

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
- 3 To ensure satisfactory landscaping is provided within a reasonable period.
- 4 To provide a reasonable period for the replacement of any planting.
- 5 To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water.

- 6 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.
- 7 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
- 8 To ensure satisfactory archaeological investigation and recording and historic building recording.
- 9 To afford a degree of protection to property from extreme flood events
- 10 To prevent the increased risk of flooding
- 11 To prevent pollution of the water environment
- 12 To enable the Local Planning Authority to retain control in the amount of off-street parking, in the interests of highway safety.
- 13 To ensure a suitable means of maintenance on a permanent basis for all parts of the site, in the interest of public and visual amenity.
- 14 To safeguard against potential danger from contaminants
- 15 In the interest of residential amenity