

Reference: 15/00278/FUL

Date submitted: 01.04.15

Applicant: Axiom Housing Association Limited

Location: Car Park, Thorpe End, Melton Mowbray

Proposal: Erection of 27 bedroom 'foyer' building with staff and communal facilities, associated access road, car parking and landscaping (sui generis use)



Proposal :-

This application seeks full planning permission for the construction of a three-storey building which would be use a residential 'foyer', which the applicants define as:

A Foyer is an integrated learning and accommodation centre providing safe and secure housing, support and training for young people aged 16-25.

In exchange for a personalised service, young people entering a Foyer are expected to actively engage in their own development and make a positive contribution to their local community. This 'deal' is a defining characteristic of the Foyer approach.

The building would accommodate a total of 27 bedsit rooms and residents' kitchen and dining facilities on the first and second floors ,with staff and wider community facilities on the ground floor. It is of a contemporary design finished in a mixture of brickwork, render and cladding. Vehicle and pedestrian access is proposed from Thorpe End, in approximately the same location as the existing entrance to the car park. The layout would provide eight car parking spaces, a cycle shelter and a residents' garden.

The site is to the east of Melton Mowbray town centre at the eastern end of Thorpe End within a residential/commercial area. Located to the south of the Thorpe Road, Saxby Road and Norman Road junction with an area of approximately 0.12 hectares , irregular in shape and with no built structures occupying it. It is owned by Melton Borough Council and it was previously used as a public pay and display car park, which was closed to the public in June 2014. It has been used for car parking by Arla Foods on a temporary basis while proposals have been developed for the redevelopment of the site. To the northern side of the site is Thorpe End road which provides the only vehicular and pedestrian access onto the site. To the eastern and southern side of the site is Scafold Brook, which is maintained by the Environment Agency. To the western side of the site

are various commercial buildings forming a cheese production factory (Arla Foods).

There is neighbouring residential development to the south and east on Brook Street and a series of flats on the opposite side of Thorpe End.

The application has been supported by a Planning Statement, Design and Access Statement, Consultation Statement, Flood Risk Assessment, Heritage Assessment, Ecological Report and Affordable Housing Statement.

It is considered that the main issues arising from this proposal are:

- **Compliance or otherwise with the Development Plan**
- **Impact upon the character of the area**
- **Road Safety and Transportation**
- **Loss of car parking**
- **Impact upon residential amenities**
- **Flood risk**

The application is required to be presented to the Committee due to its scale and the level of public interest.

History:-

No relevant history

Planning Policies:-

Melton Local Plan (saved policies):

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

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

Policy H10: planning permission will not be granted for residential development unless adequate amenity space is provided within the site in accordance with standards contained in Appendix 5 (requires developments of 10 or more dwellings to incorporate public amenity space for passive recreation with 5% of the gross development site area set aside for this purpose).

Policy H11: requires developments of 15 or more dwellings to make provision for playing space in accordance with standards contained in Appendix 6 (requires developments of 15 or more dwellings to include a LAP within 1 minute walk (60m straight line distance) of dwellings on the site and extend to a minimum area of 400 sq m.

Policy C15: states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development

Policy BE11 – Planning permission will only be granted for development which would have a detrimental effect on archaeological remains of county or district significance if the importance of the development outweighs the local value of the remains. If planning permission is given for the development which would affect remains of county or district significance, conditions will be imposed to ensure that the remains are properly recorded and evaluated and, where practicable, preserved.

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- pro-actively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation)
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

On Specific issues it advises:

Promoting sustainable transport

- all developments that generate significant amounts of movement to be supported by a Transport Assessment or Statement; development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
- Developments that generate significant movements are located where the need to travel will be minimised and use of sustainable transport modes can be maximised.

Delivering a Wide choice of High Quality Homes

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA's should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and enhancing the natural environment

- Contribute to and enhance the natural and local environment.
- Aim to conserve and enhance biodiversity

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
<p>LCC Highways - No objection subject to conditions</p> <p>The proposal will result in the loss of an existing public car park, which is undesirable. However given that there is no planning obligation for the car park to remain and given that it can be permanently closed by the land owner at any time, it would be difficult to seek to resist the proposal for that reason.</p> <p>The footway on the site frontage has drainage issues and given that in parts it slopes back towards the site, means surface water can run from the highway into the site, to prevent this occurring the footway should be re-profiled so that it slopes away from the site and where the footway is currently less than 2.0 metres wide, should be widened to meet current standards.</p> <p>The proposed access and car parking provision does not provide a suitable turning area such that service vehicles can enter and leave in a forward direction without having to make a series of manoeuvres. Whilst this is undesirable, given that there may not be too many such visits, it would perhaps be difficult to demonstrate that the proposal would create severe harm. I am still awaiting comments from our Public Transport Team, and once I have those I will forward any requests for passes, packs and bus stop improvements to you for your consideration.</p>	<p>The application site was previously a 45 space long stay public car park. It was one of six in the town providing a total of 602 spaces. This includes the cattle market (110 spaces) which is only available on Tuesdays. The loss of 45 spaces has reduced this number to 557.</p> <p>There are also four car parks which provide 429 short stay spaces in the town centre. In addition Sainsbury's and Parkside are available at other times.</p> <p>The public car park closed in June 2014 and it is currently privately used for staff parking by the adjacent cheese producer. Since that date 17 additional short stay spaces have been provided on the site of the former Rutland Arms Public House.</p> <p>Consequently, the net overall loss of town centre parking spaces is 28 spaces.</p> <p>The proposed access to the site is in approximately the same position as the existing access which serves the car park. The new access would serve 8 parking spaces and a delivery area. It is considered that this arrangement would have no significant impact upon highway safety in the area.</p> <p>8 spaces are considered to be adequate to serve this development, where the majority of occupants are unlikely to have access to car. Parking would be required for staff and visitors.</p> <p>LCC's Public Transport Team have not requested a contribution.</p> <p>As such, the proposal is considered, subject to the imposition of conditions, to meet the objectives of policies OS1 and BE1 in regards to highways safety and parking requirements.</p>
<p>Environment Agency –No objection subject to conditions</p> <p>Note that the planning authority confirms that the site is considered to have passed the (flooding) Sequential Test.</p>	<p>The Environment Agency has independently reviewed the flood risk assessment and is satisfied with its content and conclusions, prior to arriving at this recommendation. Comments noted and appropriate conditions included in recommendation.</p>

<p>The Environment Agency accepts that as long as any of the structures on the submitted plans within the 4 metre easement from the brook are easily demountable, then sufficient access can be provided. However, to allow maintenance activities, the current wall adjoining the brook would need to be rebuilt to a standard where it poses no danger of collapse, particularly to allow the Agency to safely undertake these activities.</p> <p>Currently we conduct our activities by keeping our distance from the wall, so as to avoid damage, as there are no space restrictions on site. Post development the easement provided means the Environment Agency will have to work close to the wall, and as such the wall should be rebuilt for the 4 metre easement to be acceptable for the Environment Agency to carry out maintenance activities.</p> <p>We would therefore wish to see a condition added to any grant of planning permission to ensure that the wall is rebuilt to an acceptable standard on appropriate footings.</p> <p>Other proposed conditions relate to finished floor levels, assessment of possible contamination and, if necessary, appropriate mitigation.</p>	<p>The site is located in flood zone 2, with a low risk of flooding from the River Wreake and Scalford Brook. It is noted that mitigation is proposed, including building the development at a finished floor level which has been agreed with the Environment Agency.</p> <p>There is a need for this type of specialist accommodation, which should be located within walking distance of a town centre and its associated amenities. Melton Mowbray town centre meets these criteria. The town centre is within flood zone 3 and flood zone 2. Any of the potential sites which would be considered through a sequential test are likely to be at the same flood risk as the proposed site at Thorpe End. Consequently, the proposed site is sequentially acceptable and the development is considered to be acceptable.</p>
<p>Police - No contribution requested</p> <p>A primary issue for Leicestershire Police is to ensure that the development makes adequate provision for the future Policing needs that it will generate. Leicestershire Police have adopted a policy to seek developer contributions to ensure that existing levels of service can be maintained as this growth takes place.</p> <p>In this instance they have not asked for a developer contribution.</p>	<p>Noted – No developer contribution required</p>
<p>LCC Archaeology – Recommends conditions to secure further archaeological work</p>	<p>The site may have features of archaeological interest. Conditions applied to ensure that the site is adequately investigated and any features are recorded.</p>
<p>LCC Ecology – No objection subject to implementation of works in ecology report</p>	<p>Noted – condition applied to this effect</p>
<p>Severn Trent Water Authority – No objections subject to conditions requiring full details of drainage plans for the disposal of foul sewage and surface water.</p>	<p>Noted -condition applied to this effect.</p>
<p>LCC Developer Contributions-</p> <p>Waste – No contribution requested</p> <p>Education – No contribution requested</p> <p>Libraries – The County Council consider the</p>	<p>On the basis of this response it is apparent that the proposal would make very little demand upon the County Council’s facilities in the town. While the requirement for a libraries contribution of £270 may satisfy the CIL tests, it seems</p>

<p>proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area.. The library facilities contribution would be £270 (rounded up to the nearest £10)</p> <p>The contribution is sought to purchase additional library materials, e.g. books, audio books, newspapers and periodicals etc for loan and reference use to mitigate the impacts of the proposed development.</p> <p>LCC Highways – no contribution requested</p> <p>Ecology, Landscape - no contribution requested</p>	<p>unreasonable to expect any applicant to enter a Section 106 agreement for such a small sum.</p> <p>Recommend that no developer contribution is requested in this case.</p>
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Representations:

Site notices were posted and neighbouring properties consulted. As a result **23 letters of objection have been received**, including one from Melton and District Civic Society ,the representations are detailed below. It should be noted that a number of representations referred to non-material planning matters which have not been summarised in this report. There have also been **2 letters of support** which are detailed at the end of the section below.

Representations	Assessment of Head of Regulatory Services
<p>Design</p> <p>The building is too large for the site and is not in keeping with the character of the area.</p> <p>Three storey is out of scale with existing neighbouring development .</p> <p>The impact of the building is increased by the need to build at a raised level to avoid flooding.</p> <p>The design is too modern for this historic location.</p> <p>Neighbour states that the Council did not allow them to build three storey houses in Brook Street.</p>	<p>This is one of the main entrances into the town centre which is currently occupied by a poorly surfaced car park with some boundary planting.</p> <p>The proposal is a modern landmark building which would serve as positive gateway into this part of the town. The mix of facing brickwork, render and cladding are considered to complement the clean modern design.</p> <p>The curved walls and sloping roofs allow it to turn the corner between Thorpe End and Brook Street, with interesting elevations to all public views.</p> <p>It is higher than the existing two storey terraced houses on Brook Street to the east and would be about 2 metres higher than the three storey St John’s Court flats on the opposite side of Thorpe End.</p> <p>However, it needs to have a presence to sit comfortably as a feature building on this corner site. The commercial and retail buildings on Thorpe End vary in scale and bulk.</p> <p>It is proposed to be sited close to the back of the pavement on Thorpe End, similar to the situation of many other buildings on the street, where it would be seen as another part of this mixed town centre frontage.</p> <p>There is ample space left around the building to accommodate parking and a rear garden so that the development does not dominate existing</p>

	<p>neighbouring development.</p> <p>The floor level must be constructed at a higher level than the current car park to satisfy the conditions of the Environment Agency. This is not unusual in this area, with the building at a similar level to the new houses on Brook Street. It is not considered that this would have a significant impact upon the overall height and scale of the building.</p> <p>The site is not within the Melton Mowbray Conservation Area and there are no listed buildings close to the site. The development is not likely to have an impact upon any heritage assets.</p> <p>Brook Street is characterised by traditional two storey houses, where three storey development may not be appropriate. Although it should be noted that the precise detail and history of the new houses in Brook Street has not been examined. This site is different for the reasons outlined above and each proposal should be considered on its own merits.</p> <p>The proposal would make a positive contribution to this part of the town centre and is considered to comply with Policies OS1 and BE1 of the Local Plan.</p>
<p>Residential Amenity Due to its scale, location and design the building would have an adverse impact upon neighbours due to loss of privacy, overlooking and overshadowing. The use of the site would create noise and disturbance.</p>	<p>The nearest residential development to the site are two storey houses on Brook Street. At the closest point some of those houses are between 14 metres and 15 metres from the rear of the new building. The impact of the building on those neighbours has been minimised by the proposed layout and design. The main bulk of the building faces Thorpe End. The rear portion which looks towards Brook Street has a narrower, curved end and the small number of first and second floor windows in this part of the building are high level, at 1.5metres above internal floor level, to minimise any possible overlooking and loss of privacy.</p> <p>It would be finished in a light coloured render and situated, in the main, to the north and west of Brook Street, which would help to avoid any significant overshadowing.</p> <p>It is proposed that existing trees on the rear boundary would be retained and supplemented to soften the appearance of the development and help to screen movement and activity in the proposed parking area.</p> <p>The flats in St John's Court are separated from the site by Thorpe End road and the corner of these flats is about 24 metres away from the corner of the proposed development. There is unlikely to be</p>

	<p>any serious loss of privacy for the existing residents.</p> <p>The new development would introduce accommodation for 27 residents in relatively close proximity to some neighbours. The main entrance to the building is on the Thorpe End frontage, well removed from closest neighbours. It is considered that the general noise and activity generated by this building is unlikely to have a significantly adverse impact upon neighbours in an already busy town centre location, where there are a mixture of uses and pedestrian and vehicular movement occurs throughout the day and evening.</p> <p>It is not considered that the proposal would have a detrimental impact on the residential amenities of adjoining properties and is considered to comply with Policy BE1 of the Local Plan.</p>
<p>Alternative Sites</p> <p>Some of the objectors consider that other sites in the town centre and elsewhere would be preferable for this development.</p>	<p>All applications are determined on their individual merit and local planning authorities have a statutory duty to determine all planning applications.</p>
<p>Loss of Car Parking</p> <p>The development would result in the loss of car parking in the town, which would impact upon other car parks in the town centre.</p> <p>The loss of parking would also lead to increased on-street parking in the local vicinity to the detriment of highway safety.</p> <p>Question where the cheese manufacturer's staff will park if the site is developed.</p>	<p>The site ceased to be used as a public car park 12 months ago. The details are highlighted in the Highways section above. Consequently, this development will not have any further significant impact upon public car parking in the town centre.</p> <p>On-street parking is already controlled where necessary and can be reviewed if necessary by the Highway Authority.</p> <p>While the development would result in the loss of private car parking this use of the site is relatively recent and any harm caused must be balanced against the benefits of meeting housing need.</p> <p>The plans of the neighbouring business to provide parking are unknown.</p> <p>The Highway Authority does not object to the proposal and takes a pragmatic approach to the loss of the private car parking.</p>
<p>Highways and Road Safety</p> <p>The development would exacerbate existing highways problems in the area.</p> <p>The use of the new access would conflict with other road users near to a busy junction.</p>	<p>The site is on the edge of the main built-up part of the town on a main route and is considered to be reasonably accessible. This application can only be considered on its own merits.</p> <p>The limited vehicular movement associate with the development, which will probably be</p>

	significantly less than the existing situation, is unlikely to create any demonstrable harm to highway safety.
<p>Adverse Impact upon Commercial Properties</p> <p>A local business has expressed concern about the impact of the development upon this part of the town centre.</p>	It is considered that a modern new building on this site would enhance the town centre.
<p>Flooding and Drainage</p> <p>Neighbours, some of whom have experienced flooding in the past, consider that the development will exacerbate existing drainage problems.</p>	Noted, but the application, including a Flood Risk Assessment, has been considered by the Environment Agency, which raises no objection subject to conditions.
<p>Ecology</p> <p>Development would have an adverse impact upon ecology and wildlife.</p>	The measures which are outlined in the applicant's ecology study have been accepted by the County's technical expert.
<p>Consultation and Publicity</p> <p>Concerns that neighbours were poorly informed of the proposal and have a lack of knowledge to comment upon the proposal.</p>	<p>The applicants engaged in pre-application publicity. Upon receipt of this criticism after the application had been submitted they organised a public meeting with local residents.</p> <p>The application was publicised by press and site notices and notification of immediate neighbours. Additionally, in response to local concerns a second, totally separate public meeting was organised by the planning case officer.</p>
<p>Melton Mowbray & District Civic Society</p> <p>Object to the application on the following grounds:</p> <p>Site is in area where air pollution is prevalent making it unsuitable for occupation by young people.</p> <p>Site would be better used for coach parking to support tourism in the town centre.</p> <p>Loss of car park would have an adverse impact upon nearby museum.</p> <p>Better alternative sites for the development.</p>	<p>The application site is part of the town centre where air quality is regularly monitored by this council in fulfilment of Part IV of the Environment Act 1995- Local Air Quality Management. This information is reported annually to DEFA. The latest data indicates that nitrogen oxide levels are below the action level at all relevant receptor properties.</p> <p>Noted, but the application should be considered on its own merits</p> <p>Addressed above.</p> <p>Addressed above.</p>

<p>Support – 2 letters of support, including one from Melton Tenants Forum Executive Committee (TFEC)</p> <p>Consider that the facility would help young people achieve their potential and overcome any difficulties they may encounter moving onto independent living.</p> <p>Will help young people gain access to training and work. Excellent development for young people in our town.</p> <p>The applicants have a proven track record of delivering these projects in prominent locations ,such as the foyer in Wisbech which has operated for 8 years</p> <p>Landmark building will help to regenerate this part of town.</p>	<p>Noted. The development has been designed to meet a specific local need for safe and secure housing, support and training, based on experience of similar projects elsewhere.</p> <p>Noted, see section above on design .</p>
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Conclusion

This development would meet an identified need for specialist accommodation for young people in Melton Mowbray. In addition to housing the building would also be a safe and secure environment to provide support and training to enable young people to be prepared for education, work and independent living.

The contemporary design of the building would provide a distinctive new entrance to this part of the town, significantly improving the character and appearance of Thorpe End. While the redevelopment of the car would be a positive benefit in terms of the appearance of the area, it is accepted that any development which results in the loss of any type of car parking will have some impact upon parking overall in the town centre. However, any impact must weighed against the significant benefits that the development would deliver.

The development will have some impact upon neighbours, particularly the closest houses in Brook Street, but due to the design and detailing of the building this relationship is considered to be acceptable.

It has been demonstrated that all relevant technical matters, including flooding, highways, ecology and archaeology have been satisfactorily addressed.

It is considered that the proposed development is supported by the NPPF, and policies OS1 and BE1 of the Melton Local Plan,

Recommendation: Permit subject to conditions to include the following :

- 1 Time limit
2. Approved plans
3. Submission of materials
4. Details of highways access works and visibility splays
5. Highways drainage works.

6. Provision of car parking and vehicle turning area.
7. Provision of cycle parking shelter
8. Implementation of measures in Flood Risk Assessment, including finished floor levels required by the Environment Agency
9. Details of rebuilding of boundary wall
10. Assessment of contamination and implementation of any mitigation
11. Archaeological survey and recording
12. Ecological mitigation measures
13. Submission and approval of surface and foul water drainage
14. Landscaping ,including retention of trees on boundary with Scalford Brook

Officer to contact: **Mr P Reid**

Date: 16th June 2015