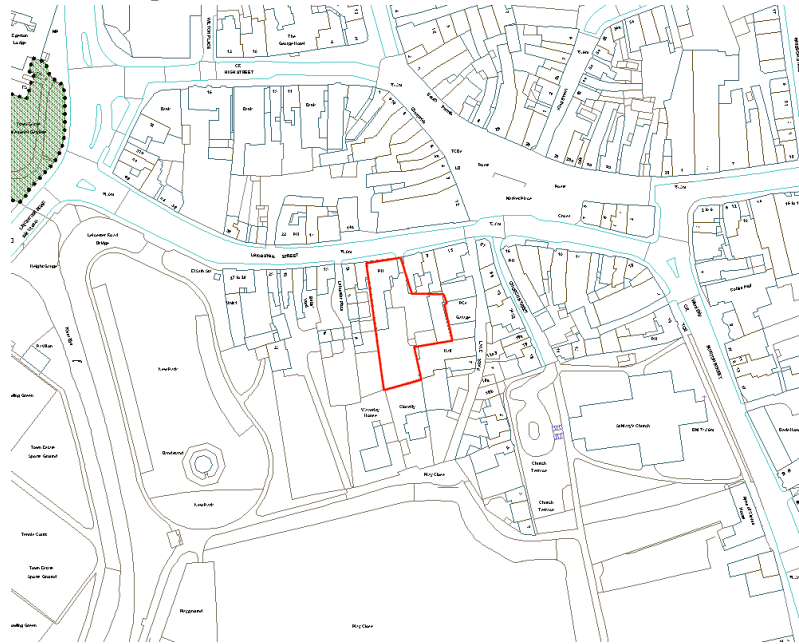


Reference: 13/00212/OUT & 13/00213/LBC
Date submitted: 28.03.13
Applicant: Hudsons And Stores Charity
Location: The Fox Inn, Leicester Street, Melton Mowbray, LE13 0PP

Proposal: Change of use of Public House to Retail Area, conversion of 1st and 2nd floors into 3 flats and upgrading of 1 existing flat, demolition of rear wing due to structural problems, construction of 6 one bedroom Almshouses and re-modelling of existing yards with landscaped areas.



Proposal :-

The application seeks full planning permission and listed building consent for demolition of the rear two storey wing of a grade II listed building to allow for redevelopment to apartments with provisions of a retail unit on ground floor. The use as a public house is no longer in operation and it is proposed to create a retail unit in the former bar area and use the former lounge as a storage area. The first and second floors will be modified to create four one bedroom apartments, utilising the existing stairwells. A three storey apartment block to the rear will be constructed as standalone to the main building to create a total of six apartments for use as Almshouses.

The application has been supported with a Design and Access Statement, Structural Engineers report and a justification statement from the Hudson and Stores Charity which outlines the following:-

- The poor structure of the rear wing with its uneven floors is not suitable or capable of conversion to Almshouse.
- The trust aim to provide as many disabled units as reasonably possible.
- The trust provides housing for the towns poor and this proposal will add to the existing stock (Bede Houses).
- The apartments will provide additional Almshouse and market rental properties for the town.

Listing Description: Mid C18. Stuccoed facade with plinth. Slate roof with centre chimney. 3 storeys. 4 windows, sashes with glazing bars except ground floor which has later windows with mullions, transom and shouldered architraves. Off centre door with cornice and large keystone. Archway, with timber lintol, under east side gives access to rear yard. Rear wing.

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

- **Compliance or otherwise with the Development Plan and influence of National Policy (NPPF)**
- **Impact upon Heritage, loss of a grade II structure.**
- **Impact upon Ecology**
- **Impact upon residential amenities**

The application is required to be presented to the Committee as a major application and the potential to require referral to the Secretary of State..

Planning Histories:

00/00663/ADV - Proposed brewery signage. Consent granted.

00/00667/LBC - Proposed Brewery signage. Consent Granted.

12/00807/FUL - change of use of public house to retail area. Conversion of 1st and 2nd floor into 3 no. flats and upgrading of 1 no. existing flat. Demolition of rear wing due to structural problems. Construction of 6 no. 1 bedroom Almshouses (Block A). Construction of 2 no. 1 bedroom Almshouses (Block B). Change of use of existing garage and dance school into 2 no. 2 bedroom houses (Block C) and retention of existing retail unit. remodelling of existing yards with landscaped areas. **Application withdrawn.**

12/00808/LBC – Change of use of public house to retail area. Conversion of 1st and 2nd floor into 3 no. flats and upgrading of 1 no. existing flat. Demolition of rear wing. Construction of 6 no. 1 bedroom Almshouses (Block A). Construction of 2 no. 1 bedroom Almshouses (Block B). Change of use of existing garage and dance school into 2 no. 2 bedroom houses (Block C) and retention of existing retail unit. remodelling of existing yards with landscaped areas. **Application withdrawn.**

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).

The National Planning Policy Framework 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 offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

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

- deliver development in sustainable patterns and
- re-using brownfield land.
- Conserve heritage assets in a manner appropriate to their significance.

On Specific issues it advises:

Delivering a Wide choice of High Quality Homes

- Set out own approach to housing densities to reflect local circumstances
- 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)
- 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.

Conserving and enhancing the historic environment

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
- In determining planning applications, local planning authorities should take account of:
 - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

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

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>English Heritage:- Object</p> <p>The Fox Hotel is a listed grade II in view of its age and historic interest. Dating to the mid C18th the building has had alterations and additions in the C19th and C20th.</p> <p>As part of the proposal to redevelop this building as almshouse accommodation it is proposed to demolish the rear wing of the building. This part of the building dates to the late C18th and early C19th and is a traditional form of market town centre extension, which reaches back down the burgage plot, providing additional stabling and associated accommodation. As the building was used as a hunting inn, this is an element of its significance as a listed building. The surviving historic fabric adds to the authentic character of this historic market town and its loss would be regrettable. As such English Heritage believes that the case for demolition must be sound, and robustly made.</p> <p>It is clear from the site visit that the rear extension contains considerable historic interest in terms of its external contribution to the street scene. The cellars (which are C17th or earlier) and internal construction (C18th C19th) are also of significance. There is evidence of alterations and some rebuilding which has taken place, and movement around a straight joint and above the cellar entrance – the latter of which appears to relate to the removal of a partition at the cellar entrance. As no monitoring has taken place it is not possible to say whether the movement is ongoing, The English Heritage Structural Surveyor’s assessment was that any movement was limited and of some age.</p> <p>Demolition of a listed structure requires the most robust justification and the NPPF states that it should be ‘wholly exceptional’. English Heritage is entirely unconvinced that total demolition is necessary or appropriate, and the loss of the rear of the listed building will be harmful to the overall significance of the site, as well as damaging to the historic interest of the locality. It is considered that the loss would amount to substantial harm (NPPF paragraph 133).</p> <p>The condition of the building coupled with its age</p>	<p>The proposal seeks demolition of the rear wing whilst seeking to retain the part of the building facing the street only, formally used as the public house bar and lounge areas. The cellar is to be retained, however, part of the cellar goes under the rear wing which is to be demolished to allow a new building be constructed in its place. Access will be from the new build entrance hall.</p> <p>The applicants have provided a structural engineers report which followed a visual inspection of the building. The report outlines that the front part of the building is sound and capable of adaption but considers that the rear wing is not suitable and needs to be taken down and rebuilt. Some of the external defects are noted below with photographs supplied:</p> <ul style="list-style-type: none"> • The offshoot elevation facing the yard is clearly evident that some movement has occurred in the past with deformed brickwork over door head and the introduction of patten plates and tie rods at roof and first floor level having been incorporated. • The roof junction between the offshoot and the existing is complex and ad-hoc with various roofs running into each other and no clear symmetry evident. There is a flat roofed area between the pitched roofs witch traps rainwater partially due to poor drainage. • The brick work to the right hand elevation forming the boundary to the gardens of the adjacent properties is a three storeys due to step in the ground levels is in very poor condition. • At the furthest point of the offshoot from the main building the brickwork at low level is in extremely poor condition and concerned about its stability. • The side wall adjoins the brick retaining wall to the yard and there is no continuity in bed joints with the brickwork suggesting previous movement which has been re-pointed.

and significance should determine the default position as one of conservation-based repair rather than demolition and rebuilding.

- Up to 500mm above ground level the wall has no mortar and bricks have fallen out with the lower sections severely bulging.
- Limited foundations. (no trial holes to investigate the depth and form of foundations has been carried out).

The report continues to note that poor repair work to brick work is evident and that random square windows have been cut into elevation with little stability of the walls as a whole and that the brick work is bulging in parts. Whilst recommending demolition of the rear wing no evidence of any monitoring to establish if the building is moving has taken place.

Internal inspections have also been carried out which identified that some gaps had been filled in which suggested movement of the building and that there was asbestos cement sheets present in the roof slope of the rear wing facing the adjacent gardens.

The report concludes that in the long term it considered that the wall cannot be retained and will need to be taken down and rebuilt or the back offshoot section demolished altogether. It is stated that the temporary support required to achieve a reconstructed wall would be significant and it may be more economic and practical to remove the offshoot completely. As the building would need to be adapted for disabled access the numerous changes in internal level within the offshoot will cause functional issues which will make the internal space impractical for conversion.

The NPPF; Paragraph 129, states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and

distinctiveness.

Paragraph 132. States that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Paragraph 133 states that where a proposed development will lead to substantial harm to, or total loss of significance of, a designated heritage asset, **Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits** that outweigh that harm or loss, or **all** of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.

The applicants have found themselves in a position to purchase The Fox Inn and already own the adjacent shops nos. 1, 3, 5 and 7 Leicester Street. They wish to use the former Fox Inn to provide a mix of Almshousing and market rental properties to add to their existing portfolio. The building in its present form is not capable of adaption to that use, due to the uneven floors and low ceiling heights. Whilst the description of the proposal states that six of the apartments would be for Almshousing the applicant is requiring flexibility as the market housing would assist with the funding of the project. Should the costs be so great more of the market apartments would be required.

The proposal seeks to create 10 apartments and therefore there is a requirement for 40% Affordable Housing provision. This would amount to 4 units which the charity have stated they would meet the provision in the form of Almshousing, However, no legal agreement has been offered and it is not known how these apartments would be managed, or how long they would be made available for use.

The applicant has attempted to submit evidence that the building is incapable of conversion. However, no evidence of monitoring to establish

	<p>if movement is continuing has been submitted. English Heritage is entirely unconvinced that total demolition is necessary or appropriate, and the loss of the rear of the listed building will be harmful to the overall significance of the site, as well as damaging to the historic interest of the locality.</p> <p>English Heritage have advised that they consider that the loss would amount to ‘substantial harm’</p> <p>In view of the comments of English Heritage the proposals are considered to constitute ‘substantial harm’ and under the requirement of the NPPF permission can only be granted if ‘substantial public benefits’ are considered to arise (para 131). It is not considered that the quantity and nature of the housing proposed amount to ‘a substantial public benefit’ and as such insufficient justification has been put forward to allow demolition of part of a grade II listed building. The public benefits are considered to be limited therefore permission should be refused.</p>
<p>Conservation Officer:- Object</p> <p>The Fox Inn is a grade II listed building – a former coaching inn dating from the mid C18. It occupies a prominent roadside location in the town centre and is also within the designated conservation area. As such it is considered to be a designated heritage asset of high significance, not only through its architectural status but also as an important element in the social history of Melton Mowbray.</p> <p>Clearly the proposal is welcome to return this important building to use to ensure its longer term future and would not object to that use. However it is the demolition proposal for the rear wing that is objected to. That part of the building was no doubt the stabling with grooms accommodation above and as such an essential element of the coaching inn and hence listed building. It is mentioned specifically in the listing description which is a further indication of its importance.</p> <p>It was made perfectly clear by English Heritage that they are opposed to the demolition of the rear wing preferring the existing building to be adapted to the proposed new use.</p> <p>In terms of the reported structural condition of the building English Heritage stated that there was insufficient justification to warrant demolition and in the view of the English Heritage building surveyor there was nothing in the Structural Engineers report to suggest that the existing building cannot be repaired as necessary.</p>	<p>Noted. Please see commentary above.</p> <p>Notwithstanding the objection to the demolition of the rear wing the proposed apartment block is not considered to respect the setting of the listed buildings in the area.</p> <p>The block is not subservient and will be over bearing and dominant in such a close proximity to the grade II listed buildings to the north, east and west of the proposal. The design of the apartment block is not reflective of the existing listed buildings in the area but does attempt to introduce detail in the form of a central pitched porch dormer windows and brick arch window detailing, similar to the renovated stable block within the court yard.</p> <p>The proposal is not considered to respect the existing heritage assets and therefore is not compliant with the NPPF. This stand alone building does not attempt to integrate with the existing heritage assets and neither enhances or preserves their setting. The apartment block is not dependant of being constructed on this specific site and could be constructed on any brownfield site which could still achieve the Charities objectives.</p>

<p>The design of the new building does attempt to replicate some of the architectural detailing of the host listed building but is not particularly reflective of it:</p> <p>The replacement building is taller to ridge height than the existing and occupies a larger footprint. In those terms it is not subservient to the host listed building and potentially overshadows it;</p> <p>For those reasons it is not considered that the proposed new build respects either the host listed building, nor its setting.</p>	
<p>LCC Highways – no objections</p> <p>In light of existing use and town centre location, proposal is acceptable in principle. Consider provision of parking and turning, to some extent no parking would be preferable given poor access from the highway.</p>	<p>Noted. Access into the site is via the existing access off Leicester Street. The area to the rear of the building is to be landscaped to create small amenity area and some parking will be made available. The Highways Authority have not objected to the proposal due to its town centre location.</p> <p>It is not considered that the proposal would have a detrimental impact on highway safety.</p>
<p>LCC Ecology – no objection, subject to conditions.</p> <p>The ecology report submitted in support of this application (Curious Ecologists, January 2013) is satisfactory. No protected species were identified. However, we would recommend that a note to applicant is added to any permission granted to draw the applicants’ attention to the recommendations in the report.</p>	<p>Noted.</p>
<p>MBC Housing Policy Officer–</p> <p>The application seeks to deliver almshouses, these are charity run houses for those deemed to be in need, often as a result of low-income. The charity seeks to offer the properties at minimal or nil rent to those deemed to be in need. There has been a request by the charity to not restrict the number of affordable or almshouses delivered on the site, as a result of the possible unexpected costs from the conversion of a listed building. However, in the interests of public benefit it is recommended that the 40% affordable housing requirement is upheld by way of a Section 106 agreement, since this is required on all developments of 6 or more dwellings, and any departure from this policy would require an independent viability assessment to ensure that it is unreasonable in this instance to uphold the request.</p> <p>There are some concerns in respect of nomination rights and allocation of the almshouses. Little information has been provided to support almshouses as a compromise to affordable housing, which is owned and managed, in perpetuity by a Registered Provider. At present MBC have full and complete nomination rights to all affordable properties, this means allocation</p>	<p>The National Planning Policy Framework (NPPF) recognises that housing should meet the needs of present and future generations (Para 10). The NPPF continues to recognise the importance for local planning authorities to understand the housing requirements of their area (Para 28) by ensuring that the scale and mix of housing meets the needs of the local population. This is further expanded in Para 110 – 113, which follows the principle of PPS3; in seeking to ensure that housing mix meets local housing need.</p> <p>Saved policy H7 of the Melton Local Plan requires affordable provision ‘on the basis of need’ and this is currently 40%. This proportion has been calculated under the same processes and procedures which have previously set the threshold and contribution requirements for affordable housing within the Melton Borough.</p> <p>The applicants are a registered Charity within the town and own the Bede Houses which are operated as Almshouses. It is proposed that six of the newly constructed apartments would add to the stock however exact numbers will differ dependant on costs of renovations of the Fox Inn and construction of the new apartment block.</p>

<p>occurs in accordance with housing need as it appears on the MBC housing register. It is understood that almshouse charities retain nomination rights and allocations are made to those deemed to be in need by the charity and often associated with an individuals' income level. There is some concern that the properties could be let to anyone deemed suitable by the charity and without proper assessment of the charities protocols for lettings it's difficult to say for certain that these are in general conformity with MBC's own allocation policies and therefore conform to the definition of affordable housing. It is proposed that a legal agreement, such as a Section 106 agreement, which will tie the development to a set number of almshouses, also included definitions for matters such as 'in need' and 'low-income', and any others deemed appropriate, which are to be agreed to by all involved parties, to ensure conformity of allocation. Furthermore, it is proposed that the Section 106 agreement underwrites the affordable properties, that in the eventually that the almshouse charity cannot let them, approach Melton Borough Council is approached for allocations.</p> <p>With regard to housing mix, the application seeks to deliver ten 1-bedroom flats, through conversion of the listed building and a purpose built block of six flats in place of the listed rear wing. In respect of the conversion element, it is deemed acceptable to deliver these as 1-bedroom units, since the development is restricted by the fabric of the building. However, in respect of the purpose built block, a mixture of property types is preferred, to include some 2-bedroom units. This would better meet recognised housing need within the borough. Also, in light of information provided by the applicants that existing 1-bedroom stock has been lost as a result of a demand for larger units, it suggest itself a need for slightly larger units.</p> <p>The Council has undertaken several assessments in order to be informed by an evidence base of housing need (households unable to access suitable housing without financial assistance). The level of identified need for affordable housing is extremely high within the borough. The saved Melton Local Plan recognises that residential developments need to make a contribution towards the provision of affordable housing. The 40% policy requirement was adopted in accordance with saved policy H7 of the Melton Local Plan in January 2008 and applies to sites of 6 or more dwellings. The affordable housing requirement on this site is 40% of 10 dwellings or 4 units. We anticipate an onsite contribution for the 4 units, either through the provision of almshousing or affordable housing. The units shall be tied into a Section 106 agreement to ensure their delivery and continuation in perpetuity as affordable housing/almshouses.</p>	<p>There are some uncertainties in regards to number of units as almshouses, nomination rights, tenure and length of occupation which could affect the 40% provision of affordable housing within the scheme materialising. Whilst it is acknowledged that the Charity would benefit from flexibility they argue that the proposal would be of greater public benefit to satisfy the NPPF and outweigh the harm of the demolition of a grade II listed building.</p> <p>This view is not shared by English Heritage or MBC's Conservation Officer who have advised that insufficient justification has been presented to allow demolition which is acknowledged to be of 'substantial harm' to the heritage asset. The apartment block would be a stand-alone building to the retained part of the listed building and could be constructed on any brownfield site to achieve the Charities objectives and aims.</p> <p>The housing proposed, has in part been designed to specific requirements of the Hudson's Storers Charity requirements for almshousing. All of the units have been designed as one bedroom apartments with two on the ground floor of the new block to provide level access accommodation for less able bodied persons. However, the rest of the apartments are accessed by stairs with no lift provisions. This limits the number of units available for less able bodied persons which weakens the case for substantial public benefits as outlined within the NPPF (paragraph 133).</p> <p>Ten one bedroom apartments fail to meet the identified local need and a mix of both one and two bed apartments would better reflect the mix required to create sustainable communities. The units which can be considered to be adding to the choice of housing in the Borough are not dependant on being built in this location or to the detriment of a grade II listed building.</p> <p>In this application, it is considered that a balancing exercise is required in relation to the substantial harm caused to the heritage asset and the stated public benefit the application would provide. Whilst it is acknowledged that the application is providing charity almshouses and up to two accessible units, the key issue become whether can be regarded as a 'substantial public benefit'.</p> <p>There is no requirement for the dwellings to be in this location and there are other sites within the town which could facilitate a development of this nature without the harm to a Listed Building. There is also no mechanism proposed to ensure charitable use and as such nothing to prevent the use of all 10 units as open market housing..</p> <p>It is considered that the proposal to demolition</p>
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<p>Subject to acceptance of a Section 106 agreement restricting the number, longevity and allocation of the affordable units/almhouses, there is no reason to object to the application from a housing policy perspective.</p>	<p>the wing of a grade II listed building would lead to ‘substantial harm’ and that the benefits relating to housing provision as outlined above are limited and as such are not considered to be ‘substantial’. Therefore the application does not comply with the requirements of the NPPF paragraph 133 and as such should be refused.</p>
<p>LCC Developer Contributions-</p> <p>Waste – Contributions are sought for Melton’s Civic site on Leicester Road. The amount requested is based on a housing development of 9 dwellings and amounts to £798 equivalent to £88.72 per dwelling.</p> <p>Libraries, Education, LCC Highways, Ecology, Landscape: no requirements</p>	<p>Noted – If the development is considered acceptable a Section 106 Legal Agreement to cover developer contributions would be needed. S106 payments are governed by Regulation 123 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects. The applicant has agreed to the contribution request.</p> <p>It is considered that the payment satisfies these criteria and are appropriate for inclusion in a s106 agreement. It is considered that these contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement</p>

Representations:

A site notice was posted and neighbouring properties consulted. As a result 3 letter of objection and 1 letter of support has been received, the representations are detailed below:

Representations – Objections	Assessment of Head of Regulatory Services
<p>Loss of Heritage:-</p> <p>Object to the total destruction of a listed building.</p> <p>The purchase would have known it was a listed building and should repair not demolish it.</p>	<p>Noted. Please see comments above.</p>
<p>Impact upon the character of the area:-</p> <p>The three storey apartment block will be out of keeping with the conservation area and will dominate the skyline in areas of historic properties.</p>	<p>The proposed apartment block have an overall height of approximately 10.2 metres this is higher than the retained part of the listed building fronting Leicester Street which has a height of approximately 9.6 metres. As the apartment block is set within the site it will not be visible from the street but it will be a dominant structure when viewed against the existing buildings within the courtyard.</p>
<p>Impact upon residential amenities:-</p> <p>The windows on the south elevation will overlook the properties to the rear causing loss of privacy.</p> <p>Concerned that noise resulting from the Penman</p>	<p>The windows shown on the south elevation are to serve living rooms and kitchens. The separation distance from the windows of the properties to the rear (fronting Play Close) is above the general accepted separation distance and it is considered that direct overlooking into the properties can not be created. Whilst some overlooking could be gained into the garden areas it is considered that the residential amenities will not be unduly affected to an unacceptable level.</p> <p>It is not uncommon to find mixed uses of</p>

<p>Spice Community centre would impact upon any future resident on this site.</p> <p>The commercial uses would impact upon the future residents, creating noise and disturbance.</p>	<p>residential and commercial within the town centre. The NPPF seeks to encourage mixed uses to create vibrant town centres and has relaxed planning regulations so that B1(a) offices can be converted to residential. Any future residents would be aware of the existing uses taking place because of its location.</p>
<p>Other Matters:</p> <p>Rights of Way Issues – There is a right of easement through the site to the rear of the Penman Spice Community Centre with access to parking. This has been in place since 1886.</p> <p>Access to the rear of the community centre is required at all times 7 days a week. The centre is used by a number of community groups who use the rear access for unloaded/loading.</p> <p>The centre is the dominant land owner with the owners of the Fox being the servient owners. The application has not taken into account this arrangement.</p>	<p>Noted however the matters raised are not planning considerations and remain civil matters as private interests.</p>

Representations – Support	Assessment of Head of Regulatory Services
<p>Melton District Civic Society supports this application because the public benefits of the proposal outweigh any loss of heritage. The building is in a conservation area and a very important part of Melton's history and its street scene but the application secures the important characteristics of the Leicester Street frontage. The provision of energy efficient flats (some for disabled people) to replace the structurally unsound range at the rear of the site is welcome as town centre accommodation for the elderly can contribute significantly to the improvement of the quality of their lives.</p>	<p>Please see English Heritage Comments above.</p> <p>Whilst the charity are seeking to provide 1 bed apartments within the town centre the building is a grade II listed building and should therefore be conserved in favour of demolition. It has been stated that the building in its present form is not capable of adaption to suit the needs of the charities residents however they are unwilling to enter into any legal agreement to secure the apartments as affordable or charitable housing (should that be accepted as an exception to policy H7) due to requiring market housing to facilitate the development. The public benefits are not considered to outweigh the protection of the listed building for reasons outlined above.</p>

Considerations not raised through Representations.

Consideration	Assessment of Head of Regulatory Services
<p>Impact upon existing residential properties nos. 1 - 4 Leicester Street :-</p>	<p>The proposal seeks to convert the existing roadside frontage listed building to apartments and it is considered that this element of the proposal would not have an unduly detrimental impact upon existing uses in the area, including residential amenity.</p> <p>The construction of the apartment block is of a scale comparable with a three storey building having an overall height of approximately 10.2 metres. This is of a scale considerably greater than the existing arrangement which sees a staggered roofline varying from approximately 7.5 metres up to approximately 8.7 metres. To the</p>

	<p>west of the site sitting behind No. 13 Leicester street are existing dwellings which are also grade II listed that view onto the west elevation of the existing wing. These properties have a small amenity area leading up to the passage way running along the western elevation to give access to No. 13 Leicester Street, which is a commercial property. Whilst these residents already view onto a blank wall the height and scale of the proposed block is considered to be worsened by this proposed arrangement through presenting a solid block running at a length of approximately 20 metres with an eaves height of approximately 7.7 metres. This is approximately 1 metre higher than the highest part of the exiting rear wall, however, at that height it only runs at a stretch of 12.7 metres before dropping to an eaves height of 5.9 metres for a further 4.5 metres.</p> <p>Whilst only dummy window openings are proposed the increase in scale and mass is considered to have an un-neighbourly impact upon the existing residents who will be severely hemmed in by the proposal.</p>
<p>Application of the Development Plan Policies:-</p> <p>The site sits within the town where residential development is supported. Policies OS1 and BE1 seek to ensure that development respects the character of the area and that there would be no loss of residential amenities and satisfactory access and parking provisions can be complied with.</p> <p>Under paragraph 215 of the NPPF it is necessary to consider if they should carry weight.</p>	<p>Policy OS1 allows development within the town envelope subject to satisfying the criteria listed. The development is for mix of Alms housing and market housing with a requirement to provide 40% of affordable housing, in accordance with Policy H7.</p> <p>Melton is considered to be a sustainable location for development and in this respect it is considered that the policy (OS1) is wholly compatible with the NPPF.</p> <p>The NPPF is considered to be a material consideration of significant weight that needs to be considered alongside the Development Plan.</p> <p>In regards to Listed Buildings and Conservation Areas (termed heritage Assets) the local plan is wholly silent and therefore the NPPF is the primacy policy in considered proposal that affect heritage assets.</p>

Conclusion

The proposal seeks to convert a Grade II listed building, no longer required for its former use as a public house, in favour of creating one bedroom apartments. In order to facilitate the proposal the demolition of the rear wing has been proposed which is stated to have structural defects which render its inclusion to be converted into apartment as uneconomical and not practical to achieve the desired accommodation for less able bodied persons.

The information put forward by the applicant has been contested by English Heritage who are not supportive of the demolition and advise that it amounts to ‘substantial harm’ to a designated heritage asset. No evidence has been put forward by the applicants to support the claims that the structure is unsafe and moving as no monitoring of the movement has been undertaken. Whilst it is acknowledged that the conversion of the former public house would secure the longevity of part of the grade II listed building, the new build element to the rear is not considered to enhance or preserve the setting of the neighbouring Grade II listed buildings. The NPPF is clear, in paragraph 133, that where a proposed development will lead to substantial harm consent

should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve **substantial public benefit** that outweighs that harm.

The Committee should note that the application for Listed Building Consent requires referral to the Secretary of State because of the demolition involved and the objection received by English Heritage. As such the Council is not permitted to grant consent without completing this referral process and any decision to grant permission should be 'subject to' referral to and acceptance by the Secretary of State.

The benefits it would offer - almhousing (including provision of two units for less able bodied), and market apartments - are not considered to outweigh the substantial harm the demolition would cause and therefore in accordance with the NPPF planning consent should be refused Accordingly the application for full planning permission and Listed Building Consent is recommended for refusal for the following reasons:-

Full Planning 13/00212/FUL - Refusal:-

1. The proposed apartment block, by virtue of its height and scale, fails to respect the character and setting of the Listed Buildings in the immediate area and is therefore contrary to NPPF chapter 12, 'Conserving and Enhancing the Historic Environment' which states that local authorities should have special regard to the desirability of preserving any listed building or its setting.
2. The proposed apartment block is considered to be contrary to policies OS1 and BE1 of the Melton Local Plan and the NPPF chapter 7 'Requiring Good Design' by virtue of its height and mass, and impact upon the residential outlook of the neighbouring dwellings to the west.
3. The proposed development, by virtue of the demolition of part of the Grade II listed building, would result in substantial harm to a heritage asset which is not considered to be outweighed by public benefits. The proposal is therefore contrary to the guidance provided in paragraph 132 of the NPPF.

Listed Building Consent 13/00213/LBC – Refusal:-

1. It is considered that insufficient evidence has been put forward, as part of this application, to justify the demolition of the rear wing of the former Fox Inn which is a grade II listed building. As such the requirements of the NPPF are not met. Paragraphs 129 to 133 of the NPPF advises Local Planning Authorities to preserve and conserve designated heritage assets and their significance. Paragraph 132 in particular advises significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification
2. The NPPF states that Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Total loss and substantial harm should only be allowed should it result in substantial public benefit. In this case it is considered that insufficient public benefits will result from this proposal. As such the requirements of the NPPF are not met.

Officer to contact: **Mrs Denise Knipe**

Date: 24th June 2013