

# Agenda

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 28 May 2020</b>
<b>Start time</b>	<b>6.00 pm</b>
<b>Venue</b>	<b>By remote video conference (with live streaming available - link below)</b>
<b>Other information</b>	<b>This meeting is open to the public</b>

Members of the Planning Committee are invited to attend the above meeting to consider the following items of business.

**Edd de Coverly**  
**Chief Executive**

## Membership

<b>Councillors</b>	M. Glancy (Chair)	P. Posnett MBE (Vice-Chair)
	R. Bindloss	R. Browne
	P. Chandler	P. Faulkner
	L. Higgins	E. Holmes
	S. Lumley	M. Steadman
	P. Wood	

**Quorum:** 6 Councillors

<b>Meeting enquiries</b>	Democratic Services Team
<b>Email</b>	democracy@melton.gov.uk
<b>Agenda despatched</b>	Tuesday, 19 May 2020

No.	Item	Page No.
	<p><b>REMOTE MEETING ARRANGEMENTS</b></p> <p><b>Meeting Participants :</b></p> <p><u>Zoom video conferencing webinar:</u> An invitation will be sent to Members and registered public speakers* for this meeting</p> <p><b>Public Access :</b></p> <p><u>You Tube:</u> The meeting will be available to view <a href="#">here</a></p> <p><b>*Should you wish to register to speak on an application, please register by 5 p.m. on Monday 25 May 2020 by email to: <a href="mailto:democracy@melton.gov.uk">democracy@melton.gov.uk</a></b></p>	
1.	<b>APOLOGIES FOR ABSENCE</b>	
2.	<p><b>MINUTES</b> To confirm the minutes of the meeting held on 30 April 2020</p>	1 - 10
3.	<p><b>DECLARATIONS OF INTEREST</b> Members to declare any interest as appropriate in respect of items to be considered at this meeting.</p>	11 - 12
4.	<b>SCHEDULE OF APPLICATIONS</b>	
4.1	<p><b>APPLICATION 19/00707/FUL</b> Land at Butt Close, Adjacent Hay Barn, Riverside Road, Melton Mowbray</p>	13 - 30
4.2	<p><b>APPLICATION 19/00909/OUT</b> St Mary's Hospital, Thorpe Road, Melton Mowbray</p>	31 - 56
5.	<p><b>URGENT BUSINESS</b> To consider any other items that the Chair considers urgent</p>	

# Minutes

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 30 April 2020</b>
<b>Start time</b>	<b>6.00 pm</b>
<b>Venue</b>	<b>By remote video conference</b>

## Present:

**Chair** Councillor M. Glancy (Chair)

<b>Councillors</b>	P. Posnett MBE (Vice-Chair)	P. Chandler
	P. Cumbers	J. Douglas
	P. Faulkner	L. Higgins
	E. Holmes	J. Illingworth
	M. Steadman	P. Wood

**Officers**

- Assistant Director of Planning and Delivery
- Planning Development Manager
- Locum Planning Solicitor
- Democratic Services Manager
- Democratic Services Officer (SE)

Minute No.	Minute
	<p><b>Chair's introduction</b></p> <p>The Chair welcomed everyone to the second Planning Committee meeting held by remote video conference. She introduced Members and Officers as well as referred to the public speakers who would be speaking on individual applications.</p> <p>It was confirmed that all Members present could hear and see the proceedings and Members could also see the Chair and each other. The Chair explained that Members would use the functionality of the software to raise their hands to speak and each Member would be asked in turn for their vote at the appropriate time.</p> <p>The Chair explained that should the remote conferencing connection be lost there would be an adjournment. Also should the meeting not have ended by 8 pm there would be an adjournment for 5 minutes to allow those present to take part in the Clap for our Carers campaign to applaud and recognise NHS staff on the frontline against coronavirus.</p> <p>She advised that the meeting would be recorded and live-streamed on You Tube.</p>
PL197	<p><b>Apologies for Absence</b></p> <p>There were no apologies for absence although due to network connection issues, Councillor Chandler joined the meeting during consideration of application 19/00707/FUL at 6.37 pm</p>
PL198	<p><b>Minutes</b></p> <p>(a) It was noted for correction that at minute PL189 there was a mis-spelling of Councillor Cumbers' name and at minute PL193, application 19/00707/FUL, the ward mentioned in the report had been Sysonby and not Newport.</p> <p>(b) Subject to the foregoing, the minutes of the meeting held on 9 April 2020 were confirmed and authorised to be signed by the Chair.</p>
PL199	<p><b>Declarations of Interest</b></p> <p>Councillor Posnett declared a personal interest in any matters relating to the Leicestershire County Council due to her role as a County Councillor.</p> <p><u>Minute PL203 - Application 20/00192/FUL</u></p> <p>Councillor Holmes reported that she was acquainted with a neighbour to the property in question at Belvoir Road, Ab Kettleby and she questioned whether she had an interest. The Solicitor advised this was not an interest.</p>

PL201 **Application 19/00707/FUL**

<b>Reference:</b>	19/00707/FUL
<b>Location:</b>	Land at Butt Close, Adjacent Hay Barn, Riverside Road, Melton Mowbray
<b>Proposal:</b>	Construction of new dwelling

The Assistant Director for Planning and Delivery addressed the Committee and provided an updated summary of the application. It was noted that the application had been deferred at the last meeting held on 9 April 2020 to allow further opportunity for members of the public to make verbal representations to the Committee.

Mr Worley further stated

- an additional representation, including photographic evidence, had been received since agenda despatch which related to the siting of the caravan
- the following issues had potentially breached planning control (including the additional representation mentioned above) and these were grouped into 3 areas as follows:
  - Concluded  
Siting of caravan – no enforcement action as no evidence of significant harm  
Use of stables as commercial livery - closed as no evidence
  - Ongoing  
Excavation of pond behind St Leonards Close – this matter was expected to be concluded soon  
Excavations a few weeks ago - discussions with the Legal Team were ongoing
  - Early stages  
Condition relating to glazing of 2 St Leonards Close  
Siting of caravan (new case received that day)

He further stated that all planning applications were considered on merit, policy position and effects. The above matters did not affect the proposed application however no matter what the decision made, they would remain as issues to be followed up. With regard to conditions, these are defined in law to regulate development and therefore with regard to this development can only affect the house under consideration, they cannot be used on peripheral or detached issues.

A Member stated that during this Covid-19 pandemic, the Council did not have the resources to undertake extra investigations and requested that rules be followed and the planning system should not be undermined.

There was a query as to the metal sheeting roof and whether this was recycled material. It was noted that this was a question for the agent.

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in

relation to public speaking at Planning Committee, the Chair allowed the following to give a four minute presentation:

- Alex Wood, Objector on behalf of residents on Chetwynd Drive (shared time allocation with Mr Evans)
- Richard Evans, Objector on behalf of residents on St Leonards Close

It was asked whether Mr Evans knew whether the pathway adjacent to the site was a footpath or bridleway and Mr Evans believed it was a footpath only.

When asked what Mr Evans would like the Committee to consider, Mr Evans responded:

- road access to be resolved before construction goes ahead particularly the southern access through the gate
- the livery stables and caravan were adding to the obstruction of the footpath also to have these resolved before construction goes ahead
- the footpath to be made safe and accessible to the public
- strict conditions around construction activity
- avoid any further development on the site
- existing sewage connection was already overloaded and this development would make the situation worse

It was noted that Planning Officers would be asked to respond on whether these matters could be subject to conditions before the debate.

- Richard Cooper, Agent, HSSP Architects

Mr Cooper responded to a query as to how timber involved in the construction stored carbon, and he advised that trees took in carbon as they grew and bricks for example required input of carbon during manufacture. Also he responded that although the metal roof would be new, it could be reused at the end of the building's lifespan.

*(Councillor Chandler here entered the meeting at 6.37 pm)*

The Assistant Director for Planning and Delivery responded that Members could add a condition to make access to the site via Riverside Road only. The sewage was connected to the mains and therefore did not relate to the overloaded system referred to. The caravan issue had been concluded but may recently have been re-opened due to new evidence being promised. Ownership could not be conditioned nor could prevention of future applications. It was to be noted that conditions were to limit effects of the proposal and not on surrounding issues.

During discussion the following points were noted:

- Members could determine whether Riverside Road was allocated as the access road to the site
- It was felt that the harm outweighed the benefits to build on the site
- There were reservations as the increase in traffic movement could be up to 2000 journeys per year using 3 cars

- There was a proposal to defer pending a further opportunity for a site visit as several Members had had difficulty in gaining access to the site. It was felt to be important to view the site due to the public interest on the application
- The seconder agreed and felt there was also a need to know whether the public route adjacent was a footpath or bridleway and the application should be deferred until this was also resolved
- Although the application complied with policies SS1 and SS1 and no objections had been received from the Highway Authority, it was felt that a further site visit was required and there was support for deferral until this had taken place
- There was concern as to whether vehicles could access the site
- Two Members felt they had enough information to make a decision as they had already visited the site
- Concern was raised as to the legality of a vehicle across the field access acting as a gate
- It was felt that there were unresolved issues and too many unanswered questions therefore Members were right to defer before determining the application

Councillor Chandler proposed deferral to allow for a further site visit and to consider issues around the public footpath and legality of the use of the bridleway as the means of access. Councillor Holmes seconded.

### **RESOLVED**

That application 19/00707/FUL be **DEFERRED** to allow for a further site visit and to consider issues around the public footpath and legality of the use of the bridleway as the means of access.

(10 in favour, 1 against)

PL202

### **Application 19/00606/FUL**

<b>Reference:</b>	19/00606/FUL
<b>Location:</b>	Land adjacent 25 Mill Lane, Frisby on the Wreake
<b>Proposal:</b>	Construction of new dwelling

The Planning Development Manager addressed the Committee and provided a summary of the application. In response to Member concerns, she referred to the comments from the Environment Agency in Appendix A of the report regarding flooding and appropriate conditions recommended, which would bring improvements in this area. The proposal as submitted was for 3 bedrooms at the first floor with master suite and a further fourth bedroom to the ground floor.

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a four minute presentation:

- Councillor Alex Warwick, Frisby Parish Council
- Jim Burrows, Objector (shared time allocation with Mr Pingue)
- Antonio Pingue, Objector

It was noted there was an existing right of access to the property.

- Natalie Koromila, Applicant

It was noted that the applicant intended to improve the existing planning permission and felt the constraints of the site and flood risk were outweighed by the opportunity to build a family home.

- Councillor Ronan Browne, Ward Councillor

The Planning Development Manager explained that there was extant planning permission on the site for a larger building. This application was smaller and an improvement on the existing permission and provided a better outcome for the locality in terms of materials and conditions requesting improvements to surface water drainage and flooding resilience. Should this application not be approved, the applicant could continue building on the extant permission immediately.

She further advised that the previous application had been approved under delegated powers and there had been a history of permissions on the site from a 2 bed bungalow to a dormer bungalow then a house approved in August 2017 and subsequently amended in 2018, which together formed the current permission. It was noted that the report set out the history of the site.

The Solicitor explained that the site already had extant planning permission for a house and the Committee needed to determine if this application was a better offer than the existing.

During discussion the following points were noted:

- It was noted the principle of development was established before the Neighbourhood Plan was approved and a Member felt the application should be determined on current policies, not on the history of the site

*The meeting was adjourned at 8 pm for 5 minutes to allow those present to take part in the Clap for our Carers campaign. The meeting reconvened at 8.05 pm.*

- Several Members felt that as it was a flood area they could not support the application, there was also concern at the number of bedrooms
- Other Members felt that this application was an improvement on the current permission and felt it was logical and consistent to approve it and therefore approval was moved
- The motion was seconded however should it have been a fresh application the Member felt it may not have been proposed for approval due to the neighbour concerns and potential for flooding

Councillor Illingworth proposed the recommendation in the report and Councillor Higgins seconded.



## RESOLVED

That application 19/00707/FUL be **APPROVED** subject to conditions and for the reasons listed below.

(6 in favour, 5 against)

(Councillors Chandler, Cumbers and Holmes requested that their vote against this application be recorded.)

## REASONS

The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise the need to provide housing in locations that can take advantage of sustainable travel. Frisby on the Wreake is a 'Rural Hub' under policy SS2 and identified as appropriate for a limited quantity of development in the form of allocations and accommodation of 'windfall'.

The proposed dwelling sits mainly within the limits to development within the Neighbourhood Plan as identified within Policy H3 of the Neighbourhood Plan. The application is a revision to a number of previous and **extant planning permissions** on the site for the development of one dwelling. As such, **the principle of development is established** subject to appropriate design and appearance and other material planning considerations.

The access and parking is deemed acceptable, Network Rail have no concerns subject to conditions, there would be no adverse impact upon the adjacent public footpath and sufficient residential amenity is safeguarded for the adjacent property and the future occupiers.

Whilst the Environment Agency state the application is contrary to the NPPF and should not be permitted, it is also acknowledged within their response that the permission for one dwelling on the site is in place. Given that this development is similar to the previous extant planning permission, it is considered acceptable on grounds of flooding subject to conditions and mitigation measures outlined within the submitted Flood Risk Assessment.

The proposal is considered to be sympathetic to the Conservation Area and setting of heritage assets given the similarities to the previously approved scheme in terms of height and scale, however the new design, materials and appearance proposed within this scheme is considered to be of higher quality.

PL203

### **Application 20/00192/FUL**

<b>Reference:</b>	20/00192/FUL
<b>Location:</b>	Rear of 1 Belvoir Avenue, Ab Kettleby
<b>Proposal:</b>	Full planning application for the erection of bungalow to the rear of 1 Belvoir Avenue (amended scheme)

The Planning Development Manager addressed the Committee and provided a summary of the application.

Members requested the distances between the proposed development and the nearest neighbouring property and it was noted there would be in excess of 16 to the rear of no. 3 Belvoir Avenue.

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a four minute presentation:

- Robert Love, Objector

Mr Love was not present, however the Chair read out his representation which had been previously circulated to the Committee.

- Robin Taylor, Agent

The agent confirmed that the existing 6 feet boundary fence would be removed as it was not lawful.

- Councillor Joe Orson, Ward Councillor

During discussion the following points were noted:

- It was felt that the impact of the design was too tight and did not meet the Council's test and could not be supported
- A Member felt that it met local need although there were issues and a permeable driveway was requested rather than tarmac. The Planning Development Manager advised that this could be included in the conditions
- It was noted that there was demand in villages for 1 bed bungalows but felt if it was approved permitted development rights should be removed
- It was questioned whether the development had been improved enough from the previous submission
- There was a proposal for refusal on policy D1 relating to the impact on amenity to neighbouring properties being compromised and inadequate design. The motion was seconded.

*In accordance with the Constitution, at 9 pm, there was a motion to continue the meeting beyond the 3 hour threshold and Members voted unanimously to continue the meeting.*

- It was requested that Policy D1(b) be added to the motion as a reason to refuse.

Councillor Higgins proposed to refuse the application and Councillor Posnett seconded due to the impact on neighbours, inadequate design and policy D1; the design not reflecting its surroundings.

**RESOLVED** that, contrary to the officer recommendation,

Application 20/00192/FUL be **REFUSED** for the following reasons that should also include the now adopted Neighbourhood Plan.

	<p>The proposed dwelling, by virtue of its length, height and proximity to the boundary of the site, would result in an unacceptable intrusion into the amenities enjoyed by the adjacent property, no 3 Belvoir Avenue. It would therefore compromise the amenity of the neighbouring properties and would be contrary to policies D1 of the Adopted Melton Local Plan 2011-36 and H3 of the Ab Kettleby Neighbourhood Plan 2019.</p> <p>The proposed dwelling, by virtue of its scale and design, would fail to reflect the style of the surrounding development and contribute to the local distinctiveness of the area. It is therefore contrary to Policy D1 of the Adopted Melton Local Plan 2011-36 and H4 of the Ab Kettleby Neighbourhood Plan 2019.</p> <p>(9 in favour, 1 against, 1 abstention)</p>
PL204	<p><b>Urgent Business</b></p> <p>There was no urgent business.</p>

The meeting closed at: 9.04 pm

Chair

This page is intentionally left blank

## Advice on Members' Interests

### COUNCIL MEETINGS - COMMITTEE MINUTES : DECLARATION OF INTERESTS

Interests need not be declared at Full Council in relation to Committee Minutes which do not become the subject of debate at Full Council (i.e. Minutes referred to solely on a page by page basis when working through the Minutes of each Committee.)

An interest must be declared at Full Council as soon as it becomes apparent that a relevant Committee Minute is to be debated – this applies even if an interest has been declared at Committee and is recorded in the Minutes of that Committee.

### PERSONAL AND NON-PECUNIARY INTERESTS

If the issue being discussed affects you, your family or a close associate more than other people in the area, you have a personal and non-pecuniary interest. You also have a personal interest if the issue relates to an interest you must register under paragraph 9 of the Members' Code of Conduct.

**You must state that you have a personal and non-pecuniary interest and the nature of your interest.** You may stay, take part and vote in the meeting.

### PERSONAL AND PECUNIARY INTERESTS

If a member of the public, who knows all the relevant facts, would view your personal interest in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest and it affects your or the other person or bodies' financial position or relates to any approval, consent, licence, permission or registration then **you must state that you have a pecuniary interest, the nature of the interest and you must leave the room\***. You must not seek improperly to influence a decision on that matter unless you have previously obtained a dispensation from the Authority's Governance Committee.

### DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

**If you are present at any meeting of the Council and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, if the interest is not already registered, you must disclose the interest to the meeting. You must not participate in the discussion or the vote and you must leave the room.**

You may not attend a meeting or stay in the room as either an Observer Councillor or \*Ward Councillor or as a member of the public if you have a pecuniary or disclosable pecuniary interest\*.

### BIAS

If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias) then you should not take part in the decision-making process; you should leave the room. **You should state that your position in this matter prohibits you from taking part.** You may request permission of the Chair to address the meeting prior to leaving the room. The Chair will need to assess whether you have a useful contribution to make or whether complying with this request would prejudice the proceedings. A personal, pecuniary or disclosable pecuniary interest will take precedence over bias.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.\*

\*There are some exceptions – please refer to paragraphs 3.12(2) and 3.12(3) of the Code of Conduct

This page is intentionally left blank



Helping people | Shaping places



## Planning Committee

28 May 2020

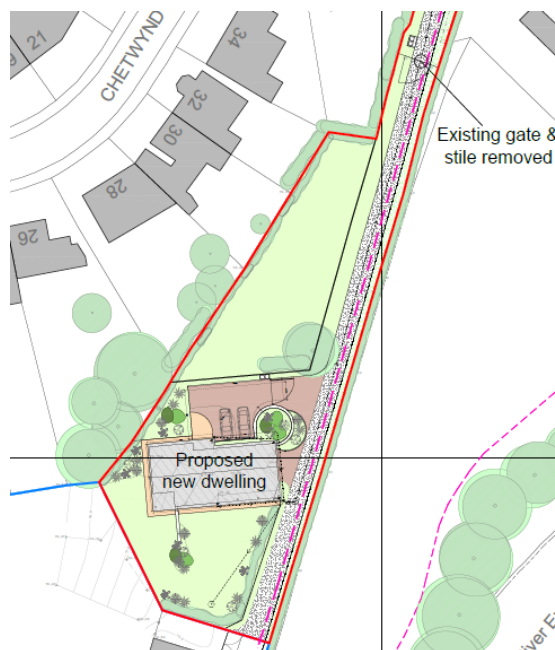
Report of: Assistant Director for Planning and Delivery

### 19/00707/FUL – Land At Butt Close, Adjacent Hay Barn, Riverside Road, Melton Mowbray - Construction of new dwelling

Applicant: Edren Homes Limited

Corporate Priority:	3: Delivering Sustainable and Inclusive Growth in Melton
Relevant Ward Member(s):	Egerton : Councillors Faulkner and Smedley
Date of consultation with Ward Member(s):	3 October 2019
Exempt Information:	None

#### 1 Summary



- 1.1 The application site is approximately 0.19 hectares and currently comprises an unused parcel of land at the end of Riverside Road in Melton Mowbray. Land slopes down from north to south with the previously approved hay barn constructed further to the south. The proposed dwelling would sit on land between the existing properties on Chetwynd Drive and the hay barn to the south.
- 1.2 The properties on Chetwynd Drive consist of two storey semi detached properties which sit higher than the application site. A hedgerow including a number of trees separates the site from these properties.
- 1.3 Riverside Road is currently a footpath which is in the process of being upgraded to a bridleway under a separate, previously approved planning application, and as such, not under this application.
- 1.4 Access would be from Riverside Road to the north where it meets Asfordby Road. Parking would remain available for the hay barn to the south and access remains available from St Leonards Close for this.
- 1.5 A number of listed buildings lie further to the south west of the application site, on St Leonards Close. The application lies close to Sysonby deserted medieval village.
- 1.6 The application site currently sits in Flood Zone 1.
- 1.7 Amended plans have been received during the course of the application altering the design and materials of the proposed dwelling and providing an amended landscape and boundary treatments plan. Section drawings have also been provided showing the development and levels of the site in relation to the surrounding properties on Chetwynd Drive.

<b>2</b>	<b>Recommendation(s)</b>
<b>2.1</b>	<p><b>It is recommended the application is APPROVED, subject to:</b></p> <ul style="list-style-type: none"> <li><b>Conditions as set out in Appendix B</b></li> </ul>

### **3 Reasons for Recommendations**

- 3.1 The proposal would represent a sustainable form of small scale residential development that would be considered acceptable under the provisions of Policies SS1 and SS2 of the Melton Local Plan.
- 3.2 The proposal as revised would result in a form of development that would be sympathetic to the character of the locality by virtue of its appearance, design, layout and scale and would not compromise residential amenity or be prejudicial to highway safety. The development would also raise no significant, adverse impact on ecology or archaeology grounds that would warrant refusal. For these reasons, the proposal is considered to comply with the relevant policies of the Melton Local Plan and the National Planning Policy Framework, and no harm is considered to arise following the giving of special attention to avoiding harm to heritage assets required by s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **4 Key Factors**

- 4.1 **Reason for Committee determination**



4.1.1 This application is being considered by the Committee due to receiving more than 10 letters of objection which are contrary to the recommendation. **The application was deferred from the meeting of 30<sup>th</sup> April 2020 to allow for Members to undertake a site inspection (following obstruction experienced on the bridleway) and to clarify the status of the bridleway as a means of access.** These are addressed at para 5.5.2 – 5.5.4 below.

#### 4.2 Relevant policy context

4.2.1 The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

4.2.2 Adopted Melton Local Plan (MLP) 2011-2036

4.2.3 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

4.2.4 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.

4.2.5 Please see Appendix D for a list of all applicable policies.

4.2.6 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses.

4.2.7 There is no 'made' Neighbourhood Plan which covers the application site.

#### 4.3 Relevant history

4.3.1 17/00718/FUL - Hay barn and horse shelter – Permitted – 08.08.2017

4.3.2 The above application approved a relatively large, single storey hay barn and horse shelter on land immediately to the south of the application site. This has been constructed.

4.3.3 Notwithstanding the comments received, there are no other previous applications on the site or the adjoining field to the west.

#### 4.4 Main issues

4.4.1 The key issues for this application are considered to be:

- Principle of development
- Impact upon the character of the area, existing landscape and surrounding area
- Impact upon heritage assets (Listed Buildings)
- Impact upon residential amenities of neighbouring properties
- Impact upon highway safety and parking
- Impact upon ecology
- Impact upon archaeology
- Flooding and drainage
- Climate change consideration
- Other issues

## **5 Report Detail**

### **5.1 Principle of development**

- 5.1.1 The site lies adjacent to an established residential area within the town of Melton Mowbray and in close proximity to the town centre. Policy SS2 sets out the development strategy for the Borough for housing and employment and states development will be distributed across the Borough in accordance with the spatial strategy and Melton Mowbray Main Urban Area is the priority location for growth and will accommodate approximately 65% of the Borough's housing need. Development will be expected to contribute positively to the provision of key infrastructure, including traffic relief within the town, to support its growing population and economy.
- 5.1.2 The application site is considered to be within the main built up part of Melton, in close proximity to the town centre, and in a highly sustainable location. The proposal would propose one dwelling on a visually poor parcel of land that could be considered to be having negative effect on the enjoyment of users of the public footpath.
- 5.1.3 Given the location within the town of Melton Mowbray, the principle of development for the erection of one dwelling is considered to be acceptable and would comply with Policies SS1 and SS2 Local Plan, subject to satisfying all other material planning considerations.
- 5.1.4 Windfall sites are an important element of housing supply and calculations on the likely amount of windfall housing as a realistic proportion of overall delivery is estimated through the Local Plan process but there is no ceiling for windfall housing provision.

### **5.2 Impact upon the character of the area, existing landscape and surrounding area**

- 5.2.1 The land currently comprises a visually poor parcel of land to the south east of the existing properties on Chetwynd Drive and to the west of the existing public footpath. The proposed dwelling would be sited on land between these properties on Chetwynd Drive and the hay barn to the south. As such the proposed development of the land for one dwelling would to an extent 'infill' this parcel of land and would not appear unduly prominent or highly incongruous in the context of the surrounding area.
- 5.2.2 The application site is neither public open space nor is it identified as an important green space and indeed the land has no designation registering a specific importance.
- 5.2.3 Given the siting of the land behind the existing properties on Chetwynd Drive and to the south of Riverside Road, the land is not visible from Asfordby Road and is only visible from the public footpath. Limited views of the application site from St Leonards Close could be had, however this is hindered by the significant bank of land between the application site and St Leonards Close and the adjacent barn.
- 5.2.4 Therefore, views of the proposed dwelling would be restricted unless arriving from the north on the public footpath or from St Leonards Close to the south. Due to the land levels, when viewed from St Leonards Close, the proposed dwelling would be viewed against the backdrop of existing properties on Chetwynd Drive which sit significantly higher than the application site.
- 5.2.5 Due to the change in levels in the site, it is proposed to dig the dwelling into the site to reduce the prominence of the dwelling in the context of the surrounding area. This would allow the dwelling to appear to be a single storey property when viewed from the footpath from the north and would be two storey when viewed from the south – albeit the lower floor would partially hidden from view due to the existing hay barn, the existing raised land

to the south west and the proposed landscaping and boundary treatments on the southern boundary.

- 5.2.6 As such, the development is considered to be of an appropriate scale and well-integrated into the existing built form. Site section drawings indicate that the development would follow the rise in levels but would be significantly lower than the existing properties on Chetwynd Drive.
- 5.2.7 Although the proposal would be in close proximity to the adjacent footpath, the dwelling would be orientated at an angle to the footpath to soften the potential visual impact upon users of the footpath.
- 5.2.8 The surrounding properties are mixed in terms of style, design, scale and layout. With the application site located on land away from the immediately adjoining properties, it is proposed to provide a majority timber clad property which would reflect the existing hay barn to the south and the slightly rural setting with which the proposed dwelling would sit within. Stone is proposed for the lower ground floor of the property which again is considered acceptable. The proposed materials would be considered acceptable for this urban – rural fringe site with further details to be submitted via condition. The design of the house itself is again proposing to reflect the rural fringe setting within it sits.
- 5.2.9 Boundary treatments of the site are to remain soft and open, consisting of timber post and rail fences at a height of 1.2 metres and native hedge planting on the southern boundary and retention of the hedgerow on the north west boundary. Permeable block paving driveway is proposed on the northern part of the site however this is limited to as minimum as possible whilst ensuring sufficient parking and turning space is available. A full landscaping scheme is to be submitted via condition.
- 5.2.10 It is not considered that lighting would be excessive given that the proposal comprises the development of one dwelling only and parking is retained on the northern part of the site, away from the open areas to the south.
- 5.2.11 It is concluded that the proposal as revised has been largely designed to fit in to its surrounding context and providing a high level of soft landscaping. Given the siting of the proposal within a rural setting, and due to the high quality design proposed, it is considered necessary and reasonable to remove permitted development rights to ensure any additions do not have an adverse visual impact upon the surrounding area.
- 5.2.12 **Overall it is considered that the proposal would be acceptable and not have a detrimental impact upon the character of the area and therefore would comply with the relevant policies of the Melton Local Plan.**

### 5.3 Impact on heritage assets

- 5.3.1 The application site is not within a conservation area and would be sited approximately 130 metres and 145 metres from the listed buildings located to the south west of the application site – Grade II listed Riverside Cottage and Barn and Grade II listed Church of St Mary respectively.
- 5.3.2 As stated previously, views of the application site from the St Leonards Close (where these listed buildings sits) are restricted due to the large area of raised ground and the existing hay barn which sits between St Leonards Close and the application site. In addition, by digging the dwelling down, the proposal would not appear out of context within the surrounding area given the existing properties on Chetwynd Drive sitting higher than the application site.

- 5.3.3 Views from the public footpath towards the church and the listed buildings are not considered to be significantly impacted by the introduction of the dwelling given the existing raised ground and the significant separation distances involved. Only when users of the public footpath travel further south past the existing hay barn would the listed church and buildings become visible.
- 5.3.4 As such, due to the existing ground levels within and adjacent the application site and the separation distances, views of the aforementioned listed buildings would not be adversely impacted from the relevant viewpoints.
- 5.3.5 **Overall it is considered that the development would have a neutral impact upon the setting of the nearby listed buildings given the nature, scale and design of the development and the separation distances to the listed buildings. The proposal is therefore considered to accord with Policy EN13 and satisfies the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.**
- 5.4 **Impact upon residential amenities**
- 5.4.1 The application proposes the erection of a two storey dwelling. The nearest residential properties to the site are located to the north west of the application site, nos. 26 and 28 Chetwynd Drive. Both properties sit significantly higher than the application site with their rear gardens dropping down toward to the application site. An existing hedgerow separates the application site to these properties, along with a number of trees.
- 5.4.2 The proposed dwelling would have a front elevation facing towards these properties however would be single storey only and as such afford no direct views over the private rear garden areas of nos. 26 or 28 Chetwynd Drive. Due to the levels and separation distances, it is not considered that the proposal would have a significantly adverse impact upon the residential amenity of these two properties in respect of overlooking, overbearing or loss of light. Although the parking area for the proposed dwelling is located on the northern side of the site, it is not considered that shining from car headlights would adversely impact upon these properties, given the level change, separation distances and the siting of the driveway.
- 5.4.3 Private amenity space is provided to the south of the proposed dwelling away from neighbouring properties. The proposed amenity space would be sufficient and private enough for the future occupiers.
- 5.4.4 Notwithstanding that loss of view is not a material planning consideration, the proposed dwelling would be set significantly lower than the properties on Chetwynd Drive, as indicated on the proposed section drawings. In addition there is a considerable distance between the existing properties and the proposed dwelling.
- 5.4.5 It is not considered that there would be any adverse impact upon any other residential properties given the separation distances involved. The limited number of additional vehicles using Riverside Road is not considered to impact upon the existing properties on Riverside Road.
- 5.4.6 **It is therefore considered that the proposal would comply with Policy D1 of the Melton Local Plan which requires new development to ensure that the amenity of future occupiers and of neighbouring properties should not be compromised.**
- 5.5 **Impact on highway safety and parking**
- 5.5.1 The application proposes the erection of one, 4 bedroomed property. Parking is provided within the site for 3 vehicles, one garage and two driveway spaces. Turning space is also

available to allow vehicles to manoeuvre and leave in a forward gear. As such, parking provision is considered acceptable for the proposed development.

- 5.5.2 It is proposed to access the development via the existing Riverside Road where it meets Asfordby Road. The Local Highways Authority considers that the development of one dwelling would add no major intensification to Riverside Road to the detriment of highway safety. It is considered that the existing road, and access onto Asfordby Road and relevant visibility from the access is acceptable and would be able to cater for the proposed development.
- 5.5.3 The access to the dwelling passes other residential properties and Riverside Road was until approximately 2015 the main access drive serving Riverside Farm & Riverside Cottage. Access to the farm was diverted to be off St Leonards Close in conjunction with residential development for renovation of these properties and construction of 3 new dwellings (15/00894/FUL). It is understood that vehicles may use bridleways with the owners permission, and in this case the applicant owns the land.
- 5.5.4 Riverside Road is to be a bridleway – E12a – which travels along Riverside Road and connects St Leonards Close with Asfordby Road. This upgrade from a public footpath to a bridleway was at the request of Leicestershire County Council in the approval of the application at St Leonards Close. The works to upgrade from a footpath to a bridleway are being undertaken, laying of stone and removing the gate on Riverside Road for example. A legal dedication agreement is to be signed securing the agreement however this has not yet been formally completed. Riverside Road has and always will be used by mechanised vehicles and this situation is not unusual and neither is the situation changing should this application be approved.
- 5.5.5 Consultation responses have been received from LCC Highways & LCC Rights of Way raising no issues with the application. I've attached again the LCC footpath plan as referred to above.
- 5.5.6 Concerns have been raised regarding disruption and impact from construction traffic. Whilst concerns are acknowledged, this is considered to be short term in nature and the development of one dwelling would not significantly impact upon highway safety or residential amenity. Any temporary stopping up / diversion of the public footpath would also need LCC Highways approval.
- 5.5.7 It is not considered that the additional vehicles from the development or construction traffic would adversely impact upon pedestrian or highway safety given the existing access arrangements where Riverside Road meets Asfordby Road.
- 5.5.8 Concerns have been received regarding the loss of the existing parking area for the hay barn. It has been indicated on the submitted plans that parking and turning area has been provided to the south of the hay barn with access from St Leonards Close.
- 5.5.9 The Local Highways Authority raise no objections to the proposal subject to a condition which requests that the applicant dedicates the proposed bridleway prior to occupation of the dwelling. It is not considered that this is either reasonable or necessary given the scale and nature of the development within this application. In addition, this has previously been agreed under a previous planning application and is indicated on the plans submitted within this application. Furthermore, the development is sited so as to not adversely impact upon users of the existing footpath. Vehicles exiting the garage would be at a slow speed so as to not impact upon pedestrian safety.



5.5.10 Concerns have also been raised regarding the existing state of Riverside Road and the maintenance of the road. Given the existing number of vehicles and properties using the road, it is not considered that one additional vehicle would result in additional maintenance issues to the detriment of the road.

5.5.11 **As such, the development is considered to be acceptable in terms of Highway safety concerns.**

## 5.6 Impact on Ecology

5.6.1 This application site falls within a potential Local Wildlife Site (historic). This indicates that the site was found to have biodiversity value when surveyed in the 1980s-90s. However, the application has been supported by a Phase 1 and Protected Species Survey which indicates that whilst some local wildlife site indicator species are present, this area of the site does not have sufficient indicators to meet the current local wildlife site criteria.

5.6.2 No protected species were recorded during the survey and the site was generally considered not to have potential to support protected species.

5.6.3 **As such, LCC Ecology raises no objections to the application and the development is considered to have no adverse impact upon ecological or biodiversity features.**

## 5.7 Impact on archaeology

5.7.1 The application lies close to Sysonby deserted medieval village (HER ref: MLE3963), a village included within the Domesday book but by 1807 only a hall house and a few cottages remained. Butt Close (HER ref: MLE3966) presumably marks the site of medieval archery butts where the village archers would have practiced. Recent works (HER ref: ELE10668) in 2017 close to the application site identified a 19th century metaled trackway leading to the church of St. Mary. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.

5.7.2 To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide professional archaeological Attendance for inspection and recording during the groundworks for the proposed development. A suitable written scheme of investigation shall be submitted to the Local Planning Authority via condition.

5.7.3 LCC Archaeology raise no objections subject to a condition which recommends the provision of archaeological work to be undertaken prior to commencement of development. As such, it is not considered reasonable to refuse the application as a result of the lack of archaeological work or request that this additional work is carried out prior to determination of the application.

5.7.4 **Overall, subject to conditions, it is not considered that the application would have an adverse impact upon archaeological matters.**

## 5.8 Flooding and drainage

5.8.1 The site is located within Flood Zone 1 being at low risk of fluvial flooding and as such, no significant concerns are raised in respect of flooding or drainage.

5.8.2 Concerns have been raised regarding the existing sewer network which runs through the application site. Whilst concerns are noted, drainage has been indicated and any impacts to the existing sewer network would be covered during the building control stage.

5.8.3 **As such, no concern is raised regarding drainage impacts resulting from the development.**

## 5.9 Climate change consideration

5.9.1 A sustainability statement has been submitted by the agent on behalf of the applicant in respect of climate change. The full document is available for members to view online however the highlights are bullet pointed below –

- The house has been located to the south of the site to optimise access to solar gain during the winter months
- The majority of the glazing is on the South façade
- Living spaces are located on the first floor where they can benefit from more solar gain
- Bedrooms and service spaces which have less demand for day/sun lighting are located on the ground floor
- The topography to the SW of the site will help to reduce prevailing wind speeds across much of the buildings surface
- Building is an elongated solar-orientated form
- A large proportion of the building envelope is set into the ground, so will have reduced heat losses (approx. 50% less)
- The plans have been drawn with thicker walls to allow for more insulation
- Timber cladding and timber frame-will store carbon
- Local stone–has low embodied carbon
- Profiled metal sheeting –can be reused/recycled
- Topography to the SW of the site will help to reduce prevailing wind speeds but still provide a good supply of fresh air
- The glazing proportion for the solar exposed elevations (E, S, W) is around 25% which is low risk
- Water efficient fittings and appliances can be specified at detail design stage
- Water butts can easily be incorporated into the design
- Electric charging points can incorporated in the garage
- The plan allows for flexible use, home office, lifetime homes, multi-generational living

5.9.2 **As such it is considered that the applicant has demonstrated how the need to mitigate and adapt to climate change has been considered, in accordance with Policy EN8 of the Melton Local Plan.**

## 5.10 Other issues

- 5.10.1 Given the history of the site, it is considered reasonably necessary to condition that should contamination be found, details shall be submitted to the local planning authority via condition.
- 5.10.2 Smells or odour from the adjacent hay barn are considered to be limited and not adversely impact the future occupiers of the development.
- 5.10.3 Comments have been received regarding the setting of a precedent, potential for further development / expansion of the application proposal and development not in accordance with the approved plans. Each application is considered on its own merits and will be determined against the national and local plans which are in place at the time of determination.

- 5.10.4 Devaluation of adjacent properties is not a material planning consideration.
- 5.10.5 Concerns have been raised regarding the adjacent hedgerow and trees and potential impact upon neighbours due to the height of the hedge and safety should the trees fall over. The existing hedge and trees are existing and proposed to remain in situ. It is not considered that the development would result in adverse safety impacts or loss of light due to the height of the hedge. In addition, other legislation is in place which would allow neighbouring properties to request the hedge to be reduced in height.
- 5.10.6 Rights of access and ownership disputes are civil matters between the parties involved and are not material planning considerations.

## **6 Conclusion**

- 6.1 The development is considered to represent sustainable 'windfall' development and is considered acceptable in principle subject to all other material planning considerations. It is considered that the revised proposals have been designed to be reasonably sympathetic to the local character and nearby heritage assets and would not have any adverse impact upon residential amenity, highway safety, ecology, archaeology, drainage to conditions securing further details.
- 6.2 **It is considered that the proposal would comply with the relevant policies of the Melton Local Plan and the overall principles of the National Planning Policy Framework.**

## **7 Consultation & Feedback**

- 7.1 Immediately adjoining occupiers were notified and a site notices posted at the site.
- 7.2 Approximately 28 letters of objections have been received from 17 separate addresses and these are detailed below.
- 7.3 The comments raised have been addressed in the report detail section.
- Existing boundary hedge should be retained at maximum height of 2 metres
  - Existing mobile home on the site not indicated on the plans, unclear about the future of the mobile home
  - Loss of parking area for the existing hay barn
  - Existing Riverside Road unsuitable and would fall into disrepair as a result of additional traffic
  - Access via St Leonards Close is not within the ownership/rights of access of the applicant
  - New building too large for the plot / overdevelopment
  - Out of keeping with the character of the area and surrounding properties
  - Visually intrusive to neighbouring properties
  - Loss of views from neighbouring properties
  - Permission is required from private Riverside Road access
  - Existing Riverside Road is in a poor condition
  - Impact from vehicles leaving the double garage onto users of the footpath
  - Lack of access for emergency vehicles



- Site located on a sensitive edge of Melton Mowbray
- Sets a precedent for future development on land to the south
- Site of archaeological interest
- Storm drain runs under the application site
- Adverse noise impact and loss of privacy on adjoining properties
- Existing road unsuitable for vehicles
- Previous applications refused on the site
- Application site is on covenant land for old sysonby village
- Additional development ahs impact upon local infrastructure
- The building could be hit by adjacent trees
- Inadequate parking
- Should be developed as a town dwelling, not agricultural
- Increased danger to hotel residents
- Reduced /impact upon natural habitats
- Lighting would impact upon neighbours and wildlife
- Devaluation of adjacent properties
- If approved, ground work and construction should be delayed until lock down and government restrictions keeping neighbours at home are lifted due to the potential noise and disruption

## **8 Financial Implications**

8.1 None identified

**Financial Implications reviewed by: N/A**

## **9 Legal and Governance Implications**

9.1 Legal implications have been included in the main body of the report. No specific issues are identified. This application is being considered by the Committee under the scheme of delegation within the Constitution due to receiving more than 10 letters of objection which are contrary to the recommendation. Legal advisors will also be present at the meeting.

**Legal Implications reviewed by: Deputy Monitoring Officer**

## **10 Background Papers**

10.1 None

## **11 Appendices**

A: Summary of Statutory Consultation responses

B: Summary of Recommended Planning Conditions

C: Informatives

D: List of applicable Development Plan policies

**Report Author:**

**Andrew Cunningham, Planning Officer**

<b>Report Author Contact Details:</b>	01664 502474 acunningham@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Jim Worley, Assistant Director for Planning and Delivery</b>
<b>Chief Officer Contact Details:</b>	01664 502359 jworley@melton.gov.uk

## Appendix A : Summary of Statutory Consultation Responses

### LCC Highways

- No objection subject to conditions.

### LCC Ecology

- No objection subject to conditions.

### LCC Archaeology

- No objection subject to conditions.

## Appendix B : Summary of Recommended Planning Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

7785-01-00 Site Location Plan

received by the Local Planning Authority on 26<sup>th</sup> June 2019

7785-03-02 A Proposed Floor Plans and Sections

received by the Local Planning Authority on 9<sup>th</sup> January 2020

7785-03-03 A Proposed Site Plan

received by the Local Planning Authority on 27<sup>th</sup> February 2020

7785-03-01 D Proposed Block Plan and Elevations

received by the Local Planning Authority on 25<sup>th</sup> March 2020

Reason: To ensure a satisfactory form of development in accordance with Policies SS1 and D1 of the Melton Local Plan.

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwelling hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be

implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies SS1 and D1 of the Melton Local Plan.

4. Notwithstanding the submitted information, no development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory appearance and to ensure that the work is carried out within a reasonable period and thereafter maintained in accordance Policies SS1 and D1 of the Melton Local Plan.

5. Notwithstanding the submitted information, no development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and to safeguard the amenities of neighbouring properties in accordance with Policies SS1 and D1 of the Melton Local Plan.

6. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in full in accordance with approved 7785-03-01 D Proposed Block Plan and Elevation received by the Local Planning Authority on 25<sup>th</sup> March 2020. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policies D1 and IN2 of the Melton Local Plan.

7. Prior to occupation of the dwelling hereby permitted, the existing gate to the vehicular access on Riverside Road as indicated on approved 7785-03-01 D Proposed Block Plan and Elevation shall be removed.

Reason: To protect the safe passage of users of the adjacent Public Right of Way in accordance with Policy IN2 of the Melton Local Plan.

8. If during development, contamination not previously identified is found to be

present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to any dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 170, 178 and 179 of the National Planning Policy Framework.

9. No demolition/development shall take place/commence until a written archaeological scheme of investigation (AWSI), which has been submitted to and approved in writing by the local planning authority. For land that is included within the AWSI, no demolition/development shall take place other than in accordance with the approved AWSI, which shall include the statement of significance and research objectives, and
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy EN3 of the Melton Local Plan.

10. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no development within Classes A to E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance and to ensure there would be no adverse impact upon the character of the immediate and wider area in accordance with Policies SS1 and D1 of the Melton Local Plan.

11. The residential curtilage of the dwelling hereby permitted shall be as defined on the approved 7785-03-01 D Proposed Block Plan and Elevation received by the Local Planning Authority on 25<sup>th</sup> March 2020.

Reason: To protect the residential amenity of surrounding properties in accordance with Policy D1 of the Melton Local Plan.

## Appendix C : Informatives

1. The Written Archaeological Scheme of Investigation (AWSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
2. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
3. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
4. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
5. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.
6. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
7. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
8. The application should be drawn the recommendations within section 7 of the submitted protected species survey.

## Appendix D: List of applicable Development Plan policies

- **Policy SS1 – Sustainable Development** seeks to secure development proposals which promotes and improves economic, social and environmental conditions in an area;
- **Policy SS2 - Development Strategy** sets out how development will be distributed across the Borough in accordance with a spatial strategy that states that Service centres and Rural Hubs will accommodate up to 35% of new housing on a proportionate basis through allocated sites and the delivery of a proportion of windfall development, and allows smaller scale housing within or adjacent to

Service Centres and Rural Hubs.

- **Policy EN1 – Landscape** states that the character of Melton Borough's landscape and countryside will be conserved and, where possible enhance by ensuring new development is sensitive to its landscape setting and requiring new developments to respect existing landscape character and features
- **Policy EN2 – Biodiversity and Geodiversity** states that development proposals will protect and enhance biodiversity, ecological networks and geological conservation interests
- **Policy EN3 – The Melton Green Infrastructure Network** states that new development proposals will be supported where they retain and enhance important green infrastructure elements such as areas of geological and archaeological interest.
- **Policy EN6 – Settlement Character** states that development proposals will be supported where they do not harm open areas which; Contribute positively to the individual character of a settlement; Contribute to the setting of historic built form and features; Contribute to the key characteristics and features of conservation areas; and Form a key entrance and/or gateway to a settlement.
- **Policy EN8 – Climate Change** sets out that all new development proposals will be required to demonstrate how the need to mitigate and adapt to climate change has been considered, subject to considerations of viability.
- **Policy EN11 – Minimising the Risk of Flooding** sets out that development proposals do not increase flood risk and will seek to reduce flood risk to others.
- **Policy EN12 – Sustainable Drainage Systems** ensures that development proposals undertake surface water management and have acceptable run-off rates.
- **Policy EN13 – Heritage Assets** The Council will take a positive approach to the conservation of heritage assets and the wider historic environment
- **Policy IN2 – Transport, Accessibility and Parking** sets out that all new developments should, where possible, have regard to supporting and promoting an efficient and safe transport network which offers a range of transport choices
- **Policy D1- Raising the Standard of Design** requires all new developments to be of high quality design.

This page is intentionally left blank





Helping people | Shaping places



## Planning Committee

28 May 2020

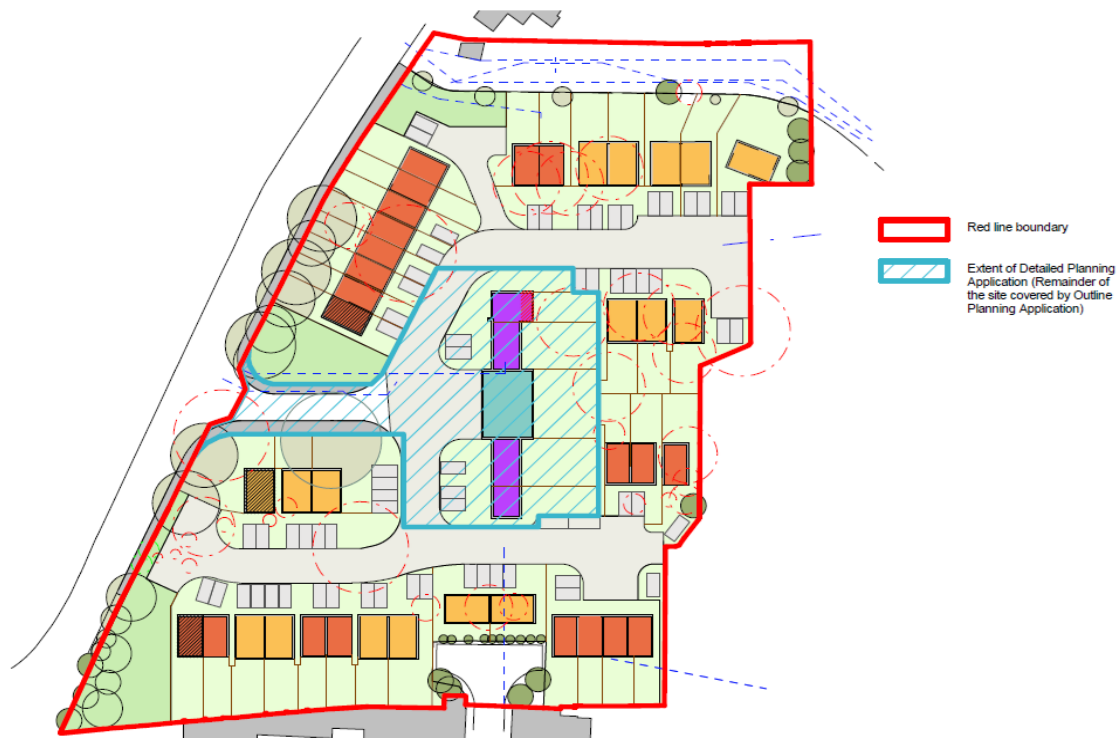
Report of: Assistant Director for Planning and Delivery

**19/00909/OUT – St Marys Hospital, Thorpe Road, Melton Mowbray – Change of use of the central block and wings of the former workhouse building to comprise 4 houses and 4 residential apartments with associated parking and amenity space. Outline application for demolition of existing buildings and structures on site and redevelopment of the site for up to 38 new dwellings together with associated access and site infrastructure. All matters are reserved except access.**

**Applicant: Homes England**

<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Newport Councillors Glancy, Lumley and Posnett MBE
<b>Date of consultation with Ward Member(s):</b>	4 April 2019
<b>Exempt Information:</b>	No

### 1 Summary



- 1.1 The site comprises the former Melton Hospital on the eastern side of Thorpe Road and accommodates a range of buildings and structures which previously formed the hospital. A single storey building comprising vagrant cells of the former workhouse building is also located on the site. The site is accessed from Thorpe Road and there is a pedestrian access from Thorpe Road to the current hospital which is located to the east of the site.
- 1.2 The application is a hybrid with the 'full' element comprising the proposed change of use and conversion of the central block and wings of the former workhouse building to comprise four dwellings and four residential apartments with associated parking and amenity space. The 'outline' element comprises the demolition of all other existing buildings and structures on the site and the redevelopment for up to 38 new dwellings together with associated access and site infrastructure. All matters are reserved except access.
- 1.3 An indicative layout of the site has been provided together with proposed elevations and layout of the part of the former workhouse building to be retained. The application has been amended from the original submission to include the retention and conversion of the wings attached to the central block and a revised indicative layout for the site.

### RECOMMENDATION(S)

**It is recommended the application is approved, subject to:**

- (a) The conditions as set out in Appendix C and;
- (b) The completion of Section 106 agreement for the provision of financial contributions to a value of £67,000.

## 2 Reason for Recommendations

- 2.1 The site has been vacant for many years and occupies a sustainable location close to the town centre and is a site allocated for residential development in the Local Plan

- 2.2 The central block and wings of the former workhouse are recognised as an undesignated heritage asset and justify retention and require a suitable re-use. The site and buildings are no longer required for their original or last use and a residential scheme is an appropriate use. The proposal retains the central block and wings and justifies the removal of all other buildings and structures on the site. This is very much an on balanced decision weighing several factors in the planning balance including the viability assessment submitted with the application, the fact the buildings are not listed and the constraints to the proposed re-development that would result from retaining the vagrant cells.

### **3 Key Factors**

#### **3.1 Reason for Committee Determination**

- 3.1.1 The application is required to be presented to Committee due to the nature of the proposal, the finely balanced case and the proposal seeking the removal of the vagrant cells which the site allocation policy (MEL7) in the Local Plan seeks to retain

#### **3.2 Relevant Policies**

- 3.2.1 The Melton Local Plan 2011-2036 was adopted on 10<sup>th</sup> October 2018 and is the Development Plan for the area.

- 3.2.2 Please see Appendix D for a list of all applicable policies

#### **3.3 Main Issues**

- 3.3.1 The key issues for this application are considered to be
- Principle of development
  - Impact upon the character of the site and surrounding area including the adjacent conservation area and non-designated heritage assets
  - Impact upon residential amenities
  - Impact upon highways and parking
  - Ecology
  - Flood Risk
  - Developer Contributions

### **4 Report Detail**

#### **4.1 Position under the Development Plan Policies**

- 4.1.1 The site is within the town centre of Melton and Policies SS1-SS2 apply. The site is also allocated under policy MEL7 For residential development, subject to various provisions that are addressed below.

#### **4.2 Principle of Development**

- 4.2.1 The proposal comprises the conversion of the central block and wings of the former workhouse to residential and the demolition of other buildings and structures on the site and the erection of up to 38 new dwellings. The central block and wings would be converted into a total of eight units.
- 4.2.2 The site occupies a sustainable location within the town centre and therefore the principle of residential development accords with the sustainable principles of Policy SS1. Policy SS2 sets out the development strategy for the Borough and states provision will be made for the development of at least 6,125 homes between 2011 and 2036 in Melton Borough. It

further states that the Melton Mowbray Main Urban Area is the priority location for growth and will accommodate approximately 65% of the Borough's housing need. The role and sustainability of Melton Mowbray will be significantly enhanced through the delivery of at least 3,980 homes by 2036 on allocated and other sustainable sites in accordance with Policy SS1.

- 4.2.3 Policy C1 (A) Housing Allocations sets out the sites where new housing will be delivered. MEL7 Land at Thorpe Road at Appendix 1 of the Local Plan Site Allocations and Policies estimated a capacity of 16 dwellings. It states development proposals will be supported provided:
- The former Work House and Vagrant Cells buildings are retained. Any loss of the buildings will be required to be fully justified and viability appraisal will be required to support any proposal requiring demolition of the buildings of local interest.
  - A Transport Assessment is required, identifying the impacts upon the existing highways infrastructure, in particular the junction with Thorpe Road/Wilton Road, and where required, provide for mitigation in proportion to the impacts identified.
  - The layout and density must respond to the local character and provide opportunities for landscape enhancements along the site frontage with Thorpe Road.
  - Flood mitigation measures must be put in place and the drainage infrastructure shall be available to accommodate the surface water from the site.
- 4.2.4 The proposal to redevelop the site for residential purposes is therefore supported in land use terms through the Local Plan which identifies the site as sustainable and allocates the site for housing. The revised proposals seek to retain the central block and wings to convert into a total of eight residential units; this complies with the Local Plan so far and the main Workhouse building is concerned.
- 4.2.5 The proposal however also seeks to remove all other buildings and structures from the site including the 'vagrant cells'. No objection is raised to the removal of the majority of the other buildings and structures on the site which have no significant historic or visual quality. However, the retention of the vagrant cells is sought by the Local Plan unless the removal is fully justified and supported by a viability assessment.
- 4.2.6 The former Melton Union Workhouse and vagrant cells were designated as grade II listed buildings in 1976 but were subsequently de-listed in 2000. This was on the grounds that, in the case of the workhouse, it did not form part of a well-preserved and clearly identifiable group of workhouse buildings. In the case of the vagrant cells, this was due to the considerable internal remodelling that took place during the 19<sup>th</sup> and 20<sup>th</sup> century. Historic England confirmed in 2016 that the vagrant cells and Union Workhouse were not suitable for listing. Therefore, the buildings are considered non-designated heritage assets and the Council has issued an Article 4 Direction removing permitted development rights, in particular the right to demolish the central block of the former workhouse and the former vagrant cells.
- 4.2.7 St Mary's Hospital, formerly known as the Melton Mowbray Union Workhouse is recognised as the one of the most architecturally and historically significant non-designated heritage asset in Melton Mowbray. The building's linear plan-form and refined, neo-classical façade remains patently identifiable as an early nineteenth century workhouse, a fine example of the architectural response to the post-1834 Poor Law Amendment Act; itself a defining moment in the history of welfare provision in the United Kingdom. Buildings such as this were designed to appear dominant and overwhelming,

intentionally sited on the fringes of town centres to make inmates feel vulnerable, marginalised and isolated. In consideration of this, the former workhouse significantly enhances Melton Mowbray's nineteenth century architectural and historic narrative.

- 4.2.8 In forming this application, the applicant undertook a feasibility study of alternative options for the cells; this included the retention of the vagrant cells on the site. This was discounted on the grounds that it would be too difficult to retain the cells in a residential scheme, a management company would have to be set up to manage the repair and ongoing maintenance of the structure and the cells would need to be made weather proof and improved to a level to prevent further deterioration. The costs of this and ongoing maintenance would present an additional burden that could prevent the development of the entire site. There are also practical issues with retaining the cells as this would affect the ability of the remaining site to be effectively developed as the cells occupy a significant proportion of the site and would preclude new build elements on the site of, and around, the cells thereby limiting the amount of new build that could be achieved.
- 4.2.9 Based on this, it is considered a convincing case has been made to demonstrate that the cells cannot reasonably be left in situ as former cells as part of the overall development. This would provide a significant financial burden which would undermine the overall re-development and would lead to issues with effectively developing the remainder of the site layout.
- 4.2.10 A further option considered was to identify an alternative location for the cells in order that they may be dismantled, restored and relocated to a suitable condition for use as a historic monument, tourist attraction, shop, office or other public amenity. Several potential sites were identified and the applicant approached Midland Conservation for advice on relocation costs. The applicant was advised that the vagrant cells could be fully recorded, dismantled, transported and re-erected for a cost of approximately £220,000 excluding VAT (without land costs, if applicable). Again, this option would undermine the viability of the site for re-development.
- 4.2.11 Alternative suggestions for their conservation have also been explored. Firstly, liaison has taken place with LCC Museums service and they are willing to make a full recording of the building and retain key surviving features (e.g. doors, vagrant's bed and the bell chord system) in their archive and make use of the materials for temporary (recurring) museum exhibit in the Melton Museum. The estimated cost of this work, including ongoing storage and maintenance, would be approx. £30,000 and would require agreement via s106.
- 4.2.12 An alternative approach has been suggested to erect part of the vagrant cells on a suitable position on MBC land at Parkside, for example a partial wall and utilise some of the remaining bricks as a seating area, include interpretation boards explaining the history and heritage. This suggestion has been worked up by officers through the invitation of estimates and is likely to cost approx £60 – 90, 000 without including an allowance for future maintenance (15 years). (NB the 'landowner' would need to agree to such and a approach – Planning Committee does not have the authority to determine the use and activity on MBC land). Any update on these issues will be provided verbally to the Committee.
- 4.2.13 A series of feasibility options were prepared illustrating how existing buildings could be re-used and how the remainder of the site could be redeveloped to provide new dwellings. This involved a series of site layouts ranging from the retention and conversion of all buildings on site to the demolition of all buildings and structures on the site. Each site layout option was assessed in order to determine whether it was a viable and deliverable

development. A development appraisal was undertaken to assess each option and to test scheme viability. Costs for were provided following a structural survey of the buildings.

- 4.2.14 Arising from this analysis, two options were identified as being viable. The optimum scheme in financial terms involved the complete demolition of the site and full re-development; this option was discounted as it did not maximise the retention of non-designated heritage assets. The next most viable option was the retention and conversion of the main buildings within the former Union Workhouse; this acknowledged it was the most valuable, but the only, heritage asset on the site and was capable of conversion into four units.
- 4.2.15 However, in addition to the retention of the central block, the Council sought to retain and re-use the wings each side of this. The applicant has now amended the scheme to retain these elements which together with the conversion of the central block would provide eight units.
- 4.2.16 A viability assessment has been submitted which demonstrates how this scheme is viable and deliverable and demonstrates how other alternatives are not viable. This viability appraisal has been independently reviewed and its findings are broadly accepted. This has implications for s106 contributions and affordable housing, which are addressed later in this report.
- 4.2.17 The conversion of the central block and wings forms part of the application; however, the application also seeks to remove the cells. It is accepted that re-using the cells as part of a residential conversion would be problematic given the condition of the building and the internal layout. The retention would also remove a significant part of the site from re-development. Furthermore, given the condition of the cells and the works required to convert into an alternative use, it is accepted this would have a significantly detrimental impact on the viability of the overall scheme and may prevent the development of the site.
- 4.2.18 The submitted heritage statement notes the vagrant cells block has been partially converted into a mortuary by the NHS, that the building is in a state of disrepair with built elements specific to its use as a vagrant block largely removed from the building. The assessment notes on the eastern section of the cells the insertion of new openings and the alteration of original openings, changes to windows and surrounds, modern windows and rainwater goods have been inserted and no fixtures or fittings from the original use remain.
- 4.2.19 The report notes on the western section of the cells more original fabric has been retained but many of the interventions are irreversible and have had a negative impact. Loss of internal walls has also affected the historic fabric. The report concludes that the loss of the cells would have a high heritage impact but that considering the scale of the loss within the cells, including the loss of original internal form, spatial organisation and complete loss of all cells, it is difficult to justify its retention on the grounds of historic significance.
- 4.2.20 The test relating to development and 'non-designated heritage assets' is set out in paragraph 197 of the NPPF. This states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 4.2.21 Although the preference from a heritage perspective would be to retain the cells on site, it is acknowledged that the heritage value of the cells has been significantly eroded through



alterations, previous uses and the poor condition of the buildings. The costs to restore the buildings and retain on site as cells would make the re-development of the whole site unviable. The costs and practical issues with securing a suitable re-use of the buildings on site means this too is not a viable option.

- 4.2.22 The removal of the cells would however have a high heritage impact through the permanent removal of the building. This loss needs to be assessed alongside the positive elements of the overall scheme; these include the provision of up to 46 dwellings in a sustainable location representing fulfilment of the Local Plan allocation, the retention and long term beneficial use of the most valuable heritage asset within the site, the re-development of a previously developed site which has remained derelict for several years and which is allocated in the Local Plan for housing, economic benefits in the form of the construction activity and supply chain, additional economic activity from future residents and landscaping and ecological enhancements to the site.
- 4.2.23 The question of the removal of the cells is a finely balanced judgement with the total loss of a non-designated heritage asset. However, it is considered that a convincing case has been submitted to demonstrate it is not viable to retain the cells for their original purpose, that securing a suitable re-use would be practically problematic, not viable and would preclude the effective re-development of the remainder of the site.
- 4.2.24 On balance, it is therefore accepted that the loss of the vagrant cells can be supported.
- 4.2.25 Policy MEL7 calculated an estimated capacity of 16 dwellings. The proposal would result in a total of up to 46 dwellings on the site through a combination of conversion and new build. This is substantially higher than the number of dwellings estimated in the site allocation. However, the viability appraisal submitted demonstrates this number of units is required to make the scheme viable and this has been endorsed by the independent assessment. The Local Plan capacity in the allocations is a calculated figure and not a policy requirement or upper limit. Development proposals can exceed the number of dwellings stated (or indeed be less than stated) and remain in accordance with the policy.
- 4.2.26 A revised indicative layout plan has been provided as part of the outline element of the application. This layout is not considered suitable in terms of urban design principles, being too parking dominated. However, it demonstrates that the site is capable of accommodating the number of dwellings sought whilst retaining the central block and wings and maintaining sufficient space around these elements to provide a suitable setting to the primary structures. The indicative layout also demonstrates blocks of landscaping adjacent to Thorpe Road, adequate space around dwellings, private gardens, parking and turning.
- 4.2.27 Policy MEL7 states the layout and density must respond to the local character and provide opportunities for landscape enhancements along the site frontage with Thorpe Road. It is considered this has been demonstrated at this outline stage and the reserved matters application will have to demonstrate compliance as part of the detailed scheme. As such, the principle of the number of dwellings sought can be supported.
- 4.2.28 Policy MEL7 also requires a Transport Assessment, identifying the impacts upon the existing highways infrastructure, in particular the junction with Thorpe Road/Wilton Road, and where required, provide for mitigation in proportion to the impacts identified. Flood mitigation measures must also be put in place and the drainage infrastructure shall be available to accommodate the surface water from the site. These issues are discussed below.

4.2.29 **In conclusion, it is considered the principle of the development proposed can be supported and the proposal would comply with the above policies and guidance.**

4.2.30 **The principle of development is therefore acceptable.**

#### 4.3 **Housing Mix**

4.3.1 Policy C2 of the Local Plan seeks to secure the delivery of a mix of house types, tenures and sizes to balance the current housing offer, having regard to market conditions, housing needs and economic viability. Residential proposals for developments for 10 or more dwellings should seek to provide an appropriate mix and size of dwellings to meet the needs of current and future households in the Borough.

4.3.2 The full part of the application relates to the conversion of the central block and wings. These would be converted into eight units with the wings providing four units of three-bedrooms and the central block providing four units comprising two x two bed units and two x one bed units. The indicative layout for the remainder of the site, which comprises the outline element, proposes 38 dwellings of which 21 dwellings would be two-bedroom and 17 would be three-bedroom.

4.3.3 This would provide a good mix of two and three bedroom properties. However, the two-bedroom/three person dwellings would equate to one double and one single bedroom; many families would quickly outgrow this size of property with the second bedroom only being a single. The properties would therefore only be suitable for families with one child, single people and couples. Ideally, these properties should two-bedroom/four person size or at least for the majority of them to be increased in size.

4.3.4 Notwithstanding this, the majority of the proposed housing mix falls under the outline part of the application and the proposed layout/housetypes proposed are indicative. It is considered the proposal could provide a suitable mix of housing and a condition can be imposed to ensure this mix is delivered through the reserved matters stage.

4.3.5 **As such, subject to conditions, the proposal complies with Policy C2 and C4 and provides an adequate housing mix.**

#### 4.4 **Affordable Housing**

4.4.1 Policy C4 of the Local Plan states affordable housing provision will be required on all sites of 11 or more units. This application seeks permission for up to 46 dwellings and therefore an affordable housing contribution is required.

4.4.2 The site qualifies for 'vacant building credit' due to the length of time the buildings have been vacant (four years). National policy on 'brownfield' development on sites containing vacant buildings, that where a vacant building is brought back into any use, or is demolished to be replaced, the developer should be offered a credit equivalent to the existing gross floorspace of relevant vacant buildings.

4.4.3 Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan.

4.4.4 Local Plan policy requires between 5-10% affordable housing to be provided on new town centre residential developments (policy C4). Ordinarily this policy would apply; however, as the site is brownfield land it qualifies for vacant building credit which requires the existing floorspace to be removed to be taken as credit, to 'discount' against the proposed floorspace. The application proposes the removal of 4,130 m<sup>2</sup> of floorspace after the retention of the central block and wings. The estimated proposed new floorspace through



the new build dwellings is 4,103m<sup>2</sup> based on the floorspace of a typical two and three-bedroom dwelling as is proposed (estimate necessary because the application is outline, with house types not specified). Therefore, the floorspace lost exceeds the proposed new floorspace and the vacant building credit applies, meaning no affordable housing need is generated the development.

**4.4.5 As such, no affordable housing provision is required.**

**4.5 Developer Contributions**

4.5.1 Policy IN3 states development that provides additional dwellings will be expected to help to deliver sustainable communities through making developer contributions to local infrastructure in proportion to the scale of its impacts.

4.5.2 The application has been accompanied by a viability appraisal. This set out the methodology of the appraisal, the site context, sales values, development costs including conversion costs, developers profit, finance costs, sales and marketing, abnormal development costs, benchmark values, alternative uses and options testing.

4.5.3 The appraisal concludes that, having followed an approach to assessing viability as set out in the revised National Planning Policy Framework and Planning Practice Guidance for viability, there is no scope for the scheme to make any s.106 contribution. It states fundamentally, the viability of the scheme (as far as being able to support Section 106 contributions is concerned) is challenged by the following factors:

- The benchmark land value of the site based on a commercially competitive use.
- The requirement to retain and re-use the central block of the workhouse on site, which despite its possible conversion to 4 apartment units, has a negative effect on the residual value of the scheme.
- The requirement to increase visibility of the retained existing building from Thorpe Road, which had been demonstrated to reduce the capacity of the site by two units, and therefore reduce the residual land value realised.
- The relatively low value nature of the location of the site within a part of Melton Mowbray where there has been very little recent new build development.

4.5.4 This appraisal has been assessed by the Council's independent assessor. This concluded that the revised scheme could provide a financial contribution of £67,000. This has been accepted by the Applicant.

4.5.5 Several financial contributions have been sought through the consultation process. These are as follows:

- Education - £571,423 based on 46 dwellings at £12,422.26 each.
- NHS - £9,660.25 for Latham House (or new facilities) based on the likely number of additional consultations.
- Civic Amenities - £3,367.00 multiplied by the final net increase in dwellings on the site.
- Libraries - £1,420.00.

4.5.6 All of the contributions are supported with information explaining the basis for their calculation, their need and their relation to the development concerned. It is considered all are compliant with the requirements so for the Community Infrastructure Regulations (Reg 122).

- 4.5.7 No contribution is sought for the Melton Mowbray Distributor Road given that there would be an overall reduction in trips for both the AM and PM peak and given that if the lawful use of the site was to be brought back into use, the number of trips generated would be increased. The Highway Authority did not therefore seek a contribution towards the MMDR.
- 4.5.8 **The Council's independent assessment is that the scheme would only be financially viable if financial contributions were limited to £67,000. Should Members accept the recommendation to approve the development, the allocation of this money will need to be agreed. Leicestershire County Council has been consulted on this conclusion and a response is awaited.**
- 4.5.9 It should be noted that if a contribution is required to relate to the conservation of the vagrant cells, this would need to be met from the total sum of £67,000 calculated to be available, thereby reducing sums available for the items listed above.
- 4.6 **Impact upon the character of the area**
- 4.6.1 Policies EN6, EN13 and D1 all refer to visual amenity and settlement characteristics including heritage assets. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 must also be complied with.
- 4.6.2 The site occupies a prominent location at the junction of Thorpe Road, Norman Way and Saxby Road. The site comprises a large parcel of land with mature trees and open space along the frontage with the buildings generally set well into the site. The area is in mixed use with residential and commercial to the north, the hospital to the east, residential to the south and west with the commercial centre of the town further west.
- 4.6.3 The site accommodates a series of historic buildings of mixed quality and historic importance. The buildings have undergone substantial alteration and extension and the central block and wings of the former workhouse represent the highest quality structures. Although the former vagrant cells retain historic importance the issues with retaining these are discussed above.
- 4.6.4 Therefore, a balanced approach is required to the re-development of the site with the competing issues of housing provision and heritage value. The scheme as proposed seeks to retain the central block and wings to be converted into residential use. The remainder of the buildings and structures on the site would be demolished.
- 4.6.5 Although a greater number of buildings on the site would ideally be retained and converted, various development options have been considered and on balance, it is concluded that the viability issue and the practicalities of such a development would not make it deliverable or viable. It is therefore considered that the approach taken is the optimum development for the site balancing the heritage element and the provision of housing.
- 4.6.6 The proposed conversion of the central block and wings is acceptable. This forms the full part of the hybrid application and proposed internal layout and elevations have been provided. These seek to remove later additions, to use existing openings and where new fenestration is required, to follow the pattern, proportions and style of the existing. The proposal would therefore sympathetically convert this building whilst maintaining the character and appearance of the historically important building.
- 4.6.7 The remainder of the site would be re-developed for housing. This is the outline part of the application and an indicative layout has been provided. This sets buildings off the site

frontage to maintain a landscaped area adjacent to the highway and would develop the site using blocks of buildings. Although the layout as proposed is not acceptable, it demonstrates the site can accommodate the number of dwellings sought and retain adequate open space and provide adequate private gardens and further landscaping within the site.

- 4.6.8 It is therefore concluded that the site has the potential to accommodate a development of this scale which responds to the layout and density of the local characteristics.
- 4.6.9 The site is beyond the conservation area with the boundary on Thorpe Road by Goodrich Street. The site is separated sufficiently to have a limited role in the setting of the designation. The proposed development would therefore maintain the character and appearance of the conservation area and thereby comply with Policy EN13 and the Act referred to above.
- 4.6.10 The central block, wings and vagrant cells are non-designated heritage assets. The NPPF sets the test for development affecting such buildings and states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 4.6.11 This has been discussed in detail above where the principle of development was established. It is considered that the loss of the vagrant cells, whilst regrettable, is justified by the wider benefits of the scheme and it is not possible to retain them given the constraints of the site both physically and in terms of viability. The scheme to retain and convert the central block and wings is sympathetic to the character and appearance of the building and would secure its retention and long term suitable re-use. As such, it is considered the test set in the NPPF has been met and the proposal can be supported in terms of the impact on heritage.
- 4.6.12 **In light of the above, it is considered the proposal would result in a significant enhancement of the site and on the wider surroundings, in compliance with Policies EN6, EN13 and D1 and the above Act.**

#### 4.7 **Impact upon residential amenities**

- 4.7.1 Policy D1 relates in part to residential amenities. The site has been historically used for health provision which would have generated significant levels of traffic and footfall; the use would therefore have had an impact on the residential amenities of neighbouring properties.
- 4.7.2 The proposal would remove that historic use and replace with a residential development. The area has a mix of uses but is bordered by residential development on three sides albeit separated by the highway to the west. The central block and wings are set well into the site and could be converted without any undue overlooking or loss of privacy. Adequate gardens can be provided to serve these dwellings and the amenity for future occupants would be acceptable.
- 4.7.3 The remainder of the site could be re-developed for housing without resulting in harm to the residential amenities of neighbouring properties. The indicative layout illustrates gardens serving the proposed dwellings separating from existing site boundaries.
- 4.7.4 In terms of the amenity of future occupants, an assessment of noise constraints which impact the development has been submitted. Of particular importance is the potential

impact of Melton Building Supplies on the adjacent site and other industrial uses in close proximity. The Council's Environmental Health Officer states the site is subject to significant noise and will require mitigation measures to ensure that future residents are not adversely affected by unacceptable levels of noise. The application proposes an acoustic barrier around garden areas of properties adjacent Thorpe Road and subject to the visual impact, this would be suitable.

- 4.7.5 In terms of mitigation there are several design options available, including increasing the distance between noise source and receiver by setting back residential development, using boundary bunds and fences as sound barriers to block noise propagation, placing garages between source and receiver to block noise propagation, orientating dwellings, placing all habitable rooms to the rear and in the acoustic shadow of the property etc.
- 4.7.6 Some minor changes have been made to the proposed site layout which would minimise the impact of noise; however, the changes do not provide sufficient protection for some properties. Therefore the acoustic mitigation package would primarily focus around a 'windows closed' solution with the provision of alternative ventilation. On this basis, Environmental Health supports this application in principle. A condition should be applied requiring a mitigation scheme to be submitted and approved at reserved matters.
- 4.7.7 **It is considered the residential amenities of existing and future occupiers would be acceptable and the proposal complies with Policy D1.**

#### 4.8 Contamination

- 4.8.1 The applicant has commissioned a geo-environmental assessment of geo-technical and contaminative constraints which impact the development. The Environmental Health Officer broadly agrees with the conclusions reached in the report; that the overall risk to human health is considered low. There are however some possible pollution sources which necessitate due diligence if encountered during ground works. Given the age of the workhouse, it is not uncommon for waste products such as ash, slag and clinker to be used as infill. Notwithstanding the existing gas boiler, given the age of the workhouse historic boilers are highly likely to have been coal fired. In addition, fly ash could have been deposited on site and the presence of historic fuel or oil storage is unknown.
- 4.8.2 A precautionary approach is recommended and if any visual or olfactory evidence of gross contamination is identified, work in that area should stop until further instruction from Environmental Health can be given. Appropriate conditions can be imposed.
- 4.8.3 It is considered the contamination of the site could be dealt with satisfactorily through conditions.

#### 4.9 Highway Safety

- 4.9.1 The proposed development would be served by a vehicular access off Thorpe Road. The Highway Authority stated that the applicant has submitted a Stage 1 Road Safety Audit. The Authority are satisfied that the site access proposals are acceptable with the submitted plan demonstrating an access width of 5.5 metres, 6 metres radii with 2 metres footways either side and 2.4 metres x 4.3 metres visibility splays. Tracking is also demonstrated for the largest vehicle likely to access the site i.e. a refuse wagon.
- 4.9.2 The Highway Authority has assessed the submitted trip rates and note it is expected that there would be a net decrease in vehicle trips associated with this proposal compared to the last use of the site. This would lead to a net reduction in traffic flows on the

surrounding highway network. As such, the proposal would have an acceptable impact on the local highway network and junctions.

- 4.9.3 Due to the location of the proposal being located on the edge of Melton Mowbray town centre with local amenities within walking distance, one parking space per apartment on this occasion would be acceptable. Conditions to control parking for the outline element can be imposed as can the provision of cycle parking.
- 4.9.4 The Highway Authority has identified the potential to provide a new segregated/off-road cycle route along the section of the A607 Thorpe Road adjacent to the proposed development site, linking the existing pedestrian/cycle access path to Melton Mowbray Hospital at the northern boundary of the site to the A607 Thorpe End junction. The proposed cycleway would require a strip of the application site, approximately two metres wide adjoining the existing highway boundary, and could be delivered by the application as part of the proposed development.
- 4.9.5 The Agent has stated that this is a potential scheme rather than a commitment, there is no reference to this within the Local Plan and that it is difficult to comment without further information. These comments are noted and it is not considered this represents grounds to resist the application. Furthermore, losing part of the site would make the site less viable and could potentially prevent its development.
- 4.9.6 **No objection is raised on highway grounds subject to conditions and the proposal complies with the above policies and guidance.**

#### 4.10 Ecology

- 4.10.1 Policy EN2 is relevant. The Bat Survey submitted in support of the application contains a series of bat surveys to national standards. No bats were found roosting during these surveys and the report identifies bat roosts as being absent from the site. However, the report also summarises a previous bat survey of the buildings (2015) that records evidence of bat roosts within 4 buildings on site. Whilst no bat roosts were recorded during the 2019 survey the report does identify a number of the buildings as having a high potential to support roosting bats. Given this and the previous presence of roosts in 4 buildings on site (supporting 3 species of bat) there seems a reasonable likelihood that bats may be present in the future. It is therefore recommended that an updated survey should be completed if works have not commenced by May 2022. This should be submitted either in support of the reserved matters application, or prior to the commencement of the development as appropriate. If the works commence prior to the need for an updated survey the recommendations in the report must be followed. It is also recommended that a minimum of 5 new bat boxes are added into the development to replace bat roosting opportunities.
- 4.10.2 The survey also recorded a number of active swift nests. Swifts are a Leicestershire and Rutland Biodiversity Action Plan species. Swifts are a declining species and are nest site faithful; therefore any loss of nest sites must be mitigated for by the use of artificial nesting sites within the new development. Where nest sites are located on buildings which are being retained, the nest sites must be identified and protected throughout the development. As this hospital is known locally for its importance for support swifts, it is essential that a Swift Conservation Plan is in place for the development. This must include the location of the proposed replacement swift boxes on the new development, a plan to retain the existing nest sites in situ and a method statement for any renovation/demolition works. The development must result in an increased number of nest site opportunities



compared to the number of nests currently on site. Whilst the survey identified 7 nests on site it is possible that this is only a proportion of the number present (swifts are very difficult to survey as they do not return to the nest often). Appropriate conditions can be imposed.

4.10.3 **As such, no objection is raised on the grounds of ecology, subject to conditions.**

#### 4.11 **Flood Risk and Drainage**

4.11.1 A flood risk assessment and drainage strategy has been submitted. The former demonstrates that the proposed development is acceptable subject to the recommended flood risk mitigation strategies being implemented. The mitigation includes finished floor levels of the development being set 150mm above the estimated maximum flood level or a minimum of 150mm above immediate surrounding ground levels, whichever is the greater. Foul water from the development will be discharged into the public sewer in Thorpe Road which the operator has confirmed capacity.

4.11.2 **The proposal is therefore acceptable in terms of flood risk and drainage subject to conditions.**

### 5 **Consultation & Feedback**

5.1 A site notice was posted, the application advertised and neighbouring properties consulted. 12 responses have been received objecting, and an additional making comment. The content is summarised in Appendix B below

5.2 Members will also be aware of an on line and 'physical' petition, one containing 249 signatures, the other (on line) 1587 Signatories were endorsing the following statement:

#### ***Petition 1 – 1587 signatories***

*The NHS/Homes England are trying to get outline Planning Permission to demolish most of the old St Mary's Hospital site on Thorpe Road, Melton Mowbray for Housing. It is estimated 50 new homes can be erected on the site. The proposal would be to demolish all of the old buildings on site with the exception of part of the original Workhouse and incorporate that into the housing to give 4 x 1 bed apartments. It would include demolition of the Vagrants Cells which date back to the 1770's. The original boundary wall would be retained but established trees would be felled and replaced with fewer, new trees set back from the boundary wall. The existing, single entrance point would be retained as the only entrance and exit onto the main A607. At this point the site is on a busy, main road and not far from a major road junction which is traffic light controlled. Residents already add to the dangers of this road by parking their cars on the main road. It is also on the route to a primary school and for access to the town centre.*

*The site is one of Melton's few remaining sites of local history. Over the years much of Melton's history has been demolished. This is not the first time the NHS have wanted to sell off of our hospital sites for housing. Recently they sold off the War Memorial hospital which had been given to the people of the town and the NHS pocketed the money. We say they must not keep selling off local historical assets for housing development. A compromise must be found. There can be no dispute the town will need more housing but it also needs its heritage, which in this case includes the Vagrants Cells. A way must be found to retain our town's heritage for the benefit of our children and grandchildren and generations to come*

#### ***Petition 2 – 249 signatories***

*The NHS/Homes England have amended their application for Planning Permission to demolish most of the old St Mary's Hospital site on Thorpe Road, Melton Mowbray to make way for 44 dwellings.*

*The proposal would be to demolish all of the old buildings on site with the exception of part of the original Workhouse central part and incorporate that into the housing to give 4 x 1 bed apartments. It would include demolition of the Vagrants Cells.*

*We can come to an arrangement with the developers by virtues of regular meetings. But after a meeting it has been disclosed that if we try too hard to save the vagrant cells and succeed we could lose the whole site and all its history, by means of natural aging making building unsafe, arson or vandalism.*

*We now propose to take a new angle and save the whole of the work house and the wings. The wings are planned to be demolished in and just the central block retained. Arthur Payne our local historian has pointed out that there is graffiti on the brick work of the wings dating back to the workhouse era, so this gives a little leverage. The vagrant cells we are now proposing to ask the developers for £20000 to fund relocation of 2 cells to the Carnegie Museum, if they would accept.*

*Unfortunately other sites that have workhouses are not in a position to accommodate the cells. This proposal would open the doors to negotiations. We also want the bricks and coping stones saved that are under the 2 trees near the entrance, and the reclaimed bricks that are usable to build either seats or planters around the town.*

*We know that the site is one of Melton's few remaining sites of local history. Over the years much of Melton's history has been demolished.*

*We say brownfield land owners must not keep selling off local historical assets for housing development. A compromise must be found. There can be no dispute the town will need more housing but it also needs its heritage, which in this case includes the Workhouse including wings and partial saving of the Vagrants Cells. A way must be found to retain our town's heritage for the benefit of our children and grandchildren and generations to come.*

*We call upon MBC, Councillors and the Developers/Homes England to work together with the people of Melton to find an acceptable solution to this problem before the site is sold.*

## **6 Financial Implications**

- 6.1 There are financial implications through the s.106 monies described above

**Financial Implications reviewed by: N/A**

## **7 Legal and Governance Implications**

- 7.1 Legal implications have been included in the main body of the report. No specific issues are identified. This application is being considered by the Committee under the scheme of delegation within the Constitution due to receiving more than 10 letters of objection which are contrary to the recommendation. Legal advisors will also be present at the meeting.

**Legal Implications reviewed by: Legal Advisor (Planning)**

## **8 Background Papers**

- 8.1 There is a detailed planning history on the site although none directly relevant to this application.

## **9 Appendices**

A: Consultation responses

B: Representations received

C: Recommended conditions

D: Applicable Development Plan Policies

<b>Report Author:</b>	<b>Joe Mitson, Planning Officer</b>
<b>Report Author Contact Details:</b>	07747 089990 jmitson@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Jim Worley, Assistant Director for Planning and Delivery</b>
<b>Chief Officer Contact Details:</b>	07900 228673 jworley@melton.gov.uk

## Appendix A : Summary of Statutory Consultation Responses

### LCC Highways

- No objection subject to conditions and informatives.

### LCC Ecology

- No objection subject to conditions.

### Environment Agency

- No formal comment to make. The site lies predominantly in flood zone 1 with areas in flood zone 2, any proposed development within these areas of flood zone 2 should be subject to standing advice re flood protection measures etc.

### Severn Trent

- No objection subject to informatives.

### LLFA

- No objection. The majority of the site is located within Flood Zone 1 being at low risk of fluvial flooding. The western part of the site lies in Flood Zone 2 being at moderate risk of flooding. There is currently a moderate risk of surface water accumulations in the centre of the site. However, it is believed that water accumulates in hollows adjacent to existing buildings and these buildings are to be demolished as part of the redevelopment of the site.
- Although it is not considered feasible to reduce the post-development runoff rate to the equivalent greenfield rate, a betterment of approximately 80% in the existing 100 year storm event is offered.
- Severn Trent Water has agreed in principal to surface water being discharged into a 225mm surface water sewer located to the south of the site.
- Surface water storage is to be provided through the use of oversized pipes. These would not be recognised as SuDS.



## LCC Forestry

- A formal tree survey has been carried out in accordance with BS 5837: 2012; Trees in relation to design, demolition and construction. The tree survey submitted in support of the proposed development is robust and reasonable. It presents a fair representation of trees found on, or adjacent to, the site. The proposed development looks to retain several middle aged to mature trees, the loss of two mature ash and a third party owned chestnut is regrettable.
- Where possible it is recommended that the layout design be modified to incorporate all three trees. Removal of a majority of the vegetation on site will have a negative impact on landscape and amenity values.
- However, the removal of vegetation is to facilitate development and is a requirement if the proposed layout is to be constructed. Before submitting a full design plan the developer must take account of work within root protection zones.

## Designing Out Crime Officer

- No objection.

## Environmental Health

- Some minor changes have been made to the site layout to minimise the impact of noise; however, the changes do not provide sufficient protection for some properties. Therefore the acoustic mitigation package will primarily focus around a 'windows closed' solution with the provision of alternative ventilation.
- The consultants comments are positive and have been understood to be a willingness by the developer to incorporate ducted ventilation into the design for the most exposed properties. On that basis Environmental Health is will to support this application in principle. A condition should be applied requiring a mitigation scheme to be submitted and approved at reserved matters.

## Housing Officer

- Affordable Housing contribution is not applicable as the site qualifies for vacant building credit due to the length of time the buildings have been vacant (4 years) and the existing total floor space area exceeds the floor space area proposed to be developed. Housing Mix to be in accordance with policy C2 as the number of dwellings is 10 or more. There is a good mix of 2 and 3 bedroom properties.
- However, the two bedroom/3 person homes would equate to 1 double and 1 single bedroom. Many families will quickly outgrow this size of property with the second bedroom only being a single. The properties would only be suitable for families with one child, single people and couples.
- Recommend either all of these properties to be 2 bedroom/4 person size or at least for the majority of them to be increased in size. Policy C3 needs to be taken into account when considering the internal space of the properties.

## Conservation Officer

- Do not object to the revised scheme at St Marys Hospital site. The retention of the wings to the workhouse is strongly supported and is considered to be the best outcome for the preservation of an important non-designated heritage

asset.

- The loss of the vagrant cells is to be lamented; however close scrutiny of the viability process by an independent assessor as determined that it cannot be retained as part of a development plan; the profit margin (on GDV) would not reach a level considered by any developer to be viable. Conditions are recommended.

## **Appendix B : Summary of representations received**

### **Neighbours 12 objections/concerns on the following grounds:**

- Loss of another piece of Melton's history, so much has been lost already; object to the proposed alterations and possible demolition of the Workhouse and Vagrants Block, it is of vital interest to future generations as the visitors to Southall Workhouse prove there is a need, not opposed to building houses but this shouldn't be at the expense and destruction of our local heritage and historical buildings, protect the vagrant cells, the application amounts to a request to destroy a building of historical significance to the town, the buildings are of immense local historical and educational importance. By stepping through their doors or even seeing them in existence for real, reminds us of the history of Melton and how other ages viewed and treated poverty, in losing these historic assets, future generations will curse the fact that they were thrown away needlessly by this decision;
- Would ideally like to see the buildings renovated keeping the historical value and opened as a museum such as the workhouse at Southwell, if this is not possible without some development then the outer shell should be kept intact and used to create the 4 proposed dwellings, the vagrant building could then be used to house photos, maps and artefacts of the history of the site and opened to the public as a museum piece.
- Demolish/total loss of the Vagrant Cells appears to be contrary to Melton Councils own views on Heritage, the Melton Local Plan refers to this subject, Inspector Mary Travers refers to the Vagrant Cells in her report in which she calls for the Cells to be retained and, I believe, Central Government have called for Heritage to be retained wherever possible.

### **The Workhouse**

- I am in favour of retaining the original Workhouse buildings, namely the original central block and the two outer wings. My understanding is the wings are actually later additions for housing men and women separately. My understanding is the central part was built around 1834 as part of the requirements of the Poor Law Act.
- The exterior of the Workhouse as a whole should be retained and restored to its original looks. The interior is obviously more difficult as it will have been altered a great deal over the years.. However, where possible original features should be retained.

### **The Vagrant Cells**

- The Vagrant Cells have been neglected over the years. The Vagrant Cells were built around 1895 to comply with the requirements of the Poor Law Act which made being homeless a criminal offence. Over the years the Vagrant Cells have also been used in living memory as a Mortuary and a Chapel of Rest. Although they have been neglected and hidden from public view for many years There are fewer examples of Vagrant Cells around the Country than there are Workhouses. Of 6 known examples

of Vagrant Cells in the Country the Melton cells are in the most dilapidated state.

- Object to the current proposals for outline Planning Permission unless some way can be found of preserving the Vagrant Cells or part thereof (possibly two cells and entrance etc) either on-site or relocated elsewhere on or off site.

Around the grounds

- The current boundary wall facing on to Thorpe Road was originally higher than it is now. Within the site are various remains such as bricks and coping stones from the original wall. There are also piles of stone chippings, remains from the rock breaking work the vagrants carried out in return for their stay in the Cells. I suggest these should also be preserved.

#### **Other comments and possible solutions**

- The site needs outline Planning Permission in order the land could be sold to a prospective developer. Without the Outline Permission the land had a lower value and a developer may not be interested in buying the land. The agent advised that in some areas of the Country they would have to save the Vagrant Cells and incorporate them into their plans. However, this was because land values in some areas are greater than they are in Melton. In Melton there would be no need to save the Cells because land prices are less here.
- The applicant has advised in the pre-planning stages Homes England discussed the Vagrant Cells. They asked if the Vagrant Cells could be relocated to another site. They were prepared to offer a contribution of £20,000 at the stage. The answer they received from "Melton Council" was "No". Such an offer was not possible now as there would be no profits to cover making a donation.
- A number of possible solutions include:
  - Ask Homes England for a contribution towards the costs of relocating the Vagrant Cells, after all they are going to make a profit from the sale of the land.
  - Ask the developer for a contribution towards the costs of relocating the Vagrant Cells, after all they are going to make a profit from the sale of the houses. (The Homes England Project Manager said she would let us do this and pass on the contact details of the developer but only AFTER the plans had been approved).
  - Ask the developer if they and their contractors would voluntarily remove the Vagrant Cells and rebuild them on another site within the LE13 postcode area
  - Demolish the Vagrant Cell block and put it into store until such time as suitable funding and land can be found to rebuild the block as a tourist attraction. It could even be the starting for a Melton History/Heritage Trail which could expand out into other areas of the Borough and beyond.
  - There has been a demand for a second Medical Centre and an Urgent Care Centre for the Town. After all the Town is expanding considerably and additional facilities will be required sooner rather than later. MBC Councillors are already upholding their election pledge to call for a new Medical Centre. Maybe the old St Mary's hospital (Workhouse) could be converted into suitable facilities whilst at the same time retaining some of the Vagrant Cell Block? Additional land could still be sold off for housing development.
  - Excess old bricks, coping stones and stone chippings could be used to: create a new entrance incorporating seating and/or flower beds to the development with signage explaining the structure was built using some of the original

brickwork etc.

- Create raised flower beds which could be tended by volunteers under supervision. Eg. Mentally and physically handicapped adults and children working under supervision.
- Create a new seating area and seats somewhere reasonably prominent within the Town area, eg: Parkside, St Mary's Church Yard (a seat has been removed from there recently), British School Gardens (an area which is currently neglected)
- The ecological assessment gives recommendations for the mitigation of the loss of current swift nest sites. However, a population can be under-recorded and previous surveys have found that there are 12 more potential nest entrances that are currently unrecorded as active, totalling 19. The recommendation of 14 swift boxes could very reasonably be increased to 19. None of the three box designs suggested by the report are an optimal size for swifts. On the retained Old Workhouse centre block there are at least 2 nest entrances at the left hand pediment gable soffit. It is best practice for swifts to retain current nest locations. The Workhouse as a centre piece for the swifts is very desirable as it will be the tallest structure on the site.
- Objection to cycle path as it would lead to the loss of the perimeter wall which sits alongside the current public footpath. As an alternative, could the other side of the road be widened where there are currently parked cars that obscure and cause a traffic nuisance;
- The footways along the side of the road on the developers side of the road are frequently subject to regular flooding; this could become worse;
- Loss of trees.

**Concern** Save Our Heritage Melton Mowbray have concerns that they should have been consulted about this and have expressed a desire to have a meeting with all parties to discuss.

## Appendix C : Recommended Conditions

01

The development shall be begun before the expiration of three years from the date of this permission.

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

02

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

03

No development under the outline part of the application shall commence on the site until approval of the details of the "layout, scale, external appearance of the buildings and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.

The application is a hybrid with part in outline only.

04

This permission relates to the following plans:

1:2500 Site Location Plan

7309\_03\_03 Extent of Detailed Planning Application

7309\_03\_02 Extent of Demolition

7309\_03\_08 Proposed Wing Conversion Internal Layout

Layout of Central Block

Side Elevations

For the avoidance of doubt.

05

No development shall take place above ground level until details of all external materials to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details and without prejudice to this requirement there shall be no occupation of the dwellings unless this condition is complied with.

In the interests of visual amenity.

06

No development shall take place above ground level until details of drainage plans for the disposal of foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

To ensure the satisfactory storage and disposal of waste from the site.

07

No development shall take place above ground level until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with these approved details before the building is first occupied or in accordance with a timetable agreed in writing with the Local Planning Authority.

To preserve the amenities of the locality.

08

No development shall take place on site above ground level until details of existing and finished site levels, together with levels of the adjacent sites, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with such agreed details.

To safeguard the local environment by ensuring an appropriate relationship to

adjoining land uses.

09

No development shall take place on site above ground level 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. The approved scheme shall be complied with

To ensure satisfactory landscaping is provided within a reasonable period.

10

Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or any subsequent amendment to that order, no development within Class A, B, C and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

In the interests of visual amenity.

11

No development shall take place until an acoustic mitigation scheme has been submitted to and approved by the Local Planning Authority. The scheme must have regard to the findings of noise assessment BMW2797 by BWB Consulting dated August 2019. The approved scheme shall be completed prior to the occupation of the development and shall thereafter be retained.

In the interests of residential amenity.

12

No development shall commence on site until all existing trees that are to be retained have been securely fenced off by the erection of post and rail fencing to coincide with the canopy of the tree(s), or other fencing as shall be agreed in writing with the Local Planning Authority, to comply with BS5837. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left unsevered.

To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.

13

If during the development any contamination is identified that has not been considered previously, then other than to make the area safe or prevent environmental harm, no further work shall be carried out in the contaminated area until additional remediation proposals for this material have been submitted to and approved in writing by the Local Planning Authority - this would normally involve an investigation and an appropriate level of risk assessment. Any approved proposals



shall thereafter form part of the Remediation Method Statement. In the event that it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme or another approved scheme the results of which shall be submitted to the Planning Authority for consideration. Only the soil approved in writing by the Planning Authority shall be used on site.

To ensure any contamination on site is adequately dealt with.

14

Should development not commence on site by May 2022 an updated bat survey shall be carried out and submitted to the Local Planning Authority for approval and this report shall include mitigation measures as required. If the development commences prior to the need for an updated survey the recommendations in section 5.1-5.9 of the May 2019 report shall be followed.

To ensure adequate mitigation is provided to safeguard any bats or their roosts.

15

Before development commences details of a minimum of 5 new bat boxes to be provided on site, to include the bat box types and locations, shall be submitted to and be approved in writing by the Local Planning Authority. The development shall not be occupied until the approved bat boxes have been provided.

To replace bat roosting opportunities in the interests of the ecology of the site.

16

Before development commences a Swift Conservation Plan shall be submitted to and be approved in writing by the Local Planning Authority. This shall include the location of the proposed replacement swift boxes on the new development, a plan to retain the existing nest sites in situ and a method statement for any renovation/demolition works. The development must result in an increased number of nest site opportunities compared to the existing. The approved scheme shall be implemented prior to the occupation of any dwelling on the site.

To ensure adequate protection and enhance of swift habitats on the site.

17

No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any dwelling on the site.

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

18

No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction phase of the development shall take place only in accordance with these approved details.

To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.

19

No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be so maintained in accordance with these approved details in perpetuity.

To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.

20

The reserved matters application shall demonstrate compliance with the required housing mix as set out in Policy C2 of the Local Plan.

To ensure a satisfactory housing mix on the site.

21 Highway conditions as recommended.

22

Prior to commencement of development, a Level 3 Building Recording of the Vagrants Cells shall be carried out, in accordance with Historic England's 2016 published guidance Understanding Historic Buildings A Guide to Good Recording Practice. Level 3 is an analytical record, and shall comprise a systematic account of the building's origins, development and use. The record shall include an account of the evidence on which the analysis has been based, allowing the validity of the record to be re-examined in detail. It shall also include all drawn and photographic records that may be required to illustrate the building's appearance and structure and to support an historical analysis. Final versions should be produced on an archivally permanent medium, when printed from CAD-based software programmes, or worked up by hand. The survey shall be submitted to and approved by the Local Planning Authority in writing prior to development commencing on the site. The copyright of all material produced in the survey is to belong to Leicestershire County Council.

In order to ensure the building is recorded prior to removal from the site.

23

No development shall commence on site until a detailed schedule of works has been submitted to and been approved in writing by the Local Planning Authority for the conversion of St Marys Hospital. This is to include the demolition strategy for the cross wings and the proposed subdivision of the former hospital into apartments. The schedule of works should include the methodology for the conversion of the hospital into apartments, including thermal upgrading (using breathable, non-impervious materials), the internal subdivision of spaces and details for the installation of all new kitchen and bathrooms (including proposed location for all new



flue / ventilation extracts). Development shall be carried out only in accordance with these approved details.

To ensure the conversion is suitable for this non-designated heritage asset.

24

Prior to the commencement of development a detailed specification for all new windows and doors for the converted St Marys Hospital (to be timber or powder-coated aluminium) shall be submitted to and approved in writing by the Local Planning Authority. This requires plans at a scale of no less than 1:20. The development shall only take place in accordance with these approved details.

To ensure the conversion is suitable for this non-designated heritage asset.

## Appendix D: List of applicable Development Plan policies

### Local Plan

- **Policy SS1 – Sustainable Development** seeks to secure development proposals which promotes and improves economic, social and environmental conditions in an area;
- **Policy SS2 - Development Strategy** sets out how development will be distributed across the Borough in accordance with a spatial strategy that states that Service centres and Rural Hubs will accommodate up to 35% of new housing on a proportionate basis through allocated sites and the delivery of a proportion of windfall development, and allows smaller scale housing within or adjacent to Service Centres and Rural Hubs.
- Policy C1 (A) Housing Allocations.
- Policy C2 Housing Mix.
- Policy C3 National Space Standards and Smaller Dwellings.
- Policy C4 Affordable Housing
- **Policy EN2 – Biodiversity and Geodiversity** states that development proposals will protect and enhance biodiversity, ecological networks and geological conservation interests
- **Policy EN6 – Settlement Character** states that development proposals will be supported where they do not harm open areas which; Contribute positively to the individual character of a settlement; Contribute to the setting of historic built form and features; Contribute to the key characteristics and features of conservation areas; and Form a key entrance and/or gateway to a settlement.
- Policy EN7 Open Space, Sport and Recreation.

- **Policy EN8 – Climate Change** sets out that all new development proposals will be required to demonstrate how the need to mitigate and adapt to climate change has been considered, subject to considerations of viability.
- Policy EN9 Ensuring Energy Efficient and Low Carbon Development.
- **Policy EN11 – Minimising the Risk of Flooding** sets out that development proposals do not increase flood risk and will seek to reduce flood risk to others.
- **Policy EN12 – Sustainable Drainage Systems** ensures that development proposals undertake surface water management and have acceptable run-off rates.
- **Policy EN13 – Heritage Assets** The Council will take a positive approach to the conservation of heritage assets and the wider historic environment
- **Policy IN2 – Transport, Accessibility and Parking** sets out that all new developments should, where possible, have regard to supporting and promoting an efficient and safe transport network which offers a range of transport choices
- Policy IN3 Infrastructure Contributions and Community Infrastructure Levy.
- Policy IN4 Broadband.
- **Policy D1- Raising the Standard of Design** requires all new developments to be of high quality design.

#### **Other**

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states in the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.