

# Agenda

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Tuesday, 25 August 2020</b>
<b>Start time</b>	<b>6.00 pm</b>
<b>Venue</b>	<b>By remote video conference</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
	A. Hewson	L. Higgins
	E. Holmes	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>	Monday, 17 August 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 speak on an application, please register by 5 p.m. on Thursday 20 August 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 23 July 2020.</p>	1 - 8
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>	9 - 10
4.	<b>SCHEDULE OF APPLICATIONS</b>	
4.1	<p><b>APPLICATION 19/00909/OUT</b> St Mary's Hospital, Thorpe Road, Melton Mowbray</p>	11 - 40
5.	<p><b>URGENT BUSINESS</b> To consider any other business that the Chair considers urgent</p>	



# Minutes

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 23 July 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)

**Councillors**            P. Posnett MBE (Vice-Chair)            R. Bindloss  
                                  R. Browne                                    P. Chandler  
                                  P. Faulkner                                  A. Hewson  
                                  L. Higgins                                    E. Holmes  
                                  M. Steadman                                P. Wood

**Officers**                    Assistant Director for Planning and Delivery  
                                   Locum Planning Solicitor  
                                   Democratic Services Manager  
                                   Planning Officer (AC)  
                                   Democratic Services Officer (SE)

Minute No.	Minute
	<p><b>Chair's Introduction</b></p> <p>The Chair welcomed everyone to the Planning Committee meeting. 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. She advised that the meeting would be recorded and live-streamed on You Tube.</p>
PL31	<p><b>Apologies for Absence</b></p> <p>There were no apologies for absence.</p>
PL32	<p><b>Minutes</b></p> <p>(a) The minutes of the meeting held on 25 June 2020 were confirmed and authorised to be signed by the Chair.</p> <p>(b) The minutes of the meeting held on 2 July 2020 were confirmed and authorised to be signed by the Chair.</p>
PL33	<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 PL35 : Planning Appeal: 19/00741/FUL - Field OS 4011, Tofts Hill, Stathern</u> Councillor Browne declared a personal interest in this item as the objector speaking on the application at the meeting was employed by the same organisation as himself.</p> <p><u>Minute PL35 : Planning Appeal: 19/00741/FUL - Field OS 4011, Tofts Hill, Stathern</u> Councillor Steadman confirmed that she would be representing her ward on this item by making a representation to the Committee. She would therefore leave the meeting during debate and voting on this item in accordance with the Council's Procedure Rules.</p>
PL34	<p><b>Schedule of Applications</b></p>

**Planning Appeal 19/00741/FUL**

<b>Reference:</b>	Planning Appeal : 19/00741/FUL
<b>Location:</b>	Field OS 4011, Tofts Hill, Stathern
<b>Proposal:</b>	Demolition of 2 existing dwellings and a barn, and their replacement with 9 new dwellings and associated private access driveways

(Councillor Steadman declared her intention to speak as Ward Councillor on this application and here left the Committee and moved into the public speaking gallery.)

The Assistant Director for Planning and Delivery addressed the Committee and provided a summary of the current position relating to the planning appeal. He explained that although there was no application to consider, the Committee's view was needed on whether or not the Council was to contest the appeal and if so planning reasons and evidence were needed to support the Council's case. It was mentioned that the costs regime would apply therefore it was important to provide valid reasons and evidence.

It was mentioned that the issues of concern were detailed at page 18 of the report. A cross section of the slope across the hill was also suggested to provide a better understanding of the topography of the site. Mr Worley advised that this information was not currently available.

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 3 minute presentation:

- Councillor Ken Bray, Chair, Stathern Parish Council

In response to Member questions, Councillor Bray advised there was no approved Neighbourhood Plan as yet and there were photographs available to evidence land slippage relating to the site.

- David Mell, Objector
- Helen Broadhurst, Agent, Vale Planning Consultants

In response to Member questions, Ms Broadhurst advised that

- the terracing and works identified in the independent report enabled the drainage of the site to be managed
- the development was on the flatter part of the site
- the development did not extend beyond the line of the existing buildings on the other side of the road
- the allocation of 3 minutes was not long enough to address all the technical queries and details relating to the site but referred the Committee to the

- independent review of the ground conditions report for such information
- the independent report outlined a safe and deliverable strategy for dealing with the land matters raised
- the developer did not have permission to take samples from neighbouring sites and had to rely on ground samples from the site in question and she felt these provided a good representation of the site and surrounding land
- the independent report had been commissioned in February and had been delayed due to the lockdown and had not been available until June
- the report contained all the information needed to enable the development of the site to go ahead
- the report took into account variable weather conditions and the water movement solutions which had been carefully designed to manage the drainage of the site
- Dr Cooper's objection being received on the day of the February Committee meeting did not allow her client the opportunity to respond and address the concerns raised and this made non-determination an option as a way forward
- the development proposals will manage the surface water and mean that water will not flow in the same way as on the current green field site
- Councillor Mel Steadman – Ward Councillor

The Assistant Director for Planning and Delivery referred to section 5.1 of the original report and that the application met policies SS1 and SS2 but not SS3. He also agreed with the speakers that the adjacent land to the site needed to be evaluated.

The meeting was adjourned for approximately 5 minutes due to Mr Worley having connectivity issues.

Mr Worley referred to the independent report and felt there was still doubt in the robustness of the proposals and he could not offer assurance based on the information provided. The reason given for the appeal for non-determination was that the applicant was not given sufficient time to respond to the representation received which was detailed in the report. The Council would have preferred to have worked with the applicant rather than following an appeal for the non-determination. It was noted that in his opinion detailed technical information had not been supplied.

During discussion the following points were noted:

- There was concern at the potential for flooding on the site caused by surface water flow from the adjoining hillside
- Members felt they would like more information on the technical detail of how the proposed water management scheme would work
- Members felt they needed all of the above information before they could make a decision on the application
- Members felt duty bound to consider the late representation in February before

determining the application

- Members were disappointed that the applicant chose to appeal for non-determination instead of progressing the application including ongoing discussions with officers
- Members were in agreement with the officer recommendation and also considered that the application did not meet policy SS3
- It was a concern that there was no affordable housing on the site and therefore no benefit to the community in approving the development
- It was felt that the development would have a negative impact on neighbouring properties
- Members did not feel assured that the retaining walls and other measures proposed would be enough to alleviate the flood risk and needed more information to be able to make a decision on the application and would welcome the Inspector's opinion on the application
- There were also concerns as to the number of houses squeezed into the site and queried whether the housing mix could be improved
- It was noted that the appeal deadline for the Committee's submission was 27 July 2020 and should Members wish to add to the officer's recommendation, delegated authority could be granted to the Assistant Director for Planning and Delivery to draft the appropriate wording based on discussions at the meeting
- Members felt that harm caused by the development outweighed the benefits and this should be added to the decision along with the development being in conflict with policies EN1, EN6 and EN13

Councillor Faulkner proposed the recommendation in the report and in addition that delegated authority be granted to the Assistant Director for Planning and Delivery to finalise the wording and add reference to policies EN1, EN6 and EN13 and that the harm outweighed the benefits of the development. Councillor Glancy seconded the motion.

**RESOLVED That the Committee**

**(1) instructs that the appeal is opposed on the basis that there remains insufficient information to enable a conclusion to be drawn on the issues of land stability, hydrology and as a result the adequacy of the proposed drainage system; and**

**(1) delegates authority to the Assistant Director for Planning and Delivery to finalise the wording and add reference to policies EN1, EN6 and EN13 and that the harm was unacceptable.**

(Unanimous)

(Councillor Steadman here re-joined the Committee.)

**REASONS**

These issues were the reason for deferral in February 2020 and are considered to

remain unresolved. In respect of other issues the officer recommendation was for approval but the Committee is at liberty to decide which of them it may consider also represent 'grounds of opposition' (equivalent to 'reasons for refusal' in the context of an undetermined planning application).

The Committee was reminded that the appeal process is a statutory decision making process and the 'disciplines' of decision making are equally applicable. All reason(s) forwarded must therefore be soundly based on planning grounds and supported by evidence, in exactly the way that reasons for refusal are configured when the Council is making the determination.

PL36

**Application 19/00859/OUT**

<b>Reference:</b>	19/00859/OUT
<b>Location:</b>	Field OS 6260, Canal Lane, Hose
<b>Proposal:</b>	Proposed erection of 34 dwellings

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

It was noted that the 5 metre buffer to the hedgerow was outside the boundary.

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 3 minute presentation:

- Councillor Jenny McCulloch, Clawson, Hose and Harby Parish Council

In response to Member questions, Councillor McCulloch responded that

- She was not aware whether or not a Housing Needs Survey had been completed but added that this was the first of 3 developments in Hose which would bring 107 houses in total if all sites were developed
- The road narrowing feature ('pinch point') of the road layout was the biggest issue for the village and it would mean that some farm vehicles may not be able to get through
- She advised that the road was only 4 metres and narrowing together with the hard curbs would create a 'pinch point' with no flexibility for wider vehicles. She felt line markings on the road would be a better approach to reduce speed
- Helen Cheetham

In response to Member questions, she advised that the traffic calming measures proposed would mean she would not be able to access her own driveway with her caravan and trailer

- Adrian Kerrison, Agent, Plumtree Homes LLP



In response to Member questions, Mr Kerrison advised that

- The proposed road layout was driven by Leicestershire County Council and was in accordance with the Local Plan which explained that the road had to be widened and then narrowed on entry to the village, creating the 'pinch point'
- The road was current 4 metres and would be widened to 5 metres for approximately 100 metres when it would reduce to 3 metres and 1 lane on entry to the village
- He would accept any change to the relevant condition to satisfy the Committee's concerns but would not wish to have the application deferred

The Assistant Director for Planning and Delivery advised that the condition could be deleted or amended to reflect a different layout design depending on the Committee's view.

(Councillor Chandler was away from the meeting for some of the speaker presentations due to remote connectivity issues and re-joined the meeting at this point. It was confirmed that Councillor Chandler could hear the proceedings although she was not on video.)

The Assistant Director for Planning and Delivery advised that the Parish Councillor's request for a S106 in respect of play equipment would not be possible as it could not be assessed as to whether it complied with CIL regulations at such a late stage in the application's journey and the absence of any detail explaining its relationship with the proposal, therefore this request would have to be declined.

The Assistant Director for Planning and Delivery advised that officers could work with the Leicestershire County Council for a softer more sympathetic highways scheme which was less urbanised than the proposal and this type of approach had been followed on previous applications. The revised scheme would need to be submitted and approved by the Leicestershire Highway Authority and a condition could be added to that effect.

During discussion the following points were noted:

- There was concern for the existing road layout and the width of the road at the entry to the village not being wide enough for farm vehicles and local use
- It was felt that 14 x 4 bed properties was too much for the village but the housing mix would be confirmed at the reserved matters stage
- It was noted that the Local Plan allowed for 4 bed properties if these were subservient to others
- Members felt that the agent had showed compromise on the 'pinch point' in the road and congratulated him on his support for local community concerns in agreeing to work with officers to resolve this matter
- Although there was support for the development, a few Members had reservations that smaller and more affordable homes were needed in villages

Councillor Browne proposed the recommendations in the report with a condition to work with the Leicestershire Highway Authority to vary the road layout to be more sympathetic to users in the local community. Councillor Posnett seconded the motion.

**RESOLVED**

**That application 19/00859/OUT be APPROVED with a condition to work with the Leicestershire Highway Authority to vary the gateway feature on Canal Lane to be more sympathetic to the rural character of the area and subject to existing conditions and a Section 106 Agreement (as set out in the report) to secure contributions towards:**

- (a) Primary and secondary education provision.**
- (b) Contribution to sustainable transport options.**
- (c) Contribution towards waste services.**
- (d) NHS contribution**

(Unanimous)

**REASONS**

The application site is allocated for housing in the Melton Borough Local Plan and Neighbourhood Plan and two extant outline planning permissions have been granted previously for the erection of 41 dwellings. The principle of the development is considered acceptable subject to detail provided in a future reserved matters application.

Access from Canal Lane can be provided in accordance with Local Highway Authority Design Guidance and subject to conditions there would be no significant adverse impact on highway safety.

PL37	<b>Urgent Business</b> There was no urgent business.
------	---

The meeting closed at: 8.26 pm

Chair

## 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

25<sup>th</sup> August 2020

Report of: Assistant Director for Planning and Delivery

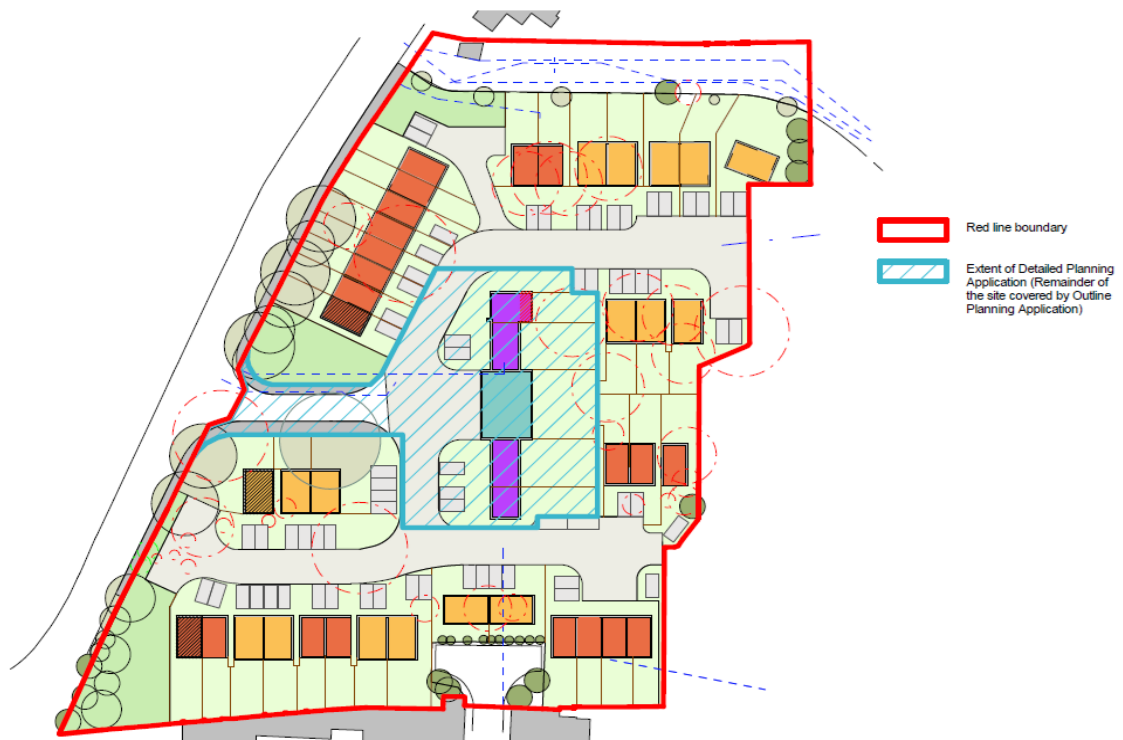
### 19/00909/OUT – St Marys Hospital, Thorpe Road, Melton Mowbray

**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 planning obligations under Section 106 for the provision of financial contributions to a value as set out below in favour of

- (i) Leicestershire County Council in respect of education, civic amenity, libraries and sustainable travel choices (see paragraph 4.5.5 below)
- (ii) Leicestershire CCG in respect of new Primary Care capacity in Melton Mowbray (see paragraph 4.5.5 below)

## **2 Reason for Recommendations**

- 2.1 The site has been vacant since 2010 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. The site has not been delivered by the market and shows signs of deterioration with Homes England, the government's housing accelerator, seeking to unlock the stalled site since its acquisition in 2017. The recommendation is very much a 'balanced' decision weighing several factors in the planning balance including 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 and desirability of delivering an allocated site a prominent location, and to prevent its dereliction;
  - Impact upon the character of the site and surrounding area including the adjacent conservation area and non-designated heritage assets, and their conservation.
  - 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 towards 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 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 assets 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 further 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 an approach – Planning Committee does not have the authority to determine the use and activity on MBC land).
- 4.2.13 Further suggestions have been to dismantle the Cells and retain them in storage to allow a period for enthusiasts to raise funds and arrange a location for their reconstruction. The funding for this has not been calculated but based on the above studies a figure of up to £100,000 is estimated. There is also no secure location identified for their storage.
- 4.2.14 Finally it is suggested a small portion of the Cells could be retained on the site (e.g a single cell and the main door as a 'monument' to their former existence, perhaps assisted with an interpretation panel). Similarly this has not been costed but is expected to be less than the above options and could be accommodated within the site without interfering with the overall site capacity and developable space, i.e. within one of the site's open spaces.
- 4.2.15 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 were provided following a structural survey of the buildings.
- 4.2.16 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.
- 4.2.17 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.
- 4.2.18 A viability assessment has been submitted which demonstrates how this scheme is viable and deliverable and demonstrates how other alternatives are not viable; this before agreement to meet the s106 requests which further reduce viability. This viability appraisal has been independently reviewed and the findings are broadly accepted.
- 4.2.19 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.

- 4.2.20 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.
- 4.2.21 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.
- 4.2.22 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.
- 4.2.23 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.
- 4.2.24 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.
- 4.2.25 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.
- 4.2.26 **On balance, it is therefore accepted that the loss of the vagrant cells can be supported.**
- 4.2.27 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.

- 4.2.28 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.
- 4.2.29 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.
- 4.2.30 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.
- 4.2.31 **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.**

4.2.32 **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/house types 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. 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 and found to be broadly acceptable. **However the applicant has now agreed to meet all of the s106 requests in full.**

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.
- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £510.00 per pass).

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). **Following detailed negotiations over a protracted period, the applicants have agreed to meet these requests in full.**

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 Leicestershire County Council state that a key component of this is the requirement for a £12,422.26 contribution, per dwelling, towards education facilities (total £571,423 based on 46 dwellings).

4.5.9 The County Council's view is these contributions are essential to ensure that the infrastructure required to support the development can be funded. Without these contributions, there is no funding available to pay for these essential facilities. They contend the development would not be sustainable and therefore would be contrary to national and local policy and should be refused..

- 4.5.10 In the event that the Planning Committee resolves to grant planning permission without the required contributions, the County Council have advised that it reserves the right to consider taking legal action to prevent the development from proceeding.
- 4.5.11 The national and local policy referred to in these comments can be found at NPPF 2019 paragraphs 91-95 in particular, and Local Plan policy IN3. These require that development provides satisfies the demand for increased infrastructure provision that they give rise to, and the details are set out in the non- statutory LCC Planning Obligations Policy which should be regarded as a material planning consideration.
- 4.5.12 It should be noted that in agreeing to meet the request of the LCC and CCG, such contributions are 'ringfenced' no additional funds have been put forward to support the suggestions made for the preservation, relocation etc of the vagrant cells.
- 4.5.13 The Council has sought legal opinion (from Counsel) which advises that the Courts are reluctant to get involved in analysing the fine grain of viability evidence. The leading case on this is Parkhurst Road Limited v SSCLG and London Borough of Islington [2018] EWHC 991 (Admin). Two independent viability assessments have been undertaken and both by reputable companies who have adopted a conventional methodology in accordance with national guidance & the NPPF. Ultimately, determining whether a site is viable (and the attendant extent of any in-viability and s106 contributions arising) is a matter of planning judgment for the Local Planning Authority.
- 4.5.14 The Committee has a key role in adjudicating the 'planning balance' between the competing interests that planning applications often present. However having negotiated full payment from the applicants, this role is rendered redundant.
- 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 The full application for conversion provides for 1 parking space per apartment due to the proposal being located on the edge of Melton Mowbray town centre with local amenities within walking distance. There are a total of 67 parking spaces in the indicative plans , meaning 63 for the outline proposal of up to 38 new dwellings
- 4.9.7 Conditions to control parking for the outline element can be imposed if this is considered to be an issue.
- 4.9.8 **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.*

**Petition 3 406 signatures:**

*We are seeking to prevent the demolition of the vagrants cells at the site of St Marys Hospital, Melton Mowbray. With much of Melton's history having been demolished over the years, the site is one of Melton's few remaining sites of local history. We are calling for the development of the St Mary's site to preserve the cells and save this part of our heritage for future generations. This petition calls on the developer to retain the cells and for Melton Borough Council to refuse to grant permission for any application which does not retain them.*

## 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

### Director of Growth and Regeneration

- This site located on the edge of town centre on a key arterial road link to the town is a former hospital site that has been vacant for a number of years. Development of this site is a welcome opportunity as it would have a positive impact on the appearance of this key gateway link to the town centre. The proposal of housing fits well with the surrounding residential area and the design of the buildings reflect and take clues from the history of the site which is a positive value addition to the development.
- This development will provide homes in the town and contribute positively to the town centre vibrancy, footfall and spend in local shops. It is anticipated that the scale of development will support local contractors and labours for construction helping create local jobs for local people. The site is being promoted by Homes England which provides certainty of delivery and quality that is important for this key location as non-delivery of sites with planning application can create negative appearance and attract anti-social behaviour which could be detrimental to the area and the town.
- The loss of local heritage in form of vagrant cells is noted and considered regrettable. However, it is to be acknowledged that it is not Listed and there is no statutory duty to preserve them. It is advised that Enhancement and accessibility of heritage is preferred over preservation for conservation sake. Future use and outreach of heritage values should be considered and preservation of heritage for the sake of preservation to be avoided at any cost as this could cause significant challenges with future maintenance, management, promotion and enhancement of it.
- It is advised to ensure that the heritage is recorded diligently and the interpretation of the heritage to be made digitally available and accessible to Melton communities. There is opportunity to establish a link with place branding, place identity and tourism by creating a micro site/web pages with links on key stakeholders websites such as Discover Melton, Leicestershire Promotion, Visit Leicestershire, Melton Museum, etc. It is imperative to make the interpretation of heritage accessible to young people to raise awareness and attract future generations to the value of heritage. It is also recommended to collect S106 money for creation of digital interpretation and the micro-site/ web pages on heritage and tourism websites.
- **In summary, from regeneration point of view, the key benefits of this development are certainty of housing delivery, development of a derelict site in a prominent location, supporting the town's economy and potential for quality development with heritage enhancement.**

### LCC Highways

- No objection subject to conditions and informatives and s 106 contributions for travel packs and bus passes (see para 4.5.5. above for details)

### 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 22 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**

- Loss of a historic building is a tragic loss of the town's history and character, there are other vagrant cells within the country but not within 100 miles of Melton, The National Trust Workhouse at Southwell (the first Union Workhouse) does not have its vagrant cells, the condition of the cells and the harsh reputation and austere aesthetic of workhouse architecture can be turned into a virtue. Consider the most innovative and exciting way to repurpose the building for the users and the wider public include a teashop/café which could house information on the Union Workhouse and its place in the social history of the town and country, could be used for school visits and will provide an attraction at the Thorpe End of town which, along with the museum (which does not have a teashop) would bring a much-needed attraction to that end of town.
- The building was judged in an assessment as being 'an interesting item but of no

more than local interest', this is the point: the building is of local interest, and this is reason enough for keeping it. It tells us part of our history and does so in a way that books simply cannot: it is a physical, permanent testament to one element of the town's social history. The loss of the cells appears against Melton's own views on heritage. In converting the workhouse the external features must be as close as possible to the original 1834 building with no add-on buildings or renders, no doorways or windows etc. blocked up. At the time of it being built it would have looked very austere, imposing.

- The cells are one of only about 6 remaining in the Country. Suggest save say, two of the cells and the front entrance and rebuild them close to the original site and close the Workhouse which they were built to work with.
- 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 shall be carried out in accordance with 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

though 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

No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawing 003 have been implemented in full. Visibility splays once provided shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

22.The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Layout, drawing number 7309\_03\_04. 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 the National Planning Policy Framework (2019).

23.The development hereby permitted shall not be occupied until such time as secure (and under cover) cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

REASON: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2019).

24.No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of [the routing of construction traffic], wheel cleansing facilities, vehicle parking facilities, and a

timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

25. No part of the development shall be occupied until such time as offsite works including a scheme for an off-road, segregated cycleway along the A607 Thorpe Road adjacent to the 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 has been designed. Alternatively providing the land for the scheme (Approximately 2m wide adjoining the existing highway boundary).'

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).

26. 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.

27. 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.

28. 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.

29. Notwithstanding the plans hereby approved, parking shall be provided at the standard of 2 spaces per unit in the converted building.

Reason: To ensure the provision of adequate parking space

30. Details submitted under condition 3 above, 'reserved matters', shall provide for:

- (i) The orientation of buildings towards Thorpe Rd and the access road
- (ii) Parking provision at a minimum standard of 2 spaces per unit
- (iii) The absence of physical structures in the view towards the Workhouse building as annotated below (to follow)

## 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.