

## 21/00965/FUL - Proposed demolition of unused public W/C facility to residential to provide two 2-bed flats. Park Lane Public Conveniences, Park Lane Melton Mowbray

<b>Corporate Priority:</b>	Delivering Sustainable and Inclusive Growth in Melton
<b>Relevant Ward Member(s):</b>	Councillor Chris Fisher, Councillor Alison Freer,
<b>Date of consultation with Ward Member(s):</b>	13 September 2021
<b>Exempt Information:</b>	No

### 1 Summary



- 1.1 The application site is situated on Park Lane in Melton Mowbray town centre, the site currently hosts a now redundant public toilet building. Park Lane lies to the southern end of the town centre and links Market Place to the public park land of Play Close.
- 1.2 The site is within the Conservation Area, and within the designated town centre boundary. The Park Lane access road is narrow and passes between La Torre Italian restaurant and the No.21 Market Place (estate agent), the lane is block paved initially and provides services access to the business previously mentioned.

- 1.3 This application seeks full planning permission to demolish the existing building, its previous use and arrangement making conversion unsuitable.
- 1.4 The proposal provides two No.2 bed flats, each with a ground floor open plan living area and 2 double bedrooms allowing for flexibility for the rental market/flat share potential
- 1.5 Flat 1 would have the use of small external courtyard, providing light and ventilation, flat 2 with windows addressing the street frontage – each property has a hallway, accessible ground floor WC and 2 double bedrooms with a shared bathroom

<b>RECOMMENDATION</b>
1. It is recommended that permission be granted subject to conditions set out in Appendix B



## **2 Reason for Recommendations**

- 2.1 Policies SS1 and SS2 of the Local Plan set out the spatial hierarchy for the Borough. Policy SS2 states that Melton Mowbray main urban area is the priority location for growth and will accommodate approximately 65% of the Borough's housing need.
- 2.2 The application site is located within the main urban area of Melton Mowbray, close to amenity and public transport facilities. The provision of two small 2 bedroom units within a sustainable location would contribute towards the Boroughs housing supply.
- 2.3 The existing building at the site is of no architectural merit or historical significance and its removal would not result in any harm to the conservation area. Furthermore, there has been no identified material impact on residential amenity, or highway safety

## **3 Key Factors**

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

- 3.1.1 The application has been submitted by the senior estates surveyor and relates to a building and land owned by Melton Borough Council. The application has been referred to planning committee for determination in line with the scheme of delegation because it is for Council's own development proposal...

### **3.2 Relevant Policies**

- 3.2.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.
- 3.2.2 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.
- 3.2.3 Please see Appendix D for a list of all applicable policies

### **3.3 Main Issues**

- 3.3.1 The main issues presented by this application are considered to be:
  - Principle of Development – Town centre space standard
  - Residential Amenity
  - Heritage and Design
  - Highway Safety and Parking
  - Ecology

## **4 Report Detail**

### **4.1 Principle of Development**

- 4.1.1 The proposal would consist of the removal of the existing public toilet building and replacement with a single two storey building that would accommodate two independent residential units and located within the established urban area of Melton. The proposal therefore meets with the aims of Policy SS2 of the Local Plan which states that Melton Mowbray main urban area is the priority location for growth as well as the overall spatial strategy set out within SS1 of the Local Plan.
- 4.1.2 The application site is also located within the identified town centre although not within the primary or secondary commercial frontages.
- 4.1.3 Policy EC5 of the Melton Local Plan seeks to focus retail growth within Melton Mowbray town centre and primary retail frontages as part of wider strategy to promote and enhance the town centre. While the proposal represents residential development, as the existing building at the site is currently redundant and not previously in used for a commercial town centre use, it is considered that the proposal would not detract from the vitality or viability of the town centre and would therefore not conflict with the overall aims of Policy EC5.

### **4.2 Impact upon the Residential Amenity**

- 4.2.1 Policy C9 of the Melton Local Plan sets out that all development proposals should make a positive contribution to identified promoters of health and well-being. These include good quality, accessible green spaces, public realm, sports and recreational facilities close to where people live and work, as well as 'Healthy Homes' that are affordable, easy to warm, have good natural light, decent space and high quality residential amenity.
  - 4.2.2 Policy D1 of the Melton Local Plan states that all development shall be of high quality design. Policy D1 seeks to ensure that, amongst other criteria, that all development proposals are sympathetic to the character of the area, meet basic urban design principles and that the amenity of neighbouring properties is not compromised.
  - 4.2.3 The proposed dwellings would be in close proximity to existing residential uses, particularly those first floor elements of commercial properties, separation distances to these residential uses are limited, however the plans submitted show sensitivity to potential overlooking with the first floor windows on the elevation facing Park Lane serving bathrooms and landing areas, rather than main habitable rooms. Whilst it is acknowledged that some overlooking may occur from this proposal, this would be minimal and not considered significant to warrant refusal of the application
  - 4.2.4 The proposal allows for limited private amenity space for the new occupiers of the site, however given the town centre location and close proximity to recreational open space this is considered acceptable in this instance
- 4.3 Whilst far from ideal, given the constraints of the site it is considered that the proposal will not have any significant adverse impact upon any of the neighbouring properties due to the design and positioning and therefore complies with the local plan policies C9 and D1.

### **4.4 Impact upon Heritage Assets and Character**

- 4.4.1 In terms of the relevant legal framework, Section 72 of the Planning (Listed Buildings and Conservation areas) 1990 requires the Local Planning Authority to have special attention to the desirability of preserving or enhancing the character or appearance of that area in determining planning applications.

- 4.4.2 Policy EN13 of the Local Plan states that the Council will take a positive approach to the conservation of heritage assets and the wider historic environment by seeking to ensure the protection and enhancement of Heritage Assets, ensuring new developments to make a positive contribution to the character and distinctiveness of the local area and within conservation areas ensuring that all new development is consistent with the identified special character of those area.
- 4.4.3 The existing building at the site is a modern building with a hipped roof design, with a red brick external finish. The building holds no particular architectural merit and is considered to have a neutral contribution to the character and appearance of the site and wider conservation area. As such, there is no identified harm to its removal from the site.
- 4.4.4 The proposed development would form a single two storey building, with the first floor eaves lowered. The steep pitched roof is in keeping with the surrounding historic buildings, the previous hipped roof being somewhat alien in the vicinity.
- 4.4.5 The eaves line is consistent with the adjacent La Torre building and lower than the properties immediately opposite Park Lane.
- 4.4.6 The applicant has suggested that good quality red facing brickwork and a slate roof tile will be used to complement the surroundings, this choice of material is considered acceptable in this instance, however a condition is recommended to be attached to any grant of planning permission requiring the submission of precise details of the external finish.
- 4.4.7 Furthermore, Policy EN13 also seeks to secure the viable and sustainable future of heritage assets through uses that are consistent with the heritage asset and its conservation.
- 4.4.8 It is considered that the proposal would bring the site back into a viable use through the removal of the now redundant public toilets facility and the providing 2 small residential dwellings close to the town centre. In this sense, the proposal would add to the vitality of this section of the conservation area in line with the aims of Policy EN13.
- 4.4.9 Overall, the proposal is considered to not result in any harm to the character and appearance of the site or wider conservation area, and therefore meets the statutory test established by s72 and is in accordance with the aims of Policy EN13.

#### **4.5 Highway Safety and Parking**

- 4.5.1 Amongst other criteria, Policy IN2 of the Melton Local Plan requires all new developments where possible, to be located where travel can be minimised and the use of sustainable transport modes maximised. Policy IN2 also seeks to minimise additional travel demand and provide appropriate and effective parking provision and servicing arrangements
- 4.5.2 The application site is located on Park Lane, which is a narrow lane, single vehicle width with no parking places and a substandard access out onto Leicester Street in terms of forward visibility and pedestrian visibility splays.
- 4.5.3 Due to the site's constraints and in order to minimise additional traffic, a small scale residential use is considered acceptable given its town centre location. External store areas and internal hallways provide secure storage for cycles, and the town centre location suits use by residents who do not need to use vehicular transport
- 4.5.4 The lane serves a number of residential and commercial properties, including bin storage areas to the rear of the restaurant and other commercial buildings

- 4.5.5 Bearing in mind the type and tenure of property suggested, it is considered unlikely that the future occupants would rely on the use of private car for transport, therefore no provision is made for parking and consequently no increase in traffic is expected as a result of this application.
- 4.5.6 In light of the above it is not considered that the proposal would have a significant detrimental impact upon highway safety, given that no parking is provided due to the town centre location of the development therefore compiling with the overarching aims local plan policy IN2
- 4.5.7 While the comments of the County Highway Authority have not been sought, no objection was received on the previously approved scheme in 2017 for the same development. However, the conditions attached to this previously permission in relation to highway safety remain appropriate to be attached to any grant of planning permission in relation to this current application.

## **4.6 Ecology**

- 4.6.1 Policy EN2 of the Local Plan seeks to protect and enhance biodiversity, ecological networks and geological conservation interests throughout the Borough
- 4.6.2 A protected species survey is not required for the proposed submission. While it is considered that there is a fair amount of suitable bat foraging habitat to the south of the site, there is no direct connectivity between the site and this habitat. Whilst it is impossible to rule out the presence of a bat roost, the distance between the habitat and the building and the relatively good upkeep of the building the likelihood of bats being present is lower. However, as always if any bats are found or if there is any suspicion that they may be present expert advice must be sought.

## **5 Consultation & Feedback**

- 5.1 A site notice and press notice was posted and neighbouring properties consulted.
- 5.2 No letters of representation have been received

## **6 Financial Implications**

- 6.1 None

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

## **7 Legal and Governance Implications**

- 7.1 No specific issues are identified.

**Legal Implications reviewed by: Tom Pickwell (Solicitor)**

## **8 Background Papers**

- 8.1 None

## **9 Appendices**

- 9.1 Appendix A – Consultation Responses
- 9.2 Appendix B – Recommended Planning Conditions
- 9.3 Appendix C – Site Photographs
- 9.4 Appendix D – full list for applicable Policies

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## **Appendix A – Consultation Responses**

Ward Member – No comments received within the consultation period.

MBC Environmental Health – No comments received within the consultation period

MBC Conservation Officer - No comments received within the consultation period

## **Appendix B - Recommended Planning Conditions**

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

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

2. The proposed development shall be carried out strictly in accordance with plan drawing numbers

7350-03-01

7350-03-02

received by the Authority on 10 May 2017

Reason: For the avoidance of doubt.

3. No development shall start on site until representative samples of the materials to be used in the construction of all external surfaces have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.

4. The cycle parking shall be provided in accordance with the Proposed Plan (HSSP Architects drawing number 7350-03-01) dated 24/03/2017. Once provided the cycle parking shall be maintained and kept available for use in perpetuity.

Reason: In the interests of the sustainability of the development and to encourage alternative transport choice.

5. No part of the development (including site clearance and demolition works) shall commence on the site until such time that a construction traffic management plan including wheel washing



facilities, vehicle parking facilities, construction traffic routing and a timetable for their provision has been submitted to and approved in writing by the Local Planning Authority. 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 to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

6. Notwithstanding the provisions of Part 1 of Schedule 2, of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order), no window or opening (other than any that may be shown on the approved drawing(s)) shall be formed in any elevation of the building unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.

7. 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.

Reason: To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.

## **Appendix D – List of applicable policies**

Melton Local Plan:

Policy SS1 - Presumption in favour of Sustainable Development

Policy SS2 – Development Strategy

Policy C3 – National Space Standard and Smaller Dwellings

Policy C9 – Healthy Communities

Policy EC5 - Melton Mowbray Town Centre

Policy EN2 – Biodiversity and Geodiversity

Policy EN8 – Climate Change

Policy EN13 – Heritage Assets

Policy IN2 - Transport, Accessibility and Parking

Policy D1 – Raising the Standard of Design