

# AGENDA ITEM 4

COMMITTEE DATE: 25<sup>th</sup> May 2017

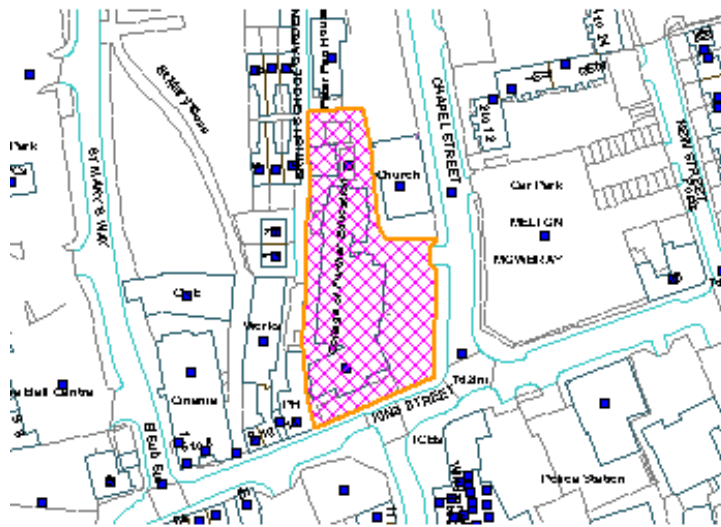
**Reference:** 16/00919/FUL

**Date submitted:** 22<sup>nd</sup> March 2015

**Applicant:** Brooksby Melton College

**Location:** Brooksby Melton College, King Street, Melton Mowbray LE13 1XA

**Proposal:** Conversion and partial demolition of existing buildings together with new build element to provide an affordable housing scheme of 21 units (18 flats and 3 houses)



## Proposal :-

This application seeks full planning permission for 21 dwellings on the site of Melton Brooksby College's King St facilities in Melton Mowbray.

This application is a revision of planning application 15/00247/FUL and offers a revised scheme for 21 affordable units, the revised proposal also retains the existing frontage building onto King Street and sets back the new build element to Chapel Street allowing more extensive views of the listed church.

23 parking spaces are provided by the new development and the 3 houses would have an individual parking space each. Access would be formed from Chapel Street and **all 21 units would be affordable.**

The application also involves the dedication of land to MENCAP premises to the north of the site (a 9m deep strip that borders the existing premises).

**The application is directly associated with application no 16/00920/OUT elsewhere on this agenda. The applicant has provided details of how the proceeds of the development at the Spinney would support this scheme which represents the delivery of affordable housing in a location more sustainable and appropriate than at The Spinney, Brooksby, and will fund the improvements to Brooksby Ha (£350,000) and the theatre in the college campus on Asfordby Rd (for which permission already exists (\$2.188 million). This takes account of the payment of the developer contributions that have been requested, as set out below.**

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

- **Compliance or otherwise with the Development Plan**
- **Road safety**
- **Residential amenities**
- **Design and streetscene**
- **Impact on setting of Heritage assets**

The application is required to be presented to the Committee due to the scale of the proposal

**History:-**

**15/00247- Affordable housing development of 25 units. Comprising of 22 flats and 3 dwellings: application refused in December 2015 on the grounds of:**

1. *The proposed development would adversely affect the setting of the adjacent Grade II United Reformed Church, by reducing views of its principle elevation and the creation of a large building in close proximity that would reduce its significant as a focal point within its setting. It is considered that whilst the harm would be less than substantial, the public benefits of the proposal are insufficient to justify this harm. The development is therefore contrary to para. 134 of the NPPF.*

2. *The proposed development would result in the total loss of an undesignated heritage asset, the existing College building. It is considered that the benefits of the proposal are insufficient to justify this loss and that the development is therefore contrary to para. 135 of the NPPF.*

3. *The proposed design, by virtue of its height, occupancy of the site and proximity to the site boundary would be unduly dominant and out of keeping with its surroundings. It would therefore be contrary to Policy BE1 of the adopted Local Plan and objectives of section 7 of the NPPF 'Requiring Good Design'*

**The application is currently at appeal being held in abeyance by the Planning Inspectorate.**

**Planning Policies:-**

**Melton Local Plan (saved policies):**

**Policies OS1 and BE1** allow for development within the Town Envelope providing that:-

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

**Policy BE1** : also allows for new buildings subject to criteria including buildings designed to harmonise with surroundings, no adverse impact on amenities of neighbouring properties, adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

**Policy CF4** : Planning permission will not be granted for development which would result in the loss of local community facilities unless there is no local need or replacement sites or buildings can be made available.

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

**Policy H11**: requires developments of 15 or more dwellings to make provision for playing space in accordance with standards contained in Appendix 6 (requires developments of 15 or more dwellings to include a LAP

within 1 minute walk (60m straight line distance) of dwellings on the site and extend to a minimum area of 400 sq m.

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

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

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

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

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

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

**On Specific issues it advises:**

#### **Promoting sustainable transport**

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

#### **Delivering a Wide choice of High Quality Homes**

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

#### **Require Good Design**

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

### Conserving and Enhancing the Historic Environment

- Recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness, and;
- Opportunities to draw on the contribution made by the historic environment to the character of a place.
- Para 134 of the NPPF advises: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- Para 135 of the NPPF advises: 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 affect directly or indirectly 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.

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

### Consultations:

Consultation reply	Assessment of Head of Regulatory Services
<p><b>LCC Highways -- recommends approval</b></p> <p>Previous observations were made by the CHA in January 2017 and queries relating to access arrangements, barriers and cycle parking have now been addressed. The CHA now considers that the level of parking provision is acceptable given the town centre location, although the need for the disabled space is unclear. However the precise layout of the car parking would need to be reviewed to ensure that all spaces are accessible and useable. It is unclear whether it will be possible to walk directly from the car park to the building fronting on the King Street, and whether there is proposed to be a wall between the footway and car parking space no 23. It is considered that details of car parking arrangements can be addressed through conditions.</p>	<p>The site is in a town centre location and makes modest parking provision. However there is ample parking in the immediate area should demand exceed that provided on site</p> <p><b>The Highway Authority recommends approval and it is not considered that the proposal would have a significant impact on either the wider highway network or highway safety.</b></p>
<p><b>LCC Archaeology</b></p> <p>The Leicestershire and Rutland Historic Environment Record (HER) and submitted desk-based assessment (ULAS Rep.: 2015-055) notes that the site lies within an area of significant archaeological interest.</p> <p>Research undertaken by ULAS on behalf of the applicant indicates that known archaeological remains from the surrounding area include prehistoric, Roman, Anglo-Saxon, medieval and</p>	<p>The site is operational and contains a building, both of which mean trial trenching prior to a decision is impossible.</p> <p>The Archaeological advisors have confirmed that a condition is acceptable in these circumstances.</p> <p><b>These requirements can be secured by means of a condition.</b></p>

<p>later post-Medieval remains.</p> <p>The development includes proposals for part demolition of existing building, new three storey extension to the rear with additional terrace housing and hard landscaping proposed. All the above elements, in addition to the construction of services, are likely to impact upon surviving archaeological remains.</p> <p>Trial Trenching is required to establish the nature and extent of archaeology on the site.</p>	
<p><b>Lead Local Flood Authority</b></p> <p>We note that no soakaway testing has been undertaken to confirm the viability of infiltration type drainage at the site however this is something that has been requested by Severn Trent as a pre-requisite before they will accept a surface water connection to their sewers.</p> <p>In light of the above, we can therefore advise the Local Planning Authority that:</p> <p>The proposed development is minor and considered to be acceptable to Leicestershire County Council as the Lead Local Flood Authority based on the surface water management principles provided within the application. The development should be designed in accordance with the details provided.</p> <p>Should planning consent be granted for the site, we would request that the conditions are attached regarding infiltration testing and surface water drainage</p>	<p>Noted, these requirements can be made the subject of conditions.</p>
<p><b>Severn Trent Water Authority</b> – No objections subject to the inclusion of the following:</p> <p>Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the company under Section 106 of the Water Industry Act 1991.</p>	<p>Noted – conditions can be applied to this effect. Severn Trent <b>do not object</b>, or raise concerns, about the capacity of the drainage system.</p>
<p><b>Environmental Health</b></p> <p><b>Contamination –</b></p> <p>The ground report for the kings Road application dates back to the 20105 application and has not been updated to reflect the new site layout. I have therefore crossed reference the information from the 2015 report with the information submitted in support of this application in making this response.</p> <p>I remain concerned in the number of boreholes advanced across the site and the number of soil samples taken/sent for chemical analysis.</p>	<p>Noted,</p> <p>Conditions are proposed which can be incorporated to any permission.</p>

<p>Given the results of the sampling, I would suggest a robust capping layer will be sufficient to deal with the slightly elevated levels of arsenic and lead and any unidentified areas of contamination. However, any gross areas of contaminated identified during ground works will require the local planning authority to be notified.</p> <p><b>Noise –</b> Notwithstanding a rigorous acoustic mitigation scheme, the development is considered undesirable due to the public health constraints due to noisy events such as rowdy patrons and live music from the Generous Briton. However it is recognised that ideal environmental conditions cannot always be achieved in all circumstances and this must be tempered by the public benefit of the development. Should planning permission be granted, conditions should be applied to minimise the impact on public health.</p>	
<p><b>Conservation Officer</b></p> <p>The application for 21 units on the site of Brooksby Melton College is a revised application for the previously refused 15/00247/FUL which sought total demolition of all buildings within the site boundary to be replaced with a housing scheme of low quality specification cladding that made no reference to the local area and would have sat incongruously amongst surrounding C19 and C20 buildings.</p> <p><b>The new application is considered to be a vast improvement on the previous proposal. The scheme retains the elegant ashlar stone / concrete art-deco façade and 7 bay wide, 2 storey building that forms the primary elevation fronting King Street. This building, which is of far greater prestige and architectural merit than the remaining red brick buildings to the rear of the site, is one of only a small collection of inter-war buildings that offers a rare insight into the world of local government civic ambitions of the 1930s; providing architecturally striking and innovative new buildings for the facilitation of improved public benefits (schools, emergency services, libraries, town halls, cinemas, lidos, theatres).</b></p> <p>Melton Mowbray’s remaining stock of this typology are recognised as the current Public Library on Wilton Road, the former Agricultural Institute on Park Road and the more ornate Egyptian revival art-deco retail precinct on Sherrard Street. Under the previous application 15/00247/FUL, the demolition of the frontage on King Street would have fractured the relationship between these inter-war buildings, located through the town centre and the associated</p>	<p>Noted and supported. The application has sought to address the reasons for refusal of its predecessor and has done so successfully by means of retaining the frontage and setting the building back to protect the steering of the Baptist Chapel to the rear (north).</p>

<p>evidential/historic/ community values would have been lost forever. At the time of the application a member of the public sought to rescue the buildings and applied for listing, seeking the assistance of the Twentieth Century who placed the building on their 'At risk' register. MBC Planning Committee refused the application primarily on the grounds of loss of a heritage asset and harm to the setting of a nearby listed church, although the building is not within the Conservation Area and Melton Borough Council do not have a published local list.</p> <p><b>The revised application is considered to be an excellent compromise which retains the frontage building on King Street</b>, retaining the original depth and height, while providing new contemporary accommodation to the rear in place of the existing red brick buildings. The new design is a well thought-out scheme that seamlessly merges with the retained art-deco frontage, using the same geometric flat roof proportions and an appropriate palette of materials. The fenestration arrangement further compliments the frontage and does not destroy the relationship through a change of storeys (proposed as three instead of the original two). The scheme would not negatively impact on the surrounding area and it is considered that it would make an overall positive impact on the townscape, which is unfortunate not to have been designated within the Town Centre Conservation Area.</p> <p><b>Therefore it is recommended that this scheme is granted approval subject to meeting further non heritage related material planning considerations. This would result in the retention of one of Melton Mowbray's most significant inter-war buildings that is otherwise under considerable threat due to its unlisted status.</b></p>	<p>The retention of the façade also addresses the quality of the design of the building and its presence in the street scene, as well as its historic and architectural associations described opposite..</p>
<p><b>LCC Developer Contributions-</b></p> <p><b>Waste</b> - The County Council considered the proposed development is of a scale and size which would have an impact on the delivery of Civic Amenity waste facilities within the local area. The County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required of <b>£1736</b> (rounded to the nearest pound). The contribution is required in light of the proposed development and was determined by assessing which civic amenity site the residents of the new development are likely to use and the likely demand and pressure a</p>	<p>Noted – If the development is considered acceptable a Section 106 Agreement to secure developer contributions would be needed.</p> <p>S106 payments are governed by Regulation 122 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p> <p>The contributions requested for mitigation against waste and education are a tariffed style requests that will be 'pooled'. Under CIL Reg. 123(3) no more than five contributions have been pooled for singular infrastructure projects.</p> <p><b>The contributions are therefore considered appropriate for inclusion in a S106 agreement.</b></p>

<p>development of this scale and size will have on the existing local civic amenity facilities. The increased need would not exist but for the proposed development.</p> <p>The developer contribution would be used on project reference MEL0004 at the Melton Civic Amenity Site. Project MEL0004 will increase the capacity of the Civic Amenity site at Melton by installing new open topped containers. There are three other know obligations for other approved developments, since April 2010, that affect the Melton Civic amenity Site which may also be used to fund Project MEL 004.</p> <p><b>Libraries</b> – No claim required for library services. The proposed development would not have any adverse impact on current stock provision at the nearest library which is Melton Mowbray.</p> <p><b>Education</b></p> <p><b>Primary</b></p> <p>There is on overall surplus in this sector after including all primary schools within a two mile walking distance of the development of 87 pupil places. An education contribution will therefore not be requested for this sector.</p> <p><b>Secondary</b></p> <p>In order to provide the additional 11-16 school places anticipated by the proposed development, the County Council requests a <b>contribution for the 11-16 school sector of £14,658.46.</b></p> <p>This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at John Ferneley College and Long Field Academy. The contribution would be spent within 5 years of receipt of final payment.</p> <p><b>Ecology, Landscape:</b> no requirements</p>	<p><b>Noted.</b></p> <p><b>Noted.</b></p>
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**Representations:**

Site notices were posted and neighbouring properties consulted. As a result **3 letters of objection have been received.**

Representations	Assessment of Head of Regulatory Services
<p><b>Other Matters</b></p> <ul style="list-style-type: none"> <li>- How can they build on land they do not own? The land is town stand land, now the school places are no longer required the site should be handed back to the town estate.</li> <li>- The linkage with the Spinney Development</li> </ul>	<p>This is a civil matter between the developer and the land owner, if development is secured then consent to implement the application will be required from the land owners.</p> <p>The application has a clear and explained</p>



<p>hidden in this planning application is deceitful. It does no credit to the reputation of the college or the Council planning officers.</p> <ul style="list-style-type: none"> <li>- The college does not have evidence that there is no need for affordable accommodation in the parish of Hoby with Rotherby.</li> <li>- If there is ever, at any time in the future, to be any housing developed at The Spinney a proportion of the resources generated must be used to subsidise affordable dwellings in the parish, there is no reason why the King Street site cannot be developed to provide subsidy free dwellings.</li> <li>- If the Spinney development is to go ahead it should offer a golden opportunity to provide some affordable housing in this locality, but this will be lost if the proposed 'trade-off' with King Street development takes place. I therefore object to this loss.</li> </ul>	<p>connection with 16/00290/OUT at Brooksby. Issues in relation to the Spinney application are discussed in the report for application 16/00920 which is also to be reported at this Committee meeting.</p> <p>Noted – this does not affect the acceptability, or otherwise, of this proposal but will be of relevance to the associated application. It is a matter for the consideration of application 16/00290/OUT whether the quantity and provision of affordable housing in King St is an appropriate and acceptable approach.</p> <p>Noted- as above, this will be an important consideration for application 16/00920/OUT but does not impact on whether this application is acceptable in its own right.</p>
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**Other Material Considerations, not raised through representations:**

Consideration	Assessment of Head of Regulatory Services
<p><b>Housing Supply</b></p>	<p>There is a housing shortage nationally and the Borough of Melton is no different. Historically the Borough has failed to provide housing but is now in a position to demonstrate a 5 year land supply.</p> <p>The most recent evidence indicates that there is need for 70 'affordable' homes per year (HEDNA 2017)</p> <p><b>This application would make a significant contribution to housing supply, in a sector where demand is high and delivery has been difficult with under delivery in recent years.</b></p> <p><b>Significant weight should therefore be afforded to this aspect of the proposal</b></p>
<p><b>Layout and design</b></p>	<p>The proposal now retains the existing façade, however as a 3 storey building and in close proximity to the road it would be extremely prominent.</p> <p>The area is a combination of a wide range of architectural styles and scale of building and also contains a series of breaks to the streetscape that give it a somewhat 'fractured' appearance, with no unifying theme, except that the buildings generally follow and face the roads. This theme would be continued by the design proposed.</p> <p><b>The design is of modern appearance but the amended scheme is considered to overcome the previous reason for refusal, particularly in</b></p>

	<p><b>relation to maintaining the façade and protecting the setting of the chapel to the north.</b></p> <p>Use of different materials on the principal elevation and treatment of window features also serve to give the building some interest and guard against it having too great a regimented or repetitive appearance. It is also considered that it would create ‘legibility’, enabling ease of distinction between to old and new components of the building.</p> <p>It is considered that the revised design does enable to the proposal to better harmonise amongst its surroundings and the proposal is now considered to sit well against the existing built up location.</p>
<p><b>Heritage Assets</b>  <b>Setting of listed building (St Mary’s church)</b></p> <p><b>Para 134 of the NPPF advises:</b>  Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.</p> <p><b>‘Non designated heritage assets’</b>  Para 135 of the NPPF advises:  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 affect directly or indirectly 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.</p>	<p>The site currently allows some medium distance views across the town centre to the tower of St Mary’s Church. These would now be retained by the proposal.</p> <p>However, these are not ‘designed’ views nor are they critical to the appreciation of the Church and its setting. The impact is ‘less than substantial’ within the terms used by the NPPF and a balanced judgement between harm and benefits is required</p> <p>The building currently on the site is of some local interest and was been the subject of one the previous reasons for refusal. It is not listed or in a Conservation Area and as such is a ‘non designated heritage asset’ to which para. 135 of the NPPF applies (see opposite).</p> <p>Similar to the above, this requires the benefits of the proposal to be weighed against the harm, including in this revised case the partial loss of the building. This is addressed in the conclusion below.</p>
<p><b>Residential Amenity</b></p>	<p>The development lies opposite residential accommodation in the form of upper floor apartments on Windsor St. These are considered to be sufficiently separated and orientated such that levels of residential amenity would reach acceptable levels.</p> <p>The three houses, though behind the Chapel, share a building line with its end elevation and as such will not be over dominated by it. Each has private garden provision to the rear.</p> <p>Concern has been raised regarding noise exposure of the units closest to the adjacent Public House and nearby night spot (see comments from Environmental Health above) but a mitigation scheme has been developed to overcome these. Additional work is required to investigate the noise exposure during times of ventilation.</p>
<p><b>Public Open space</b></p>	<p>The site lies in the town centre which has ready and easy access to a wealth of open space and leisure</p>

The development is of a scale that Public Open Space should be provided (Policy H11 of then Local plan – see page 2 above)	facilities. It is considered that the on site provision would be of such small scale as to be of limited value and that in the circumstances of the case it is not justified.
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### **Conclusion**

It is considered that the application presents strongly positive benefits with some very limited harm which must be considered by Committee in reaching its conclusion.

The proposed housing development is situated within the built up area of the town where new development is generally acceptable, subject to detailed matters such as design which have been addressed above. Accordingly it is considered to comply with the key policies of the Development Plan, OS1 and BE1.

### **Importantly, it is considered that the application addresses the previous reasons for refusal.**

There is a housing shortage nationally and the Borough of Melton is no different. Historically the Borough has failed to provide housing but is now in a position to demonstrate a 5 year land supply. This additional housing would be in a location that is considered to be highly sustainable in terms of access to services and facilities and with good transport links. Affordable housing provision remains one of the Council’s key priorities. This application presents affordable housing that helps to meet identified local needs. The NPPF states an objective of boosting housing supply and choice, and accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, type and location and it is considered that this is a material consideration of significant weight in favour of the application.

The application has some adverse impacts in terms of the potential to impact on the setting of the Church. However this is considered to be of very limited importance due to the quality of the views concerned and the fact that views will remain (albeit reduced) and as such these are not considered to outweigh the benefits by some margin. However it also facilitates the protection of an important non designated heritage asset and the setting of the adjacent listed building in an appropriate and positive way, both of which are considered to be significant benefits.

**In conclusion it is considered that there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing and protection of heritage assets in particular. The balancing issues –impacts on heritage assets – are considered to be of limited harm in this location.**

Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that permission should be granted.

**Recommendation: PERMIT**, subject to:

(a) **The completion of a s108 agreement securing contributions**

- Contribution for the improvement to civic amenity sites.
- Contribution to education provision

For the sums set out in the report above.

(b) **The following conditions :**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be built in accordance with the following plan:
  - J3369-2001 Revision D
  - J3369-1002 Revision C
  - J3369-2002 Revision C
  - J3369-3000 Revision C

- J3369-3001 Revision C
  - J3369-1000 Revision A
  - Tree Constraints and Protection Plan
3. No development shall take place until samples of the materials to be used on all external elevations and roofs of the development have been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
  4. No demolition or development shall take place until a Written Scheme of Investigation detailing a programme of exploratory trial trenching, has been submitted to and approved by the local planning authority in writing. The trenching shall be undertaken in accordance with the Written Scheme and the result, where significant archaeological remains are identified, used to inform the design of a suitable programme of archaeological mitigation.
  5. Prior to the impact of demolition and/or development upon any significant archaeological remains revealed or predicted based upon the results of the trial trenching (1 above), a programme of archaeological mitigation shall be detailed a Written Scheme of Investigation and submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
    - the programme and methodology of site investigation and recording
    - the programme for post-investigation assessment
    - provision to be made for analysis of the site results
    - provision to be made for publication and dissemination of the results of the site investigation
    - provision to be made for archive deposition of the analysis and records of the site investigation
    - nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
  6. No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (4).
  7. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (4) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
  8. 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 scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

9. Before first use of the development hereby permitted, the site access arrangements as shown in Drawing No J3369-1002 Rev C shall be provided and made available for use. This shall include:
  - provision of access and barrier on the Chapel Street access
  - closure of existing redundant accesses on King Street to be made into full height footway
10. Notwithstanding the submitted details to date prior to first use of the development hereby permitted a scheme for the provision of car parking within the site shall be submitted to and approved by the Local Planning Authority. Details shall include access to the car park from all aspects of the development. Car parking shall thereafter be provided in accordance with the approved details.

11. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, 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.
12. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.
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 the Planning Authority for written approval (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.
14. 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.
15. No topsoil from the existing site shall be used in connection with the development unless 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.
16. No development shall take place until an acoustic mitigation scheme has been submitted to and approved by the Local Planning Authority. As a minimum the scheme must achieve the façade acoustic specifications outlined in noise impact assessment MM202/15251 by Spectrum Acoustic Consultants. The acoustic mitigation scheme shall also include a copy of the approved ventilation scheme wherein 'whole dwelling ventilation' must be achieved on the presumption of windows being closed including non-habitable rooms on any façade where windows/door are required to be closed to achieve internal noise levels. The approved scheme shall be completed prior to the first occupation of the development and shall be retained thereafter.
17. Should the Local Authority received noise nuisance complaints from the future occupants of the development concerning extraction noise relating to the commercial kitchens at 15/17 Windsor Street, Melton Mowbray, the developer shall undertake a noise assessment of the noise in accordance with British Standard 4142: 2014 'Method of rating industrial noise affecting mixed residential and industrial areas'. This assessment shall be submitted to the Local Planning Authority for approval. Should this assessment demonstrate an exceedance of 'background' noise levels, the developer shall consider the significance of the exceedance in relation to the National Planning Policy Framework, BS 8233: 2014 'Sound Insulation and Noise Insulation for Buildings - Code of Practice' and noise impact assessment MM202/15251. Where the exceedance is considered to have a significant adverse impact, the developer shall submit an acoustic remediation scheme to the Local Planning Authority for approval. Once approved the developer shall undertake the works within one calendar month from the date of approval.
18. The development hereby approved shall be for the sole purpose of providing 100% affordable housing. Detail of the arrangements to ensure that they are affordable for both first and subsequent occupiers, the tenureship (i.e between rented and intermediate), occupancy criteria to be used for determining the identity of occupiers and the means by which such occupancy criteria shall be enforced shall be provided prior to completion of the development. The affordable housing shall be provided in accordance with the approved scheme.

Officer to contact: **Ms L Parker**

**Date: 10<sup>th</sup> May 2017**