

Reference: 10/00340/FUL
Date Submitted: 04.05.10
Applicant: The Hill Trust
Location: Old Guadeloupe House, Leicester Road, Melton Mowbray LE13 0DB
Proposal: Conversion of existing dwelling and outbuildings into private offices.

Introduction:-

The application seeks full planning permission for the change of use of a former dwelling and outbuildings situated within the prominent landscape along Leicester Road on the outskirts of the town envelope of Melton Mowbray. The former dwelling sits in an elevated position with outbuildings to the rear. Access is via a single track from the Leicester Road. The site has been cleared around the building which gives it more prominence in the rural landscape.

The application is presented to Committee due to complex policy issues.

Relevant History:-

08/00922/OUT - Demolition of existing house and outbuildings and erection of replacement dwelling – The application was refused on grounds that the residential use rights had been abandoned due to there having been no attempt made to address the closure order requirements that was issued in 1984.

08/00111/OUT - Demolition of existing house and erection of 4 detached dwellings. Refused on grounds that residential dwellings are not supported outside of the town envelope and the proposed densities fall below national guidance.

88/00916/FUL - Residential development land adjacent to Kirby Lane - Leicester Road REFUSED and dismissed at appeal.

86/00443/FUL - Country club, old peoples home, public house or corn silo – REFUSED

86/00137/FUL - Country club, old peoples home or public house, private hospital or nursing home – REFUSED

83/00357/FUL - Appeal dismissed - Proposed residential development land off Kirby Lane and Leicester Road – REFUSED - Appeal dismissed

82/00324/FUL - Road for all purposes off Edendale road – REFUSED

81/00164/FUL - Recreation area and access road of Edendale Road PERMITTED

The dwelling was subject to a ‘Closing Order’ issued by MBC Environment Health on the 9th April 1984 and still remains in place.

Melton Local Plan (saved policies):

PPS 1 ‘Delivering Sustainable Development’ - The guidance says that planning should promote sustainable and inclusive patterns of development. A key principle involves the need to reduce the need to travel by car and to identify land for development in locations where there is, or the potential for, a realistic choice of access by means other than the private car. The Government is committed to promoting a strong, stable, and productive economy that aims to bring jobs and prosperity for all. Planning authorities should ensure that suitable

locations are available for industrial, commercial, retail, public sector (e.g. health and education) tourism and leisure developments, so that the economy can prosper.

PPS4 ‘Planning for Sustainable Economic Growth’ – The guidance states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development including rural areas. Planning applications that secure sustainable economic growth should be treated favourably. Policy EC12.1 advises that re-use of buildings in the countryside for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations and for some types of building. Policy EC14.3 advises that a sequential assessment (under EC15) is required for planning applications for main town centres uses that are not in an existing centre and are not in accordance with an up to date development plan.

PPS5 ‘Planning for the Historic Environment’ outlines the Government's policies for effective protection of all aspects of the historic environment. Planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places. The Government’s overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. To achieve this, the Government’s objectives for planning for the historic environment seek to recognise that heritage assets are a non-renewable resource, recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term and wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation.

PPS7 ‘Sustainable Development in Rural Areas’: The principles for permitting rural economic development is now contained within the PPS4 however PPS7 is still relevant and contains advice on determining applications in rural areas and sets out national planning policy in relation to development in rural areas. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

PPG 13 ‘Transport’ - A main objective seeks to reduce the need to travel, especially by car. With regard to rural areas, the guidance makes clear that jobs, shopping, leisure facilities and services are primarily sited at the most accessible locations in the local area. In determining the appropriate strategy for employment in rural areas, the guidance says that it is important to consider the scale, impact and likely catchment area of development, and that the larger the number of staff employed on site, the greater the need to ensure the development is accessible by public transport, walking and cycling.

Melton Local Plan (Saved Policies)

Policy OS2 - carries a general presumption against development outside town and village envelopes except in certain instances such as development essential for agriculture and forestry, small scale employment, tourism and recreation development, development for statutory undertakers and telecommunications operators, changes of use of existing buildings and affordable housing.

Policy C6 states that planning permission will be granted to reuse and adapt a rural building for commercial, industrial or recreational use provided that:

- the building is of substantial, sound and permanent construction and if it is in the open countryside, is provided for reuse and adaptation without major or complete reconstruction;
- the form, bulk and general design of the building is in keeping with its surroundings;
- any conversion work respects local building styles and materials;
- the traffic to be generated by the new use can be safely accommodated by the site access and the local road system;
- the proposed use will not harm the local environment through the creation of noise, dust, smoke, fumes, grit, vibration or any form of water, soil or air pollution;

- there is sufficient room within the curtilage of the building to park the vehicles of those who will work or visit there and also to service its use, all without detriment to the visual amenity of the countryside;
- no commercial, industrial or recreational activity or storage of raw materials or finished goods is to take place outside the building
- no new fences, walls or other structures associated with the use of the building or the retention of its curtilage or any subdivision of it will be erected if they would harm the visual amenity of the countryside.

Melton LDF Core Strategy: seeks to protect the countryside and limits development to small scale for employment and leisure purposes. The Core Strategy supports the re-use of rural buildings for small-scale business activities compatible with countryside locations.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority - No objection to the use of the building for commercial B1 uses subject to the imposing of conditions to ensure that the access is improved to comply with highway standards.</p>	<p>Access to the site is via a single track off Leicester Road. It is situated on the outside of a bend on a classified road (A607) with a 40mph speed limit. The highways authority has requested conditions to ensure that the access is modified in accordance with Highways standards. This will include increased width, radii, reduced gradient, surfacing in a hard bound material and setting back of any gates, bollards/barriers/chains or other such obstruction.</p>
<p>Melton Borough Conservation Officer: No objections to the proposal.</p> <p>Old Guadeloupe is neither listed nor within any conservation area but under the terms of PPS 5 must be considered to be a heritage asset..</p> <p>The building is a typical Georgian farmhouse with a symmetrical rendered façade under a Swithland slate roof. There are some red brick and slate outbuildings associated with the house which were added in the Victorian era - as witnessed by a date stone ‘SMG – 1868’. The building has stood empty for several years and continues to deteriorate.</p> <p>Policy HE1 of PPS5 states that the retention and reuse of heritage assets avoids the material and energy costs of new development.</p> <p>Policy HE9 sets out the presumption in favour of the conservation of designated heritage assets, the more significant the heritage asset, the greater the presumption in favour of its conservation. Once lost, heritage assets cannot be replaced and their loss has an impact in cultural, environmental, economic and social terms.</p> <p>Proposals for the development of a heritage asset will ideally be for its optimum viable use and this is important for the future conservation of the asset. Viable uses can fund future maintenance. Where more than one use is viable, the optimum use of the building by definition is the one that causes the least harm to the significance of the</p>	<p>The building’s sit in an elevated position and occupies a prominent position within the landscape. It is considered that the buildings are of historic importance and contributes to the heritage of the borough. Applications to demolish the buildings to replace with residential development have been unsuccessful however in order to maintain the building a new use is considered to be required.</p>

<p>asset.</p> <p>In that regard provided that the conversion of the building for office use can be achieved with minimal disruption to the historic fabric and integrity of the building thus minimising harmful change and are supportive of this proposal.</p>	
<p>Leicestershire County Council Ecology:</p> <p>The site is close to trees and woodland where the presence of bats has been recorded.</p>	<p>Prior to the submission of the application clearing work has already taken place around the site to aid with security of the building as it has been subject to vandalism. The clearing of the site did not require any formal consent due to not falling within a Conservation Area and not subject to any tree preservation orders. It is likely that the wildlife has been disturbed and if the proposal is permitted a condition should be imposed for the applicant to maintain a watching brief for protected species and if any are found then Natural England consulted.</p> <p>The dwelling was subject to a closure order in the 1980's and has been empty before this period. Windows and door openings have been bricked up.</p>

Representations:

A site notice was posted at the site entrance. There were no neighbouring properties identified within the consultation zone for the site that required to be consulted separately. As a result no letters of representing has been received to date.

Other considerations not raised through representation.

Consideration	Assessment of Head of Regulatory Services
<p>Application of Development Plan and other planning policy.</p> <p>Policy OS2 carries a general presumption against development outside town and village envelopes except in certain instances such as development essential for agriculture and forestry, small scale employment, tourism and recreation development.</p> <p>Policy C6 allows for the conversion of rural buildings for commercial use providing the building is substantial, sound and permanent construction without the need for major or complete reconstruction and adequate access and parking facilities can be accommodated. The new use would not cause any environmental harm through noise, dust, smoke, fumes, grit, vibration or any form of water, soil or air pollution.</p>	<p>The building no longer has a defined use due to the length of time since the building was last occupied and other issues that have lead to the abandonment of its former use.. It is therefore considered that the building is a vacant rural building situated within the open countryside, due to falling outside the town envelope. Residential uses are not supported outside of the town envelope unless special justification applies. The proposal seeks permission to bring back into use a rural building for commercial use only which is supported by policy OS2.</p> <p>Commercial development of the nature proposed is acceptable in principle under local and national policies which allow for re-use of redundant buildings. These are 'exception policies' (policies that allow a particular form of development in locations where there is a general presumption against development) that assist the rural economy. The converted buildings will be used as private offices which is considered to meet the</p>

<p>PPS5 states that local authorities should have special regard to the desirability of preserving any Listed Building and allows greater scope to protect buildings of local interest. Policy HE9 sets out the presumption in favour of the conservation of designated heritage assets, the more significant the heritage asset, the greater the presumption in favour of its conservation. Once lost, heritage assets cannot be replaced and their loss has an impact in cultural, environmental, economic and social terms.</p> <p>PPS4 reflects the advice in PPS1 but supports the reuse of buildings in the open countryside for the purpose small-scale economic development particularly those adjacent or closely related to towns or villages, where the benefits outweigh the harm in terms of:</p> <ul style="list-style-type: none"> • the potential impact on the countryside, landscapes and wildlife. • local economic and social needs and opportunities. • settlement patterns and the level of accessibility to service centres, markets and housing. • the need to conserve, or the desirability of conserving, heritage assets and, • the suitability of the building(s), and of different scales, for re-use, <p>Policy EC14.3 advises that a sequential assessment (under EC15) is required for planning applications for main town centres uses that are not in an existing centre and are not in accordance with an up to date development plan.</p>	<p>criteria of policy C6.</p> <p>The buildings are considered to have local historical importance dating back to late Victorian and early Georgian periods. The building occupies a prominent location within the rural landscape and its loss would be regrettable. The building is considered to be a heritage asset one that is worthy of retention and the change of use to offices complies with the objectives of PPS5.</p> <p>The site is considered to be located ‘close to’ an existing centre; the town, in order for the site to be considered acceptable and sustainable. The proposal if permitted would be served by a main route into the town (A607) with regular bus services from Leicester/Melton. The site is also within a 15 minutes walking distance of the town centre where the main bus interchange is located and the train station. It is considered that the development can comply with the objectives of PPS1 and PPG13 where alternative modes of transport, including walking and cycling can be provided. A public right of way connects the site from the edge of the nearest housing estate. Opposite the site are commercial uses in the form of, retail, offices and leisure facilities. The re use as offices would not be alien to the surroundings and would bring back into use a heritage asset of significant importance in terms of PPS5.</p> <p>Commercial uses such as the offices proposed with this application (B1 use class) is considered to be a main town centre use. Applications outside of the town are to be supported with a ‘Sequential Test’ which allows for the developer to justify the location for commercial uses in preference to other locations within the town. It is considered that as the proposal complies with the development plan ‘saved’ policies OS2 and C6 the sequential assessment is not required in this instance.</p>
<p>Other Considerations:</p> <p>Melton Borough Council Environment Health department issued a closure order on the 9th April 1984 as the building was considered to be in such a state of disrepair, that it could not incur responsible costs to be repaired in order to become capable of habitation.</p>	<p>Within the 26 years since the order was issued no attempt has been made to lift the order. There is no prescribed procedure in apply to have the order lifted and as long as the building is ‘fit for purpose’ the applicant can apply to have the order removed.</p>

Conclusion

The application presents a unique set of circumstances where a substantial dwelling in the open countryside is not capable of being brought back into use as a residential dwelling due to past histories.

The existing building is considered to contribute to the boroughs heritage and has therefore been considered as a heritage asset worthy of retention. The proposal seeks to maintain the building by introducing a new use in order to safeguard the buildings future. It is considered that the proposal complies with the development plan policies OS2 and C6 and the objectives of national policies. Accordingly the proposal is recommended for approval subject to conditions.

RECOMMENDATION: Permit subject to the following conditions :-

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The premises shall be used for B1 purposes and for no other purpose (including any other purpose in Class A and B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order (with or without modification).
3. The Applicant and contractors/workers on site should be aware of the possibility of protected species and should keep a strict watching brief. If a protected species is discovered in the course of the operations the relevant work should stop immediately, Natural England notified and further advise sought for recommended action. Failure to comply with this may result in a criminal prosecution.)
4. Before the proposed conversion of the property commences, the existing vehicular access serving the site shall have been improved in accordance with a scheme that shall first have been submitted to and approved by the Local Planning Authority. The improvements shall include increased width, radii, reduced gradient, surfacing in a hard bound material and setting back of any gates, bollards/barriers/chains or other such obstruction. Once the access has been improved in accordance with the approved details, it shall thereafter be permanently so maintained.
5. Before the conversion is first brought into use, parking and servicing facilities shall have been provided, hard surfaced, marked out and made available for use within the site in accordance with details that shall first have been submitted to and approved by the Local Planning Authority. Once provided these facilities shall thereafter be permanently so maintained in accordance with the approved scheme.
6. Before the development hereby permitted is first used, cycle parking provision shall be made to the satisfaction of the Local Planning Authority and once provided shall be maintained and kept available for use in perpetuity.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the use remains compatible with the site and surrounding area.
3. To safeguard protected species.
4. In the general interests of highway safety.
5. In the general interests of highway safety.
6. In the interests of the sustainability of the development and to encourage alternative transport choice.

Officer to contact: **Mrs Denise Knipe**

7th July 2010