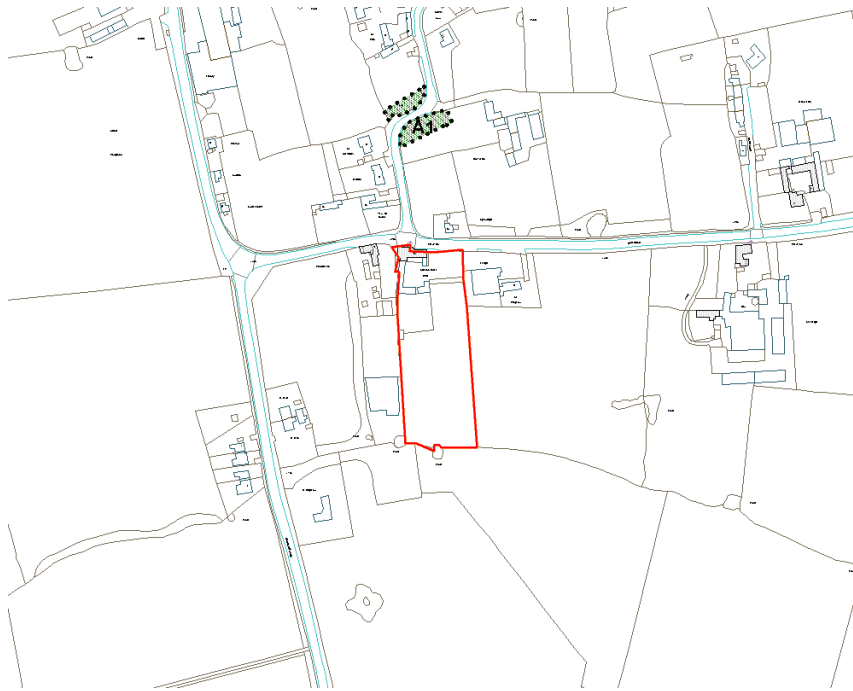


**Reference:** 14/00515/FUL  
**Date submitted:** 26.0.14  
**Applicant:** Mr G Martyn  
**Location:** Red House, 23 Main Road, Nether Broughton  
**Proposal:** Removal of existing permanent marquee and associated car parking and the erection of 3 single storey dwellings



**Introduction:-**

The Red House is a grade II listed building which occupies a prominent roadside location on the principal route around the village of Nether Broughton. It falls outside the village envelope and is not within a designated conservation area.

Associated with the former Public House (now in residential use) are a series of outbuildings, a marquee and a large car parking area.

*Listing Description: Public house, formerly inn. Late C18, altered c.1900. Red brick in Flemish bond, hipped slate roof, brick lateral and ridge stacks. Double-depth plan. 3-window, 3-window range. Central 6-pane, double-leaf door with fanlight, scrolled spandrels, moulded wood surround and frieze with arcaded fluting. Round window to left of door and porch between bay windows under continuous tiled roof. 16-pane sash windows to 1st floor left and right and 12-pane sash to 1st floor centre, all with gauged brick flat-arched heads. 8-pane sashes to 2nd floor left and right of central 6-pane sash, all with flat-arched heads. Central bay breaks forward slightly. Rendered plinth, stone storey bands, coved wood eaves and moulded wood eaves cornice. 2-storey, 2- window, painted brick extension to left.*

The application is for the removal of the existing permanent marquee and associated car parking and the erection of 3 new single storey dwellings;

**It is considered that the main issues relating to the application are:**

- **Compliance , or otherwise, with planning policy relating to homes in rural locations**

- **Impact upon the host listed building**

The application is required to be considered by the Committee due to issues associated with compliance with Policy OS2 of the Adopted Melton Local Plan

**Relevant History:**

05/00830/FUL –Erection of marquee extension of car parking, creation of children's play area and beer garden to rear of existing public house (Retrospective) – refused 31/10/05

06/00271/FUL – Erection of Marquee – permission granted on 19/05/2006

13/00254/COU - Change of Use, with minor internal and external alterations, from Public House/Restaurant, Hotel and Conference facility (mixed A4,C1 and D1) to Residential, Office and Research/Development (mixed C3,A2 and B1) – permitted 14/06/13

13/00608/COU - Change of use to residential for all buildings and land within the application site – permitted 14/10/2013

Other applications primarily relate to works to the listed building.

**Development Plan Policies:**

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

**Policies OS2, BE1 and H8**

**OS2** states that planning permission will not be granted for development outside town and village envelopes unless, among other things, it is essential to the operational requirements of agriculture and forestry or limited small scale development for employment, recreation or tourism which is not significantly detrimental to the appearance and rural character of the open countryside.

**BE1** states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provisions.

**H8** states that in exceptional circumstances the Council may grant planning permission for a development on the edge of a village which meets a genuine local need for affordable dwellings which cannot be accommodated within the village envelope provided:

- The need is established by the Council;
- A legal agreement is entered into between the Council and developer to secure ownership and benefits of successive occupiers and ensure availability of affordable housing for local people in need;
- The development would be in keeping with the scale, character and setting of the village and would not have an adverse effect on the community or local environment;
- Layout, density, siting, design, external appearance, landscaping, access and parking details are in accordance with other policies in the Plan;

**National Planning Policy Framework** – Introduces the ‘Presumption in favour of Sustainable Development’ and states that development proposals should be approved if they accord with the Development Plan, or, if it is out of date or does not address the proposal, approve proposals unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,
- specific policies in this Framework indicate development should be restricted.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support **sustainable** economic development to deliver homes and business that local areas need
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- encourage the effective use of land by reusing land that has been previously developed (brownfield land)
- 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
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

On Specific issues relevant to this application it advises:

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

- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
- Set out own approach to housing densities to reflect local circumstances
- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 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.
- Securing high quality and inclusive design goes beyond aesthetics considerations and 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**

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
- In determining planning applications, local planning authorities should take account of:
  - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - 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.
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 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.

**Consultations:-**

Consultation reply	Assessment of Head of Regulatory Services
<p><b>Highway Authority</b></p> <p>The proposed removal of the marquee will have highway benefits and will significantly reduce the potential traffic movements from the site, and as such whilst the site is not considered to be sustainable in transport terms, the overall highway benefits provided mean that the Highway Authority would not seek to resist the development.</p> <p>The proposed parking spaces shown for plot 1 are undesirable, as it is would be difficult for a vehicle parked in the space parallel to the shared drive to turn within the site, and could lead to it reversing out of the access on to Main Road, to the detriment of highway safety. Therefore the layout should be amended and the side boundary realigned so that 2 parking spaces could be provided at the side of the property which would then allow vehicles the opportunity to turn out in front of plot 1 and then leave the site in a forward direction. The applicant should submit an amended plan to this effect.</p> <p>An amended plan has subsequently been submitted and the proposal is considered acceptable subject to the imposition of conditions</p> <p>These revised observations are made following receipt of the amended plan 14 RH 03 Rev B, submitted on 29 July 2014 showing amended parking and turning facilities for plot 1. The details are now suitable from a highway point of view.</p> <p>The proposed removal of the marquee will have highway benefits and will significantly reduce the potential traffic movements from the site, and as such whilst the site is not considered to be sustainable in transport terms, the overall highway benefits provided mean that the Highway Authority would not seek to resist the development.</p>	<p>Noted</p> <p><b>The proposal, given its existing uses, will not have a detrimental impact upon the existing highway safety and there is adequate parking provision.</b></p>

<p><b>MBC Planning Policy Section</b></p> <p>The scheme as submitted is for two smaller 3 bedroom units and one 2 bedroom unit which aligns with the Borough's housing need for smaller and down-sizing suitable properties.</p> <p>The scheme proposes a unit combination which represents a good mix of house types and sizes, offering choice to the local market. The inclusion of lifetime homes criteria is an additional bonus to the scheme, making them more adaptable to all stages of the life course.</p>	<p>The Leicester and Leicestershire Strategic Housing Market Assessment (Blinc Housing 2009) states that controls need to be established to protect Melton Borough and in particular, its rural settlements from the over development of large executive housing and to encourage the balanced supply of suitable family housing as well as housing for smaller households such as starter homes and down-sizing. It adds that the under supply of suitable smaller sized dwellings needs to be addressed to take account of shrinking household size which if not addressed will exacerbate under-occupation and lead to polarised, unmixed communities.</p> <p>The application proposes 3 single storey units, 2 x 3-bedroom bungalows and 1 x 2-bedroom bungalow. As detailed by the Leicester and Leicestershire Strategic Housing Market Assessment (Blinc Housing 2009) there is a shortfall of housing suitable for down-sizing households across the Borough. As there are limited opportunities within village envelopes for new residential developments, any new developments should have regard to local market housing needs. In this instance the application proposes much needed house types and sizes and is supported from a housing policy perspective.</p> <p>The site is considered to be situated within a sustainable location as defined within the NPPF (above) which seeks to support and provide sustainable development. The village of Nether Broughton is considered to be a sustainable location as there are services to support future occupiers.</p>
<p><b>MBC Enforcement Officer</b></p> <p>Permission was originally refused for the erection of the marquee, but subsequently was granted under 06/00271/FUL for the erection of the marquee in the grounds of the premises. The permission granted brought the marquee closer to the rear of the building, but it was found this required the reduction in ground levels to permit its permanent placement. The permission for the marquee has since lapsed.</p> <p>Action has been sought with various owners of the premises to move the marquee to the permitted location. Unfortunately, owing to companies going into receivership etc., the marquee was not moved.</p> <p>Removing the marquee would comply with the requests that have been made to remove the marquee.</p>	<p>The application proposes the removal of the existing marquee from the rear of the site and to return the associated parking land to pasture.</p>
<p><b>Broughton and Dalby Parish Council –</b></p> <p>Cllrs feel that this application has merit in that it proposes to re use a brown field site. However Cllrs must object to the application as it is outside the village envelope.</p>	<p>Noted</p> <p>The site lies outside the village envelope where there is a clear policy presumption against new residential development unless it satisfies the various policy exceptions.</p>

<p>Cllrs would support the removal of the marquee which was erected by the previous owner without planning permission and has been the subject of enforcement action.</p>	<p>Whilst planning policies seek to resist new dwellings outside the envelope, there are other material considerations to take into account before making a decision on the proposal (see commentary below)</p> <p>The site of the proposed dwellings is the former public house car park which is within an existing grouping of dwellings. Although beyond the village envelope the site is well related to the village and could not be considered to be isolated. As such it is considered to represent a suitable site for such development.</p> <p>This issue is considered within the Enforcement Officers Comments</p>
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**Representations:**

The application was publicised by way of a site notice being posted at the entrance to the site.  
No representations have been received

**Other material considerations (not raised through consultation or representation)**

Consideration	Assessment of Head of Regulatory Services
<p><b>Application of Development Plan and other planning policy</b></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 BE1: This policy refers to the siting and design of buildings and is concerned with buildings harmonising with their surroundings and any adverse effects on neighbours.</p> <p>Policy H8: This policy refers to potential development on the edge of villages to meet a genuine local need for affordable dwellings which cannot be accommodated within the village envelope and is subject to several criteria.</p>	<p>The site lies outside the village envelope where there is a clear policy presumption against new residential development unless it satisfies the various policy exceptions.</p> <p>Whilst planning policies seek to resist new dwellings outside the envelope, there are other material considerations to take into account before making a decision on the proposal.</p> <p>The buildings are all single storey and are of a simple uncomplicated design. Their style reflects that of the existing outbuildings to the rear of the Red House. They are to be sited on the car park area of the former public house sandwiched between the listed building and the adjacent industrial/commercial building that houses a garage business. The proposal is therefore considered to comply with Policy BE1.</p> <p>There is a need for smaller market housing such as 2 bedroom houses and bungalows and older person/down-sizing accommodation. There are limited opportunities within village envelopes for new residential developments and as such any new developments should have regard to local market housing needs.</p> <p>The site of the proposed dwellings is the former public house car park which is within an existing</p>

	<p>grouping of dwellings. Although beyond the village envelope the site is well related to the village and could not be considered to be isolated. As such it is considered to represent a suitable site for such development.</p> <p>Although the dwellings proposed on this site do not fall under the definition of ‘affordable’ they are considered to be much needed bungalows. The village of Nether Broughton is considered to be a sustainable location as there are services to support future occupiers and accordingly the site is considered to be situated within a sustainable location as defined within the NPPF (above)</p> <p>The application needs to be considered in terms of the Development Plan as a whole and the NPPF is required to be balanced against the need for Local Planning Authorities to support the delivery of housing. It is considered that the NPPF is not in conflict with the local plan policies which supports suitable development in sustainable locations.</p> <p><b>The NPPF seeks to boost housing growth with a presumption in favour of sustainable development whilst making efficient use of brownfield land. It also emphasises the need to provide housing to meet local needs and promotes design as a key factor for connection of people and places. It is considered that on balance the proposal complies with these objectives of the NPPF which attracts significant weight when considering the proposal.</b></p>
<p><b>Heritage Issues</b></p> <p>Paragraph 129 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.</p> <p>Paragraph 131 states that in determining planning applications, local planning authorities should take account of:</p> <ul style="list-style-type: none"> <li>● the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;</li> <li>● the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and</li> <li>● the desirability of new development making a positive contribution to local character and distinctiveness.</li> </ul> <p>Paragraph 132 States that when considering the impact of a proposed development on the significance of a</p>	<p>One of the principals raised in the application submission is that the proposed development will generate funds for the essential repair and on going maintenance of the host listed building and the applicant has submitted a confidential report outlining the extent of the proposed remedial works to the listed building and the corresponding costs.</p> <p>The Red House is a grade II listed building. It has unfortunately suffered from many years of neglect and the fabric has suffered. Whilst a repair and restoration programme has commenced under the new ownership more work is necessary.</p> <p>The car parking area is currently an unattractive area between the listed building and the adjacent garage business. In its current form it detracts from the setting of the host listed building. The proposed development of the site with three single storey dwellings designed to reflect the existing single storey outbuildings to the rear of the listed building will serve to improve the setting to a degree.</p> <p><b>Accordingly it is considered that the proposal will help to restore the Listed Building and the</b></p>

<p>designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.</p>	<p><b>location and design of the new dwellings will not adversely affect the setting of the Listed Building.</b></p>
<p><b>Design &amp; Impact on Streetscene</b></p>	<p>The scheme as submitted is for two smaller 3 bedroom bungalows and one 2 bedroom bungalow. The buildings are therefore all single storey and are of a simple uncomplicated design. Their style reflects that of the existing outbuildings to the rear of the Red House.</p> <p>The group of three dwellings will be constructed in brick under a red pantile roof. They will have a ridge height of 4.47 m and an eaves height of 2.55 m. They will be set back from the highway on and the site will be landscaped to reduce its impact.</p> <p>The dwellings are to be sited on the car park area of the former public house sandwiched between the listed building and the adjacent industrial/commercial building that houses a garage business.</p> <p>In terms of the street scene the grouping of dwellings is orientated roughly on a North – South axis with the simple northern elevation of Plot one facing onto the highway. The buildings are set back onto the site 25 metres from the back edge of the highway and will be screened for the most part by a 1.80 m brick boundary wall supplemented by tree planting and other landscaping. As such the development will only be glimpsed from the highway.</p>
<p><b>Impact on Residential Amenity</b></p>	<p>The closest residential dwelling will be the host building, the former Red House (PH) which is immediately adjacent to the development site. The principal two storey element of the dwelling is approximately 30m away and there will be a 1.8 m brick boundary wall separating the sites. As such there is no overlooking issue.</p> <p>There is another dwelling on the other side of the A606 opposite the entrance to the site but this is in excess of 30 m away.</p>

### **Conclusion**

The proposal is for the removal of the existing permanent marquee and associated car parking and the erection of 3 single storey dwellings. The proposal site lies beyond the village envelope for Nether Broughton and hence within the open countryside, set back from the highway.

The proposal is contrary to Policy OS2, however, whilst these dwellings would be outside the village envelope they would be situated within the village framework on the edge of the envelope. The dwellings are all single storey and are of a simple uncomplicated design. Their style reflects that of the existing outbuildings to the rear of the Red House. They are to be sited on the unattractive car park area of the former public house sandwiched between the listed building and the adjacent industrial/commercial building that houses a garage business.



As a grade II listed building the Red House is a designated heritage asset that is considered to be of significance. One of the principals raised in the application submission is that the proposed development will generate funds for the essential repair and on-going maintenance of the host listed building. Paragraph 129 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. In its current form the development site detracts from the setting of the host listed building. The proposed development of the site with three single storey dwellings designed to reflect the existing single storey outbuildings to the rear of the listed building will serve to improve the setting to a degree.

**It is considered that this application represents a balance between the breaching of the village envelope and the provision of much needed single storey dwellings. The development will also help to ensure the conversion of the Listed Red House is completed. In this instance, the harm to the open countryside is not so demonstrable to warrant a refusal when weighed against the benefits to the listed building and housing need. The proposal seeks to support the objectives of the NPPF in supporting housing growth in sustainable locations and accordingly the proposal is recommended for approval.**

**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 works hereby permitted shall be undertaken strictly in accordance with Drawing Nos 14 RH 02 (Revision A) and 14 RH 03 (Revision B) both dated June 2014
3. No development shall start on site until all external materials to be used in the development hereby permitted have been agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development shall start on site 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.
5. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and 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.
7. 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 and thereafter shall be so maintained.
8. The car parking facilities shown within the curtilage of the proposed dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.
9. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 as amended (or any Order revoking and re-enacting that Order) in respect of the dwelling hereby permitted no development as specified in Classes A, B, D & E shall be carried out unless planning permission has first been granted by the Local Planning Authority.
10. The proposed parking and turning facilities shown for the existing dwelling The Red House, shall have been provided, hard surfaced and made available for use before building works commence on the proposed dwellings,

and shall thereafter be permanently so maintained.

11. The proposed parking and turning facilities shown on the revised plan 14 RH03 Rev B submitted on 29 July 2014, shall be provided, hard surfaced and made available for use before any dwelling is first occupied and shall thereafter be permanently so maintained.
12. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected to either access shown serving the existing and proposed dwellings, they shall be set back a minimum distance as shown behind the highway boundary and shall be hung so as not to open outwards.
13. Before first occupation of any dwelling, the shared private access drives shown serving both the existing property and the proposed dwellings, shall have been surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
14. Before first use of the development hereby permitted, visibility splays of 2.4 metres by the maximum available within the site frontage metres shall be provided at the junction of the access with Main Road (A606). These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays

The reasons for the conditions are:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt
3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
4. To ensure satisfactory landscaping is provided within a reasonable period.
5. To provide a reasonable period for the replacement of any planting.
6. To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water.
7. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
8. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
9. To ensure that the local planning authority has control over any further development of the site.
10. In the general interests of highway safety
11. In the general interests of highway safety.
12. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
13. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
14. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

Officer to contact: **R Spooner**

**Date: 28th July 2014**