COMMITTEE DATE: 22nd December 2016

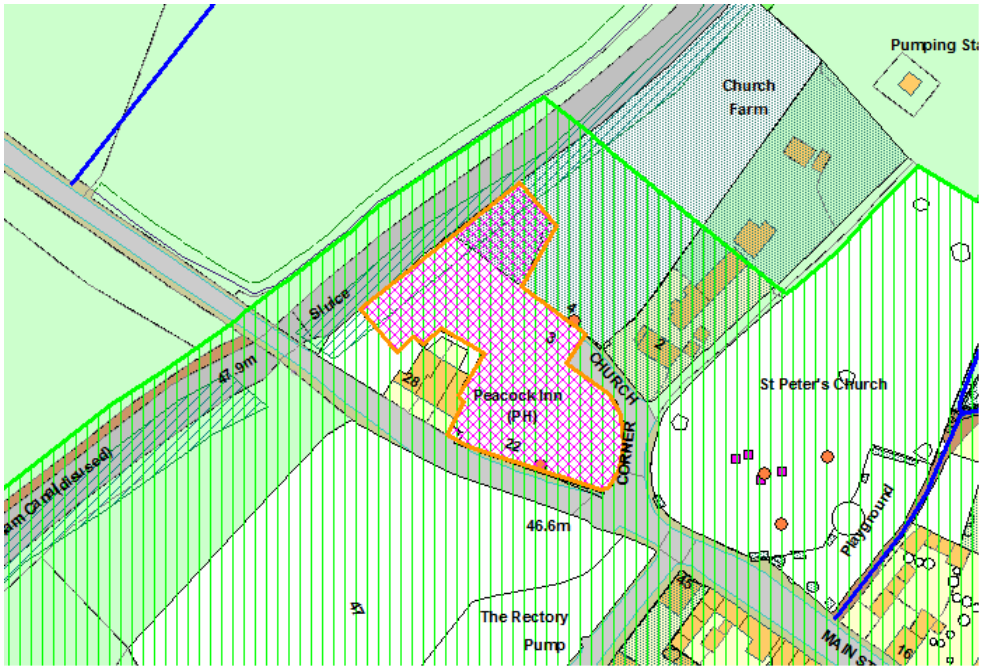
Reference: **16/00334/FUL & 16/00335/LBC**

Date Submitted: **25th August 2016**

Applicant: **Mr M Mitchell**

Location: **The Peacock Inn 22 Main Street Redmile NG13 0GA**

Proposal: **Change of use and alterations (including demolition of rear extensions) of public house/restaurant to form 4 dwellings and erection of 2 dwellings.**



Introduction:-

The proposal seeks planning permission and listed building consent for the change of use from public house / restaurant to form 4 dwellings with the additional erection of 2 new dwellings.

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

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the conservation area**
- **Impact upon the setting of the listed building**
- **Impact upon residential amenities**
- **Impact upon ecology**
- **Highway safety.**

History:- There is no planning history for the site.

The application site, a Grade II listed Georgian building, was in use as a public house / restaurant / hotel for a number of years before closing for business three years ago in 2013. Since then the property has been left unoccupied with the exception of on-site security and the building has suffered gradual dilapidation, including

blocked gutters, rising damp, stone spalling and cracked window panes. The Conservation Planning Officer was called out to visit the building, prior to this application submission, responding to several members of the public, who raised the issue of the heritage asset at risk. It was agreed with the former owner that the building was to be made secure and weatherproof before its sale at auction, which has now taken place, leading to an application to convert the building into residential use.

Planning Policies:-

Melton Local Plan (Saved policies)

Policy OS1 – This policy states that planning permission will only be granted for development within the town and village envelopes where the form, character and appearance of the settlement is not adversely affected, the form, size, scale, mass, materials and architectural detailing is in keeping with the character of the locality, the proposal would not cause undue loss of residential privacy, outlook and amenity enjoyed by occupants of existing nearby dwellings and that requisite infrastructure, such as public services is available or can be provided and that satisfactory access and parking provision can be made available.

Policy H6 – This policy states that planning permission for residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

Policy C15 – This policy states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development and the development is designed to protect the species or arrangements are made for the transfer of the species to an alternative site of equal value.

Policy BE1 – This policy states that planning permission will not be granted for new buildings unless (including): the buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing, the buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight/ daylight and adequate vehicular access and parking is provided.

The National Planning Policy Framework 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 also establishes 12 core planning principles that should underpin decision taking. Those relevant to this application include:

- proactively drive sustainable economic development to deliver homes, infrastructure and thriving local places 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,
- Take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it,
- Actively manage patterns of growth to make the fullest possible use of public transport, walking, cycling, and focus significant development in locations which are or can be made sustainable.

On Specific issues it advises:

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.

Listed Building and Conservation Area Act 1990
As the adjacent farmhouse is a listed building and the outbuilding is within the Conservation Area the Committee is reminded of the duties to give special attention to the desirability of preserving or enhancing the building and its setting and preserving and enhancing the conservation area, sections 66 and 72.

Promoting sustainable transport

Paragraph 34 of the NPPF states that decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. This needs to take into account policies set elsewhere in the NPPF, particularly in rural areas.

Delivering a wide choice of high quality homes

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities.

Requiring good design

Paragraph 56 states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 57 further explains that it is important to plan positively for the achievement of high quality and inclusive design for all development.

Paragraph 61 states that 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 natural environment

Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Opportunities to incorporate biodiversity in and around developments should be encouraged. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Consultations:-

Consultation Reply	Assessment of Head of Regulatory Services
MBC Building Control Access is adequate for fire appliances.	Noted.
LCC Highways Given the site's permitted use, the proposal to convert and erect housing in its place is welcomed in terms of traffic generation. To ensure that sufficient parking provision is provided, the parking layout has been re-evaluated. With the exception of Unit 2 which will be a four bedroom dwelling, each Unit requires 2 parking spaces which have been provided and are considered acceptable in terms of provision and manoeuvrability. Unit 2 does have 3 parking spaces, but the parking space closest to the Main Street boundary will be difficult to access given the proximity of the junction radii; therefore we would ask that the parking in front of Units 2 and 3 is redesigned to provide a more optimum parking layout. This can be a pre occupation condition.	Noted Highways recognise the proposal as a gain to the generation of traffic in the Redmile area. Any approval of the application will be conditioned to ensure that parking in front of units 2 and 3 are redesigned in accordance with the requirements of highways.
Barkestone, Plungar & Redmile PC - Object The Parish Council remain strongly opposed to this development in its current form. The updated application does little to address the Parish Council's original objections apart from the removal of the garages. Redmile has been categorised as an unsustainable village in the draft Melton Local Plan, which follows NPPF guidelines & this application breaches several aspects of policy SS3 of that draft plan. Whilst the Parish Council supports the conversion	Noted. The Local planning Authority has sought the expert advice of the Highway Authority and the scheme is now considered acceptable with regards to parking layout and configuration. Following a revised submission LCC Highways raise no objection to the proposed development. The PC recognises the importance of redeveloping the historic building. The balance is considered in favour of approval as a form of 'enabling development'; the 'conservation deficit' is

of the pub to dwellings, the building of 2 new dwellings on the existing car park, in addition to four units in the existing buildings, creates too high a density of dwellings for this site which will result in a token amount of amenity space on a site that will have parking issues. Also, the new dwellings will unbalance the views into & out from Redmile & along that particular stretch of the Grantham Canal which has an SSSI designation. A single dwelling near the canal &/or a reduction in the number of units in the existing buildings would reduce the overcrowding of garden and car parking space. Whilst the Parish Council acknowledges that its Village Design Statement has less relevance than it used to, it should serve as a useful reference document as to the recurring building characteristics in this conservation village. The Parish Council sees little evidence of complimentary relevance in the design of the 2 new dwellings.	considered too high to restore the listed building without the economic stimulus generated from new development within the curtilage. If the new dwellings are not incorporated into a design scheme, the heritage asset will remain undeveloped and at risk of further deterioration. The Conservation Planning Officer has been contacted several times by members of the Redmile Public to resolve the issue of the building's dilapidation and this is not possible without incurring further screening of views through new development. Furthermore the proposal includes the removal of the unsightly modern C20 accretions which is considered a significant gain to the setting of the listed building. The issue of new development in such a prominent location along the canal is resolved by placing strict conditions to ensure high quality development, including high specification modern fenestration, brickwork and lime mortar. It is considered that a building which seeks to replicate the form of the surrounding area will result in harm to the setting of the listed building, the street-scene views into the Conservation Area from the canal and the surrounding listed buildings within close vicinity.
LCC Ecology – LCC Ecology has confirmed that the associated ecology report is acceptable and provided that the roof of building 2 is not being disturbed then the recommended 'mitigation for bats' and 'method of working' must be conditioned to any permission granted due to the bat roost in that building's roof. Furthermore a recommendation is made in the report with regards to lighting for the scheme	Noted. Any approval would be conditioned in accordance with the recommendations stated by LCC Ecology.
The Georgian Group & Historic England Advised additional information on the age and significance of the staircase which the applicants wish to remove from within the GII listed building could be provided. The removal of any historic staircase is likely to cause considerable harm to the historic plan-form and fabric of a listed building and therefore to its significance.	Following comments from both the Georgian Group and Historic England requesting a more detailed heritage statement, a heritage consultant was commissioned and met with the Conservation Planning Officer. A considerable heritage statement was submitted which has determined that a historic staircase will not be removed and justified any loss of historic fabric as necessary to restore the building and convert to residential use. This has satisfied the requirements of both the Georgian Group and Historic England.
LCC Archaeology If planning permission is granted the applicant must obtain suitable written schemes for the investigation and recording from an	Noted. LCC Archaeology has stipulated a number of conditions with regards to buildings recording and

archaeological organisation acceptable to the planning authority. This should be submitted to HNET, as archaeological advisors to your authority, for approval before the start of development. The Specification should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.	archaeological works and these would be included as part of any approval to ensure the loss of historic fabric necessary to renovate the building is recorded in detail.

Representations:-

The application was advertised by means of a site notice and letters were sent out to a number of neighbouring properties. Objections were received from one individual for the application. Comments received in this objection has been summarised below.

Consideration	Assessment of Head of Regulatory Services
Objections The problem is traffic safety, Traffic into and out of Church Lane, exit from the pub car park, traffic coming over the canal bridge and Main Street are totally blind to traffic. There have been numerous traffic problems in this area in the past particularly at night. The increase in the number of cars (say 2 to each house) will become a greater major danger spot. At peak traffic times the car park could be full and parking on the double yellow lines could be more of a problem than it is now. (Note no traffic wardens have ever been seen in the village)	LCC Highways have not raised an objection to the application, using the existing access and believe that the proposal will improve the issues of traffic generation in Redmile from its previous use. It is considered that the volume of traffic will not be significantly increased from the previous use of pub / restaurant / hotel when the front of the building was used for parking with a frequent flow of traffic into and out of the site.

Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
Planning Policies and compliance with the NPPF	The application is required to be considered against the Local Plan and other material considerations. The proposal is partially contrary to the local plan policy OS1; however, the NPPF is a material consideration of some significance because of its commitment to boost housing growth. The NPPF advises that local housing policies will be considered out of date where the Council cannot demonstrate a 5 year land supply and where proposals promote sustainable development objectives it should be supported. The Council's most recent analysis shows that there is the provision if a 5 year land supply and as such the relevant housing polices are

	applicable. However, the 1999 Melton Local pan is considered to be out of date and as such, under pars 215 of the NPPF can only be given limited weight. This means that the application must be considered under the 'presumption in favour of sustainable development' as set out in para 14 which requires harm to be balanced against benefits and refusal only where "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" The application is considered acceptable against paragraph 134 of the NPPF which states that: "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." The solution proposed is considered the most appropriate to secure the heritage asset's optimum viable use and as such the less than substantial harm is acceptable.
The (new) Melton Local Plan – Pre submission version. The Pre Submission version of the Local Plan was agreed by the Council on 20th October and is currently in a period of consultation from 8th November – 19th December. The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to: ● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); ● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and ● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). The Pre Submission version of the Local Plan identifies Redmile as a 'rural settlement' in respect of which, under Policy SS3, development of up to 3 dwellings would be acceptable, subject to satisfying a range of criteria specified.	Whilst clearly the Local Plan has progressed by advancing to Pre-submission stage, it remains in preparation and as such can be afforded only limited weight. This is also reduced by the fact that the consultation period has just commenced and as such it is too early to conclude whether objections will be present. It is therefore considered that it can attract weight but this is quite limited at this stage. The proposal is contrary to the emerging local plan in terms of the number of dwellings proposed, which is above the 3 stated as acceptable for a rural settlement. However it is considered the gain to the listed building in the removal of unsightly accretions and refurbishment works outweighs the issue of development in an unsustainable location.

Policy EN6 states that Development proposals will be supported where they do not harm open areas which contribute positively to the individual character of a settlement.	

Conclusion

It is considered that the application provides a sensitive and proactive solution to the issue of a listed building that has been at risk to the weather, rising damp and continued stone spalling for over three years. The building has suffered considerable harm to its setting with a number of twentieth century accretions and the removal of these structures would bring the heritage asset back to life.

The applicant has submitted a comprehensive heritage statement which has identified the significance of the building and it is clear that, while there will be partial loss of historic fabric, this is necessary to change the building to residential use, as it is clear that there is no viable future for the building as a public house and therefore the proposal is considered acceptable in accordance with paragraph 134 of the NPPF.

The Borough is considered to have an adequate housing land supply. Whilst the site would add to this a maximum of 5 new dwellings, the contribution it would make is limited. It is considered that due to the limited need for further supply and the contribution the development would make, the weight attached to provision is limited, however the harm caused by the creation of new dwellings in a rural location with limited sustainability is considered to be outweighed by the benefit to the listed building. NPPF para 132 states that "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".**

It is considered that the issue of new residential development in a sensitive location within the Redmile Conservation Area requires good quality contemporary design, to ensure there is limited impact and harm to the character of the Conservation Area and the legibility of the listed building. If a proposal was made to design a facsimile using the surrounding vernacular brick / ironstone, it is considered that the new buildings would lack the integrity of the heritage assets and serve to undermine both the character of the area and the listed asset. As such strict conditions have been placed on contemporary fenestration, brickwork and lime mortar which the applicant is willing to conform with.

In conclusion it is considered that, on the balance of the issues, there benefits in the restoration of a heritage asset at risk outweighs the harm to the loss of historic fabric and the creation of new dwellings in a rural 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 on the balance of the issues, permission should be permitted.

Recommendation: Permit,

(1) **Planning Permission (16/00334/FUL)** subject to conditions:

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

2 All work must be carried out in strict accordance with plans 1740.A.3C, 1740.A.3D ·& 1740.A.5b submitted to the Local Authority

3 Notwithstanding the submitted plans to date, no part of the development hereby permitted can be occupied until such time that a revised parking layout for Units 2 and 3 has been submitted to and approved in writing by the Local Planning Authority. Thereafter the parking provision shall be provided in complete accordance with the approved plans.

4 No development shall commence on site until such time that a construction traffic management plan including wheel cleansing facilities, construction 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 complete accordance with the approved details and timetable.

5 Providing that the roof of building 2 in the submitted plans is not being disturbed then the recommended 'mitigation for bats' (p51-53) and 'method of working' (p54-56) of the submitted ecology statement must be adhered to. If the roof in building 2 is to be disturbed then an additional ecology mitigation statement must be submitted to the Local Authority prior to commencement of works.

6 There should be no direct illumination of the new bat roosting opportunities. Lighting around the site will be by low wattage down lights at low level to provide security and safety lighting for the dwelling and service area. This lighting will be set no higher than the head height of the ground floor windows and will minimise the possible disturbance to bats in this area. Any security lighting will use PIR's to ensure they turn off automatically once the movement has ceased.

7 The new dwellings must be constructed in TBS Mystique brick, with a lime mortar mix and the pointing must be a weather-struck finish. If cement is to be used in the mortar it must a maximum 1:2:9 (cement, lime, sand)

8 A sample panel of the new brickwork and mortar pointing must be made available to the Local Authority and approved prior to commencement of works

9 Any new glazing in the listed building or new dwellings must be slimprofile double glazing with a maximum depth of 12mm (4mm x 4mm x 4mm) and the replacement of any window frames in the listed building must be evidenced by a separate condition survey submitted to the local authority or as part of the submitted schedule of works.

10 A schedule of works for the refurbishment of the listed building must be submitted prior to commencement of works detailing all changes and loss of historic fabric.

11 No demolition/development shall take place/commence until a programme of historic building survey defined within a Written Scheme of Investigation has been 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 historic building survey and recording
- The programme for post investigation assessment and analysis
- Provision to be made for publication and dissemination of the analysis and records 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.

12 No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing.

13 No demolition/development shall take place other than in accordance with the Written Schemes of Investigation.

14 Prior to commencement of works a phased development plan must be submitted to the Local Planning Authority which identifies a timescale and ensures no new housing is built unless the heritage asset is fully refurbished in accordance with the submitted plans.

Reasons :

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990
2. For the avoidance of doubt.
3. To ensure that adequate parking is provided.
4. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.
5. In the interests of wildlife on the site.
6. In the interests of wildlife on the site.
7. To ensure that the development has a satisfactory external appearance .
8. To ensure that the development has a satisfactory external appearance .
9. To ensure that the alterations respect the integrity of the historic buildings .
10. To ensure that the works respect the integrity of the historic buildings.
11. To ensure that the historic significance of the site is assessed and that any necessary mitigation is identified.
12. To ensure that archaeological material is not lost or damaged.
13. In the interests of the archaeology of the site.
14. In the interests of the archaeology of the site.

(2) **Listed Building Consent (16/00335/LBC)** ,subject to conditions :

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

2 All work must be carried out in strict accordance with plans 1740.A.3C, 1740.A.3D ·& 1740.A.5b submitted to the Local Authority

3 The new dwellings must be constructed in TBS Mystique brick, with a lime mortar mix and the pointing must be a weather-struck finish. If cement is to be used in the mortar it must a maximum 1:2:9 (cement, lime, sand)

4 A sample panel of the new brickwork and mortar pointing must be made available to the Local Authority and approved prior to commencement of works

5 Any new glazing in the listed building or new dwellings must be slimprofile double glazing with a maximum depth of 12mm (4mm x 4mm x 4mm) and the replacement of any window frames in the listed building must be evidenced by a separate condition survey submitted to the local authority or as part of the submitted schedule of works.

6 A schedule of works for the refurbishment of the listed building must be submitted prior to commencement of works detailing all changes and loss of historic fabric.

7 No demolition/development shall take place/commence until a programme of historic building survey defined within a Written Scheme of Investigation has been 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 historic building survey and recording
- The programme for post investigation assessment and analysis
- Provision to be made for publication and dissemination of the analysis and records 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.

8 No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing.

9 No demolition/development shall take place other than in accordance with the Written Schemes of Investigation.

10 Prior to commencement of works a phased development plan must be submitted to the Local Planning Authority which identifies a timescale and ensures no new housing is built unless the heritage asset is fully refurbished in accordance with the submitted plans.

Reasons:

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990

2 For the avoidance of doubt.

3 To ensure that the development has a satisfactory external appearance .

4. To ensure that the development has a satisfactory external appearance .

5. To ensure that the alterations respect the integrity of the historic buildings .

6. To ensure that the works respect the integrity of the historic buildings.

7. To ensure that the historic significance of the site is assessed and that any necessary mitigation is identified.

8. To ensure that archaeological material is not lost or damaged.
9. In the interests of the archaeology of the site.
10. In the interests of the archaeology of the site.

Officer to contact: **Toby Ebbs** Date: **09.12.2016**