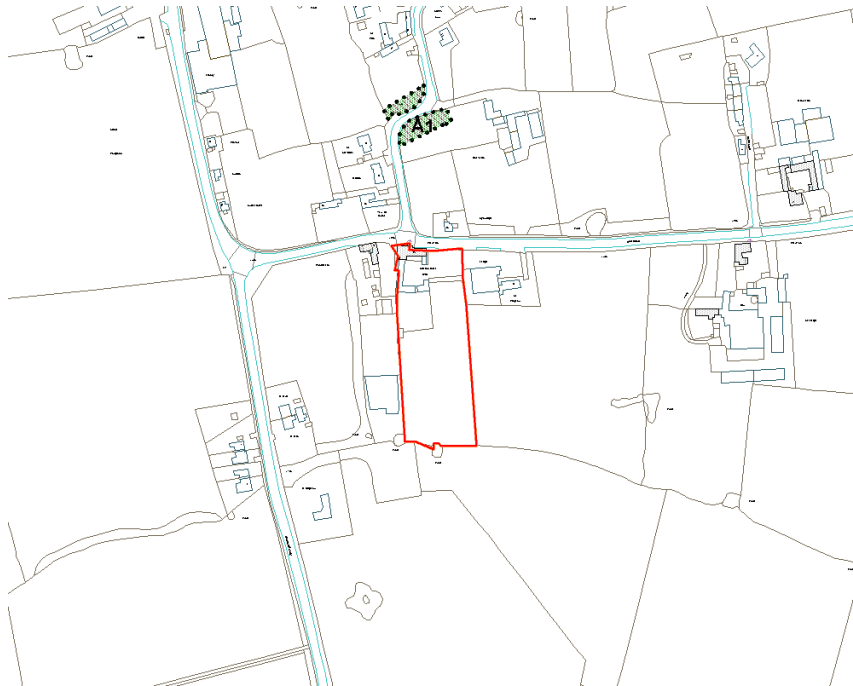


**Reference:** 13/00254/COU  
**Date submitted:** 22.04.13  
**Applicant:** Mr G Martyn  
**Location:** Red House, 23 Main Road, Nether Broughton  
**Proposal:** Change of Use, with minor internal and external alterations, from Public House/Restaurant, Hotel and Conference facility (mixed A4,C1 and D1) to Residential, Office and Research/Development (mixed C3,A2 and B1)



**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 Public House are a series of outbuildings and a marquee.

*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 fiat-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 change of use of the Public House and its associated uses (A4[Drinking Establishments],C1[Hotels],D1[Non residential Institutions]) to a mixed residential, office and research/development facility (C3[Residential],A2[Financial and Professional Services],B1[Business]):

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

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

- **Loss of a community facility (policy CF4)**
- **Impact upon the host listed building**
- **Impact on the countryside**

The application is required to be considered by the Committee due to issues associated with compliance with Policy CF4 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

Other applications primarily relate to works to the listed building.

**Development Plan Policies:**

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

**Policies OS2, BE1, CF4, EM9, EM10**

**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.

**CF4** states that 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 and buildings can be made available.

**EM9 and EM10** relate to industrial/commercial development in the open countryside. These policies set a number of criteria which should be met to prevent adverse effects on the countryside.

**National Planning Policy Framework (NPPF)**

**The National Planning Policy Framework was published 27<sup>th</sup> March 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 core planning principles against which proposals should be judged. Relevant to this application are those to:

- **Support sustainable economic development.**
- **Recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.**
- **Promote mixed use development, encouraging multiple benefits from the use of land in urban and rural areas.**

- **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:**

**Building a Strong Competitive Economy**

- Planning should encourage growth, not prevent it and should plan proactively to encourage economic growth.
- Significant weight should be given to the need to support economic growth.

**Supporting Prosperous Rural Economy**

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both new buildings and conversions.
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.
- Promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

**Promoting Healthy Communities:**

- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.
- Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable for the benefit of the community.

**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 existing vehicular access serving the is not surfaced in a hard bound material and lacks adequate entry and exit radii on to the busy A606. Visibility is also restricted a little by vegetation on or adjacent to the highway boundary. It would be preferable if improvements were made to the access as part of the application, however as the proposal is likely to lead to a reduction in the traffic that the site could potentially generate, it would be difficult for the Highway Authority to insist on it. Nevertheless, in the interests of the future occupants and users of the site, as well as users of the public footpath, it would be advisable if the vegetation at the eastern end of the site were cut back and therefore recommend such a condition.</p> <p>The proposals include the re-routeing of the public footpath through the site, and the line of the existing footpath must not be blocked/diverted/closed until such time as the new route has been adopted as the definitive route by the County Council under separate legislation.</p> <p>Recommends Conditions</p>	<p>Noted</p> <p><b>It is not considered that the proposal would have a detrimental impact on highway safety.</b></p>
<p><b>MBC Planning Policy Section</b></p> <p>The application is seeking to relocate businesses from Asfordby Business Park to the Red House. The location is situated in the open countryside and could be considered a less sustainable location. However, public transport links along the A606 are relatively good and the NPPF seeks to promote sustainable rural businesses.</p> <p>The application would also help guarantee that a recognised heritage asset was maintained into the future and the proposal would ensure that the aim of the NPPF, to conserve and enhance the historic environment, was met.</p> <p>The other major issue in terms of policy is the loss of a community facility, the public house. Both the NPPF and saved local plan policy seek to ensure the</p>	<p>In his appeal decision on Application No 11/00952/FUL, for a replacement warehouse building, on the adjacent site at No 25 Main Street, the Inspector concluded that the evidence failed to demonstrate that the proposal would be in a sustainable location, having regard to transport arrangements. For this reason, he considered it did not command the support given in the NPPF to sustainable development or to sustainable new development in a rural area.</p> <p>However that proposal related to a new build warehouse in replacement of a smaller dilapidated farm outbuilding whilst this proposal relates to the re-use of an existing listed building and its associated curtilage listed outbuildings. In addition, the proposed use would perform similarly to that</p>

<p>retention of such facilities to support strong, vibrant communities. There is another pub in close proximity to the site which also serves Nether Broughton and it could be considered that its existence ensures the existing community will not be disadvantaged to such an extent that a refusal would be warranted. However, it should be ensured that this is the case before the loss of the Red House is permitted.</p> <p>On this basis, and given the existing commercial use, the proposal would appear acceptable, subject to ensuring that the community's needs can be met.</p>	<p>existing in terms of accessibility (indeed, arguably better because of the lower quantities of traffic anticipated) and differs from the appeal case in that it would not be a 'new' generator of car journeys, but a replacement. As such the traffic issues would not exacerbate the existing situation and the balance of the issues is considered to fall in favour of the re-use of these designated heritage assets thus ensuring their continued maintenance and longer term future</p>
<p><b>Leics County Council – Footpaths</b></p> <p>Confirm the details set out in para.79 of the Planning Statement: have visited the site with the applicant and his agent to look at the future management of the public footpath and agreed in principle to the diversion as proposed. Surfacing as discussed together with, widths and fencing advice given that the most appropriate legislation to proceed under would be Section 119 of the Highways Act 1980 for reasons of security, safety and better management of the land.</p> <p>LCC expect to receive a formal application for diversion of the public footpath in the near future. The process and outcome of the footpath diversion will be entirely independent of the planning proposal.</p>	<p>Noted</p>
<p><b>Broughton and Dalby Parish Council –</b></p> <p>No comments received as at 29/5/13</p>	<p>Noted</p>

**Representations:**

The application was publicised by way of a site notice being posted opposite the entrance to the site. One letter of representation has been received:

Representation	Assessment of Head of Regulatory Services
<p>Two Objections on grounds of</p> <ul style="list-style-type: none"> <li>● loss of amenity to local village;</li> <li>● important focal point of village that will be lost forever if this planning is allowed;</li> <li>● traffic generation from out of hours working ;</li> </ul> <ul style="list-style-type: none"> <li>● concerns over marquee becoming a permanent and solid structure.</li> </ul> <p>One e-mail received from a neighbouring resident who although sad at the loss of the public house recognises that it no longer has a viable future. He states that to avoid the listed building falling into further decay it is</p>	<p>It is recognised that a local facility will be lost but the existence of another public house in the village ensures the existing community will not be disadvantaged to such an extent and the community's needs will still be met. The building will be retained and therefore a focal point will not be lost.</p> <p>The applicant has confirmed that the Hours of working are as stated ie: 8.30 am to 6.00pm and no out of hours working is proposed.</p> <p>Any proposals for the marquee will be the subject of another application to be submitted at a later date.</p> <p>Noted</p>

essential that an alternative form of income is a necessity and would bring further employment to the area.	
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**Other material considerations (not raised through consultation or representation)**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<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 CF4: This policy relates to community facilities and states 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 and buildings can be made available.</p>	<p><u>Residential Use (C3)</u> As the host building has had a part residential use previously providing staff and guest accommodation the proposed residential use is acceptable.</p> <p><u>Financial and Professional Services (A2) and Business Use (B1)</u> It is proposed to re-use the existing buildings on site and no changes are proposed to the external appearance of any of them, nor are any new buildings propose</p> <p>The public house has been closed for several months and went into administration in October 2012 having suffered a trading loss for some time. Until recently this was a building in commercial use on the edge of the village and hence employed several people. The Planning Statement records that the proposal will provide a marginal increase in employment over the next 12 – 18 months and conceivably more employment opportunities in the longer term.</p> <p>The host listed building is currently in poor condition, due to the fact that it has been vacant for some time, and continues to deteriorate. The proposal will ensure that the building is repaired hence ensuring its longer term future and maintenance</p> <p>The host building previously operated as a public house/restaurant and the associated outbuildings had uses commensurate with that business. The proposed new use will represent an improvement in terms of operating hours, noise levels etc and as such must therefore have a lesser impact upon residential amenities etc.</p> <p>These proposals will lead to the loss of a public house in Nether Broughton. However there is another public house in the village, namely The Anchor.</p> <p>The Red House had been in administration since October 2012 prior to its purchase by the applicant. It had been running at a substantial loss for the eight month period to February 2012.</p> <p>It may therefore be concluded that its continued use as a public house would have been unviable due to the trading losses and high cost of necessary</p>

<p>Policies EM9 and EM10 relate to industrial/commercial development in the open countryside. These policies set a number of criteria which should be met to prevent adverse effects on the countryside.</p> <p><b>NPPF Heritage Issues</b> 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 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>repairs, which would conceivably have resulted in its loss as a public house post administration</p> <p>These policies set a number of criteria which should be met to prevent adverse effects on the countryside. It is considered that as this proposal utilises existing buildings on the site these criteria are met.</p> <p>As a grade II listed building the Red House is a designated heritage asset that is considered to be of significance.</p> <p>In general terms the proposals relate to the re-use of the existing buildings on site and no new build is proposed. There are minimal internal and external changes to consider with this proposal which will be considered in greater detail in the accompanying Listed Building Consent application. The impact on the host listed building is therefore negligible.</p> <p>The buildings have been vacant for some time and the condition of the principal building in particular has started to deteriorate. The proposed change of use of the building will result in the repair of the building and hence ensure its longer term future and maintenance. Thus it will be put to a viable use consistent with its conservation.</p> <p>Only very minimal changes are proposed to the principal listed building so there is minimal impact on its significance.</p>
<p><b>Impact on countryside</b></p>	<p>It is proposed to re-use the existing buildings on site and minimal changes are proposed to the external appearance of any of them, nor are any new buildings proposed. Therefore the status quo is maintained ensuring no adverse effect on the countryside.</p>
<p><b>The NPPF: other issues</b></p> <p><b><u>Building a Strong Competitive Economy</u></b></p> <ul style="list-style-type: none"> <li>• Planning should encourage growth, not prevent it and should plan proactively to encourage economic growth.</li> <li>• Significant weight should be given to the need to support economic growth.</li> </ul>	<p>The applicant proposes to relocate two existing businesses currently located on the Old Dalby Business Park to The Red House to form a live/work unit in a single location</p> <p>Paragraph 20 is relevant to this proposal stating that local planning authorities should plan proactively to meet the development needs of business. Several aspects are considered to be supportive of the application:</p> <ul style="list-style-type: none"> <li>• Encouraging sustainable economic</li> </ul>

<p><b><u>Supporting Prosperous Rural Economy</u></b></p> <ul style="list-style-type: none"> <li>• Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both new buildings and conversions.</li> <li>• Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.</li> <li>• Promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.</li> </ul> <p><b><u>Promoting Healthy Communities:</u></b></p> <ul style="list-style-type: none"> <li>• Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.</li> <li>• Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;</li> <li>• Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable for the benefit of the community.</li> </ul>	<p>growth;</p> <ul style="list-style-type: none"> <li>• Supporting existing business sectors;</li> <li>• Plan for emerging sectors;</li> <li>• Promoting creative or high technology industries;</li> <li>• Facilitate flexible working practices such as the integration of residential and commercial uses within the same unit</li> </ul> <p>Again these aspects are relevant to the application proposals insofar as they are:</p> <ul style="list-style-type: none"> <li>• within a rural area;</li> <li>• will provide additional employment;</li> <li>• reuse an existing vacant listed building;</li> <li>• benefit local businesses.</li> </ul> <p>The NPPF states that decisions should guard against the unnecessary loss of valued facilities where this would reduce the community’s ability to meet its day-to –day needs.</p> <p>There is of course another public house in the village so arguably those needs, in relation to a public house facility within the village are still met.</p> <p>Furthermore it could be argued that the loss of one public house is to the benefit of the other and will in fact strengthen the community standing of the remaining facility.</p>
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**Conclusion**

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 for the change of use of the Red House, comprising the existing principal listed building and associated curtilage outbuildings from Public House and its associated uses (A4[Drinking Establishments],C1[Hotels],D1[Non residential Institutions]) to a mixed residential, office and research/development facility (C3[Residential],A2[Financial and Professional Services],B1[Business]):

This will involve the relocation of two existing rural businesses currently situated on the Old Dalby Business Park to a single live/work unit in Nether Broughton. No new development is proposed simply the re-use of existing buildings.

The NPPF is supportive of such proposals in terms of building a strong competitive economy and supporting a prosperous rural economy. Likewise saved policies OS2, BE1, EM9 and EM10 are supportive.

Policy CF4 however relates to community facilities and states 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 and buildings can be made available. The NPPF also states that decisions should guard against the unnecessary loss of valued facilities where this would reduce the community’s ability to meet its day-to –day needs. There is another public house in the village which ensures the existing community will not be disadvantaged to such an extent and the community’s needs will still be met in that regard. Furthermore it could be argued that the loss of one public house is to



the benefit of the other and will in fact strengthen the community standing of the remaining facility.

As a grade II listed building the Red House is a designated heritage asset that is considered to be of significance. There are minimal internal and external changes proposed within this proposal which will be considered in greater detail in the accompanying Listed Building Consent application. The impact on the host listed building is therefore negligible.

The buildings have been vacant for some time and the condition of the principal building in particular has started to deteriorate. The proposed change of use of the building will result in the repair of the building and hence ensure its longer term future and maintenance. Thus it will be put to a viable use consistent with its conservation.

It is proposed to re-use the existing buildings on site and minimal changes are proposed to the external appearance of any of them, nor are any new buildings proposed. Therefore the status quo is maintained ensuring no adverse effect on the countryside. It is therefore considered that, the development would result in minimal impact on the countryside

The NPPF requires a 'constructive and positive approach' to proposals for economic development and it is considered that the application supports economic development objectives. On assessment, the application is considered to have benefit in terms of employment and economic development with insignificant impact on the principal listed building, curtilage listed buildings, residential amenity nor the countryside and as such, although there is a loss of a village facility, it is considered that the balance should be towards granting planning permission.

**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 02 and 03 (Rev A), both dated April 2013

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

Officer to contact: **R Spooner**

**Date: 31<sup>st</sup> May 2013**