

COMMITTEE DATE: 15th November 2018

Reference: 17/01043/LBC

Date Submitted: 21st August 2017

Applicant: Mr M Mitchell

Location: The Red Lion, Grantham Road, Bottesford, NG13 0DF

Proposal: Alterations (including demolition of rear extension and erection of new single storey rear extension) of existing public house building to form 2 dwellings, and erection of 1(No.) 3- bedroom dwelling.



Introduction:-

The proposal seeks listed building consent for the change of use from public house / restaurant to form 2 dwellings with the additional erection of 1 x 3 bedroom dwelling

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**

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

The application site is a Grade II listed former public house, known as the Red Lion pub, located in the Bottesford Conservation Area. The pub closed for business in 2017 and the site was sold shortly afterwards. Historic England identifies the building as Public house from the mid-eighteenth century with later extensions. While the listing description details whitewashed brickwork, a site inspection has confirmed that the building is partially timber framed. Since the Red Lion has ceased to be in use as a commercial premises, the vacant building is slowly falling into disrepair, and is considered to be a heritage asset at risk.

Planning Policies:-

Melton Local Plan (Adopted November 2018)

EN13 - Policy EN13 states that:

The Council will take a positive approach to the conservation of heritage assets and the wider historic environment through:

- A) seeking to ensure the protection and enhancement of Heritage Assets including non-designated heritage assets when considering proposals for development affecting their significance and setting. Proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.
- B) seeking new developments to make a positive contribution to the character and distinctiveness of the local area.
- C) ensuring that new developments in conservation areas are consistent with the identified special character of those areas, and seeking to identify new conservation areas, where appropriate;
- D) seeking to secure the viable and sustainable future of heritage assets through uses that are consistent with the heritage asset and its conservation;
- E) allowing sustainable tourism opportunities in Heritage Assets in the Borough where the uses are appropriate and would not undermine the integrity or significance of the heritage asset: and
- F) the use of Article 4 directions where appropriate

The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:

Conserving and enhancing the historic environment

- National Planning Policy Framework (Revised and updated 2018)

Para 190 NPPF

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 into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

Para 191: 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.

Para 192 NPPF

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Para 193 NPPF

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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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. communities.

Requiring good design

The NPPF 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.

The NPPF 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.

Consultations:-

Consultation Reply	Assessment of Assistant Director of Planning and Regulatory Services
MBC Building Control Access is adequate for fire appliances.	Noted.
Bottesford PC – No comment for LBC application	Noted. While Bottesford PC have not offered formal comments with regards to the listed building consent application, they have provided a response to the planning application 17/01042/FUL for the change of use. As such these comments will be considered in the appraisal for 17/01042/FUL. As the plan form of the building is not proposed to be changed by the listed building consent, the PC does not offer comment on the prospective changes outlined in the LBC application. It does not identify harm caused to the historic fabric of the building.
LCC Ecology – LCC Ecology are satisfied with the application in as such that it does not constitute a threat to wildlife	Noted.
LCC Highways LCC Highways have provided a set of planning conditions that will be necessary to implement as part of the full application under 17/01042/FUL.	Noted.

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 Assistant Director of Planning and Regulatory Services
Objections Over fifty objections were received relating to the change of use from a public house to residential accommodation. Each objection was aligned in its content with regards to the change of use, and there was no further objections received regarding the impact on the historic fabric of the listed building, or its character or appearance.	Noted As stated above, the objections wholly relate to the views on the change of use of the building from a public house to residential accommodation. The loss of this community asset will be considered in the appraisal for 17/01042/FUL. When considering the impact on the historic character of the building through the change of use from a public house to residential a similar conclusion is reached.

	<p>As there has been no attempt to return the building to its original use, and the planning application has been previously put on hold, the building has been left vacant which has led to a erosion of the historic fabric.</p> <p>This is in accordance with Para 192 NPPF, which states that in determining 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.</p> <p>The submitted application for listed building consent presents no potential harm to the historic fabric of the listed building and there will be no subsequent loss of the historic plan form. As such any objections which raise concern over the historic character of the building are not considered applicable, beyond the loss of its original function.</p>
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Other Material Considerations not raised through representations:

Consideration	Assessment of Assistant Director of Planning and Regulatory Services
<p>Planning Policies and compliance with the NPPF and the LB Act (1990)</p> <p>Paragraph 193 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.”</p>	<p>The application is required to be considered against the Local Plan and other material considerations.</p> <p>The application is considered acceptable against para 193. 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.</p> <p>Furthermore with regards to the proposal for one new 3 bedroom dwelling in the former car park of the Red Lion, the impact on the setting of the listed building and the nearby church are not considered grounds to warrant refusal.</p> <p>The new dwelling will be located in place of a car park which made a marginally negative contribution to the character of the conservation area and surrounding heritage assets. Planning conditions will be placed on any subsequent approval to the new dwelling to ensure the materials respond sensitively to the local context, at a prominent junction within the Bottesford Conservation Area.</p> <p>The applicant has responded to the issues raised by the LPA to ensure the new house follows a natural and cohesive form of development along Grantham Road. It is suitably scaled to ensure the ridge height does not interrupt views towards the church spire, and is subordinate to the Red Lion, the adjacent listed building.</p> <p>As such the new dwelling is considered to maintain the</p>

	<p>present neutral contribution to the setting of the adjacent heritage assets, established by the car park that will no longer be required to serve the public house. Therefore the application is considered to adhere to Paragraph 192 of the NPPF which states that in determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.</p>
<p>The (new) Melton Local Plan –</p> <p>EN13 - Policy EN13 states that:</p> <p>The Council will take a positive approach to the conservation of heritage assets and the wider historic environment through:</p> <p>A) seeking to ensure the protection and enhancement of Heritage Assets including non-designated heritage assets when considering proposals for development affecting their significance and setting. Proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.</p> <p>B) seeking new developments to make a positive contribution to the character and distinctiveness of the local area.</p> <p>C) ensuring that new developments in conservation areas are consistent with the identified special character of those areas, and seeking to identify new conservation areas, where appropriate;</p> <p>D) seeking to secure the viable and sustainable future of heritage assets through uses that are consistent with the heritage asset and its conservation;</p> <p>E) allowing sustainable tourism opportunities in Heritage Assets in the Borough where the uses are appropriate and would not undermine the integrity or significance of the heritage asset: and</p> <p>F) the use of Article 4 directions where appropriate</p>	<p>The application is considered to be in accordance with the heritage policies within the NPPF and the Listed Building and Conservation Area Act (1990). Policy EN13 of the Melton Local Plan affirms the principle of maintain a positive approach to the conservation of heritage assets.</p> <p>As stated above, the application is considered to adhere to principles A) and B) of Policy EN13 as they proposed development will avoid harm to the significance of the listed building. Furthermore the new 3 bedroom dwelling is considered to make a positive contribution to the character and distinctiveness of the local area.</p>

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 brick spalling while the building has remained vacant. 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.

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 191 of the NPPF.

It is considered that the issue of new residential development in a sensitive location within the Bottesford 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.. 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.

Recommendation: Permit Listed Building Consent, subject to the following conditions:

1. The works to which this consent relates shall begin not later than the expiration of three years from the date of this consent.
2. A schedule of works must be submitted for approval to the LPA prior to commencement of works. The schedule must include all remedial works that are to be carried out on the listed building and a specification of all materials proposed.
3. A window condition survey shall be submitted to the LPA outlining any windows that are determined beyond repair, prior to the replacement of any historic windows.
4. The replacement materials for any lost or damaged historic fabric such as pantiles, brickwork, joinery, floor tiles, lath and plaster, lime ash flooring and lime mortar must be included in the schedule of works. Furthermore the materials proposed to be used must be left available on site for the approval of the LPA prior to commencement of works.
5. The underdrawing of historic ceilings and overboarding of floors is not permitted in the conversion of the building. All historic beams must be left exposed and any additional internal or external insulation must be included in the schedule of works.

Reasons:

1. To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. To preserve the historic character of the building.
3. To preserve the historic character of the building.
4. To preserve the historic character of the building.
5. To preserve the historic character of the building.

Officer to contact: **Toby Ebbs**

Date: **4.11.2018**