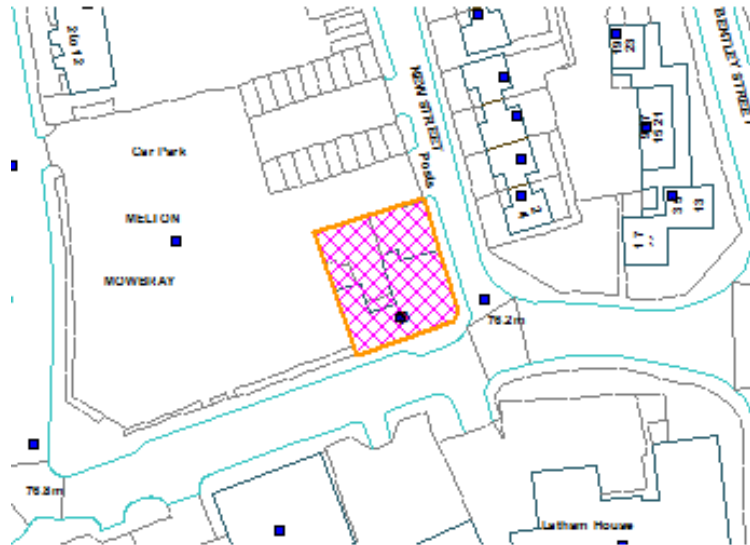


Reference: 14/00225/FUL
Date submitted: 20.03.14
Applicant: Melton Borough Council
Location: The Rutland Arms, 25 King Street, Melton Mowbray, LE13 1XA
Proposal: Demolition of former public house and change of use of land to public car parking.



Introduction:-

The application seeks consent to demolish the former public house and level the area to form an extension to the Council’s car park facility on Chapel Street, to increase the towns parking capacity. The building is situated on a prominent corner between King Street and New Street within the Town Envelope. The building is split into licensed premises and offices with residential above. The site lies outside of the designated Conservation Area for the town and sits adjacent to Chapel Street Car Park with Council flats to the north and east. Opposite the site is the Doctors Surgery: Latham House, with the police station further to the west and a new block of flats. Sage Cross Methodist Church and Morrisons superstore is to the east. The area comprises a mixture of developments with a range of historic and more modern constructed buildings.

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

- **Loss of a community facility**
- **Impact upon the character of the area.**

The application is required to be considered by the Committee due to Melton Borough Council being the applicant.

Relevant History:

12/00249/FUL - Demolition of The Rutland Arms and erection of 6 No 2 bed flats over 2 No A2 and B1 Offices, permitted 21st June 2012.

11/00031/FUL – Permitted - Erection of covered eating area to rear; installation of 2 metal extraction vents to rear of property; reroofing of existing glazed link and enclosure; brick wall to match existing, 18th March 2011.

Development Plan Policies:

Melton Local Plan (saved policies):

Policy OS1 states that planning permission will be granted for development within the town and village envelopes provided certain criteria are met as follows:

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

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.

National Planning Policy Framework (NPPF)

The National Planning Policy Framework was published 27th March 2012 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.**
- **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.

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.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – no objection</p> <p>Ensure any redundant vehicular accesses are closed and the crossings reinstated as footway. Access to the proposed car park should be from the existing public car park only.</p>	<p>The proposal will provide a further 17 car parking spaces and will utilise the existing access point off Chapel Street. The existing access into the site from New Street will be closed.</p> <p>The Highways Authority does not have an objection to the proposal which will increase the parking provision in the town.</p> <p>It is not considered that the proposal will have a detrimental impact on highway safety.</p>

Representations:

A site notice was posted and neighbouring properties consulted As a result one letter of representation has been received objecting to the proposal on the following grounds:

Representation	Assessment of Head of Regulatory Services
<p>The District Civic Society – Objects on the following grounds:</p> <p>The proposal is incompatible with the requirement of NPPF regarding conserving and enhancing the historic environment:</p> <p>NPPF para 131. In determining planning applications, local planning authorities should take account of:</p> <ul style="list-style-type: none"> • 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. <p>It also is contrary to the feedback received from the Melton Reference Groups who are working on the Local Plan in that it weakens rather than "strengthens Melton Mowbray's role as a historic market town and as the main social and economic focus for the Borough".</p> <p>In Planning Application 12/00249/FUL there was a proposal to replace the building with flats and offices which would at least have been in accordance with NPPF para.136 "Local planning authorities should not permit loss of the whole or part of a heritage asset without</p>	<p>The Rutland Arms is neither Listed nor situated within a Conservation Area. Whilst the loss of the former building is regrettable it is not one that is worthy of protection due to its structural defects and is considered to be of no architectural or historic merit. It lies outside of the conservation area and is not a listed building. The building is suffering subsidence and its change of use with adaption is not considered to be a viable option. Planning permission currently exists for redevelopment of the site which includes the demolition of the building.</p> <p>The building is not considered to be of notable value to the ‘Historic Market Town’ as it lies outside of the historic part of the town. The increase in parking provision will allow more visitors to access the town which is considered to be a public benefit.</p> <p>The building is not a designated heritage asset nor is it considered to be worthy of protection.</p>

<p>taking all reasonable steps to ensure the new development will proceed after the loss has occurred." It would also have allowed residential and office development in a sustainable location.</p> <p>Mr Duncan Clarke confirmed "...that due to the position of the development and the surrounding facilities, car parking spaces will not be requested by his authority." (Design and Access Statement 22 March 2012). Thus if there was no requirement for car parking for a new development why is this application for change of use of the site to a car park being made?</p> <p>In the Design and Access Statement that accompanied application 12/00249/FUL it was stated that "...the building has structural problems to the East side..." If there are any additional structural problems these may be due to neglect (NPPF para. 130, "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."). If the Council now own the property they should not allow any further deterioration of the property.</p>	<p>The Highways Authority comments related to the redevelopment of the site and due to being in the town centre, adjacent a public car parking no parking provision was required for the new building which would have included offices and residential uses. The current proposal seeks to increase the public car parking provisions to support the economic growth for the town.</p> <p>Had the building been a designated heritage asset the NPPF makes provisions to guard against deliberate neglect. The building has been suffering from structural defeats over a number of years however the building is not considered worthy of protection as it has no architectural or historic merits.</p> <p>It is not considered that the proposal is contrary to the NPPF Heritage policies. Planning permission is extant for the site which includes the demolition of the building. There has been no change to the designation since granting approval and no consent would be required for its demolition. It is not considered that a refusal could be upheld on this basis</p>
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Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of Development Plan and other planning policy</p> <p>Policy OS1 carries a general presumption in favour of development inside town and village envelopes provided that certain criteria are met;</p> <ul style="list-style-type: none"> • the form, character and appearance of the settlement is not adversely affected; • the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality; • the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and, • satisfactory access and parking provision can be made available. 	<p>The site is presently occupied by a corner building, formerly trading as a public house with small office accommodation attached. The first floors were occupied as residential accommodation by the manager of the public house. The building is not a designated heritage asset and is not considered to be worthy of protection. Whilst of some age it offers no architectural value to the town nor is it considered to have any historical links to the community. Planning consent exists for the redevelopment of the site which included the demolition of the building however formal consent is not required.</p> <p>The proposed car parking area is to be hard surfaced and marked out into car parking spaces to offer an extension to the exiting parking facility. Bollards will be positioned around the corner of the site in a similar manner to the frontage around Chapel Street and New Street.</p> <p>The proposed car park is not considered to have a detrimental impact upon the form, character or appearance of the settlement, and would have no adverse impact on residential properties and is therefore considered to comply with the</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>provisions of policy OS1.</p> <p>The proposals will lead to the loss of a public house in the town centre. The Rutland Arms has been vacant for a number of years and planning permission was granted for a change of use to a restaurant which has now expired. A further planning permission was secured for its demolition and replacement with two office units with four flats above which remains extant. The loss of the facility has been previously considered and due to there being a number of drinking establishments within the town it is not considered that the loss of the facility would have a detrimental impact upon the night time economy or the surrounding community</p>
<p>Compliance (or otherwise) with Planning Policy</p>	<p>As stated above, the development is considered to accord with the applicable Local Plan policies. In this instance, the policies are not considered to conflict with the NPPF and as such there is no requirement to balance the regimes against one another.</p>

Conclusion

The proposal seeks to increase the parking provision within the town centre to accommodate visitors and residents parking requirements within the town. The former Rutland Arms has been vacant for a number of years and various planning consents have been secured but not implemented. The loss of the facility is not considered to have a detrimental impact upon the town's economy nor have a detrimental impact upon the character of the area. The public benefits gained from reuse of the site as public car parking can only assist in increasing the footfall into the town, increasing the viability of existing premises in the town. The building is not considered to be worthy of retention due to its poor state and is not considered to contribute to the setting of the adjacent Conservation Area. Accordingly the application is recommended for approval, subject to conditions.

RECOMMENDATION:- Permit, subject to the following conditions:-:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. Unless otherwise agreed in writing by the Local Planning Authority all materials from the demolition to which this consent relates shall be removed from the site within one month of the date of works commencing.
3. Prior to first use of the car park the existing vehicular access off New Street shall be permanently closed and the footpath reinstated in accordance with Highway Standards.
4. Prior to first use of the facility all means of access to the site shall be from Chapel Street only.
5. Drainage shall be provided within the site such that surface water does not drain into the Public Highway.

Officer to contact: **Mrs Denise Knipe**

Date: 7 May 2014