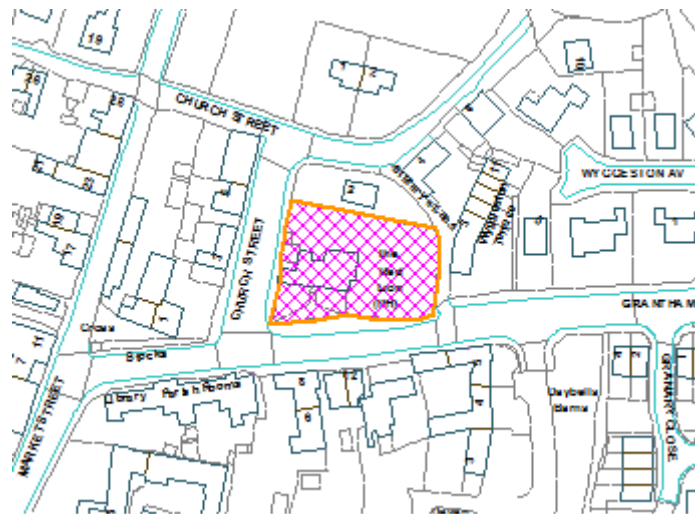


Reference: 14/00715/FUL
Date submitted: 29 August 2014
Applicant: Greene King Pub Partners
Location: The Red Lion, Grantham Road, Bottesford
Proposal: Create new garden area to the rear of the Public House
New extractor from kitchen
Internal Refurbishment



Introduction:-

The Red Lion is a grade II listed building which occupies a prominent roadside location in the village of Bottesford. It is within both the village envelope and the designated conservation area.

Listing Description: Public house. Mid C18 with later extensions. Rendered and whitewashed brick. Pantile roofs. Main block to east: 2 storeys in 2 bays, central doorway blocked. Windows are 3-light casements, centre opening, under segmental heads. Gabled roof with large transverse stack in centre. To west is mid C18 2-storey house now with large hipped mid C20 porch attached to south front. One 3-light casement to each floor. Brick eaves cornice below gabled roof and internal gable-end stack to west. C19 extension abuts to west gable. Interior with C20 details

The application is for:

- The creation of a new garden area to the rear of the public house;
- New extractor from kitchen;
- Internal refurbishment

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

- **Impact upon the host listed building**
- **Impact on residential amenity**

The application is required to be considered by the Committee due to the number of objections received.

Members will recall that this item was deferred at the last meeting on 6th November 2014 to seek clarification on the licence and restricting the hours of outside drinking. This issue is dealt with in a new section on page 4 of this Report.

Relevant History:

13/00652/FUL - Installation of a timber framed pergola with glazed roof, relocation of existing smoking solution and extension of children's play area. – Permitted 25 November 2013

13/00654/LBC - Installation of a timber framed pergola with glazed roof, relocation of existing smoking solution and extension of children's play area replacement external door. New internal cosmetic upgrades. – withdrawn

14/00716/LBC - Create new garden area to rear of pub with associated works, new extractor from kitchen and internal refurbishment – permitted on 10 November 2014

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS1 and BE1

Policies OS1 and BE1 allow for development within Town Envelopes providing that:-

- 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.

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

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

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

- Proactively support **sustainable** economic development to deliver homes and business that local areas need
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- encourage the effective use of land by reusing land that has been previously developed (brownfield land)
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

On Specific issues relevant to this application it advises:

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.
- Securing high quality and inclusive design goes beyond aesthetics considerations and should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and enhancing the historic environment

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

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p data-bbox="199 1559 426 1592">Highway Authority</p> <p data-bbox="199 1621 384 1655">No Observations</p>	<p data-bbox="842 1621 916 1655">Noted</p> <p data-bbox="842 1682 1422 1832">The proposal, given its previous use as a public house, will not have a detrimental impact upon the existing highway safety and the parking layout remains and there is adequate parking provision.</p>

<p>MBC Environmental Health Officer</p> <p>Environmental Health have the following concerns:</p> <ul style="list-style-type: none"> • An increase in the number of outdoor seated diners could lead to an increase in noise. I am conscious of the proximity of no.2 to the rear of the premises. • The provision of a BBQ and smoking shelter to the rear of the premises could promote the congregation of drinkers in that area with an increase in associated noise. <p>However when considering the proposed use of land, from a public health perspective, do not believe it would be appropriate to regulate such activities through the planning regime.</p> <ul style="list-style-type: none"> • The poor selection and inappropriate installation of outdoor lighting has the potential to impart a light nuisance on neighbouring properties. The application provides insufficient information on the lighting scheme in order to determine suitability. The applicant is requested to supply a lighting scheme detailing information concerning the type of luminaires, their luminous power as well as their proposed position and orientation. 	<p>The previously approved application (Reference 13/00652/FUL), which could still be implemented, included provision for an extension of the existing children's play area which was positioned adjacent to the boundary fence with No 2 Church Lane. This application has removed the children's play area, and therefore any noise associated with it, completely and made provision for outdoor seating in that area adjacent No 2.</p> <p>Approved Application 13/00652/FUL also made provision for the smoking shelter which is proposed in the same location within the current application.. The BBQ is a new element.</p> <p>Approved Application 13/00652/FUL made provision for 5 no. external up/down lights attached to the rear wall of the premises. This current application proposes an additional 4 no. low level post lights within the patio area. The nearest of these will be 7 metres from the rear of No.2 Church lane, the other three 11 metres away.</p> <p>A pre commencement condition could be to be applied requesting details of lighting</p>
<p>MBC Licensing Officer</p> <p>The Red Lion Bottesford has a condition in their licence that the outside seating area cannot be used after 23.30hrs. There is also a condition that music is not audible at the boundary of nearby properties after 23.00hrs.</p> <p>The Red Lion could, at any time, apply to change these hours or conditions and any representations to that variation would be considered by a Licensing Panel.</p> <p>No changes can be made to the licence without a variation or a review. A review of the licence can be applied for with sufficient evidence and that would be considered by a Licensing Panel. There have been no problems with these premises with regard to noise.</p>	<p>Noted</p> <p>A condition currently exists in the Red Lion's licence restricting the hours the outside seating area can be used. This will remain in force and is unaffected by the planning application.</p> <p>The use of external areas for drinking/congregation do not require planning permission and can take place at present (this is not a 'change of use' application). Accordingly the Committee is advised that its consideration of the application is whether the development comprised in the application (i.e. the introduction of hard surfacing to the rear) is, in itself, likely to give rise to nuisance.</p> <p>It is considered that the surfacing proposed would make the outdoor area more attractive to use and as such increase the likelihood of its use being a source of nuisance.</p>

	<p>The Committee is able to control this aspect through conditions and it is not bound to ensure they coincide with those in the licence (Licencing conditions address ‘public nuisance’ specifically, whilst planning conditions are able to address ‘amenity’ in more general terms).</p> <p>The operator is required to satisfy both forms of restriction and, in the event of an inconsistency, this would in effect default to whichever is the most restrictive.</p>
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Representations

A site notice was posted and neighbouring properties consulted. As a result thirteen letters of representation (one noting concerns and twelve objections) were received to the submission making the following comments:

Representation	Assessment of Head of Regulatory Services
<p><u>Residential Amenity</u></p> <p>Noise issues from outside drinking areas</p> <p>Light pollution issues</p> <p>Issues with smells from extractor</p> <p>Whole fence along the boundary should be replaced to ensure it matches. Generally fence is in bad condition.</p> <p>Anti-social behaviour</p>	<p>This building has always been a public house with the provision of outside drinking areas to both the front and the rear. Any future noise or light issues resulting from this proposal will be dealt with under the Environmental Pollution Act</p> <p>The proposed new extractor is basically a ‘like for like’ replacement for the existing. Any future smell issues resulting from this proposal will be dealt with under the Environmental Pollution Act</p> <p>The submitted plan indicates that a section of fence 8 feet tall will be installed to back onto neighbours property. Furthermore it notes that the non-damaged sections of the existing fence will be retained. This would indicate that damaged sections will be replaced.</p> <p>There is no evidence to suggest that anti-social behaviour will be an issue. This building has always been a public house with the provision of outside drinking areas to both the front and the rear.</p>
<p><u>Heritage Issues</u></p> <p>The proposed changes are not in keeping with the historic public house nor the conservation area</p>	<p>As a listed building situated 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 the character or appearance of the Conservation Area (s 66 and 72 of the LB and CA Act 1990).</p> <p>The existing garden areas to both the front and rear of the listed building would both benefit from refurbishment. Judging by its present appearance it seems that the rear garden in particular is under-utilised. In its present condition it does not enhance the settings of either the listed building, or the conservation area.</p> <p>The proposals submitted involve the use of traditional materials including natural stones, timber structures and fencing supplemented by</p>

	planters etc. These measures would represent an improvement to both areas and as such would be of benefit to the listed building and conservation area settings.
<u>Highway Safety Issues</u>	
On street parking issues	LCC highways have not objected on these grounds
<u>Other Issues</u>	
As a traditional public house this should not be an entertainment venue.	There is nothing within the proposal to suggest that entertainment is to be provided at this venue. By providing enhanced garden areas and undertaking an internal refurbishment the owners are intending to improve the visitor experience and enhance the business.
Too much seating is proposed	The submitted plans indicate 84 seats within the rear garden area and a further 62 seats to the frontage.
No consideration has been given to children	The provision of the gardens and outside drinking facilities enables children to accompany their parents

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><u>Policies OS1 and BE1</u> allow for development within Town Envelopes providing that:-</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><u>Policy BE1</u> allows for development providing that (amongst other things):-</p> <ul style="list-style-type: none"> 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 or daylight; Adequate space around and between dwellings is provided; 	<p>The site lies within the village envelope and conservation area for Bottesford</p> <p><u>External Works</u> - The current rear garden area is generally in need of refurbishment. It appears that the garden area is under used and under-utilised and the current proposal addresses this.</p> <p>The proposal is basically to remove all the existing features of the garden, children's play house, fencing, lawn etc and totally refurbish it amending the layout and providing new outside furniture etc.</p> <p>Main features are as follows:</p> <ul style="list-style-type: none"> The surface to be tiled in either bradstone, Indian stone, natural sandstone; Three new pergolas are proposed with net lights; A new stone built barbeque area in the centre of the garden; New garden furniture throughout; Planting in pots or barrels; Existing trees trimmed; New low profile picket fencing; <p><u>Smoking Shelter</u> – The existing shelter is to be repositioned and provision made for heating and lighting within it.</p>

	<p><u>Front garden area –</u></p> <ul style="list-style-type: none"> • Replace fencing with low profile picket fencing; • Crown reduction of existing trees; • Remove existing tree/bush; • New garden furniture <p><u>New Extractor</u> – a new 400 mm diameter extract to match existing is proposed with a cowel top</p> <p><u>Internal Works</u> -The internal changes primarily relate to cosmetic change involving carpeting, flooring, decoration etc</p> <p>A small section of wall is to be removed in the kitchen area and some additional walling also enabling a minor rearrangement of that area</p> <p>In terms of the internal works, minimal intervention is proposed to the listed building to enable its continued use as a public house.</p> <p>The current proposals satisfy policies OS1 and BE1 and will represent an improvement. In that regard the character of the building would be enhanced together with the street scene and the wider settlement also.</p> <p>Internally the changes are generally cosmetic and will represent an improvement.</p> <p>In terms of the extractor there is effectively no change.</p> <p>The proposal is therefore considered to comply with Policies OS1 and BE1.</p>
<p>Heritage Issues</p> <p>Paragraph 129 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.</p> <p>Paragraph 131 states that in determining planning applications, local planning authorities should take account of:</p> <ul style="list-style-type: none"> • 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>The Red Lion is a grade II listed building. It is also within the conservation area. Its prominent roadside location and close proximity to the parish Church ensures that it is a heritage asset of some significance</p> <p>Very few internal alterations are proposed and for the most part have little effect on the historic fabric of the building. It is however proposed to remove some small sections of the original walls which when balanced against the overall proposal and future of the building are considered to be acceptable</p>

<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>Design & Impact on Streetscene</p>	<p>Externally the principal works proposed the upgrading/landscaping of the rear garden area and some alterations to the smaller frontage garden area.</p> <p>The proposed changes to the small garden area to the frontage of the building, which is visible in the street scene, will represent an improvement in terms of the setting of the host listed building. It will also enhance the conservation area setting in this part of the village.</p> <p>The changes to the rear garden area, although not directly visible in the street scene, will enhance the setting and will reflect and respect the host listed building and the conservation area location.</p>
<p>Impact on Residential Amenity</p>	<p>The property already benefits from both a front and rear garden area albeit both in need of an upgrade at present. Therefore given its existing use, in residential amenity terms there is effectively no change.</p> <p>Planning permission has already been granted in November 2013, under Reference 13/00652/FUL for the installation of a timber framed pergola with glazed roof, relocation of existing smoking shelter and extension of children’s play area. Other works were also proposed including re-paving the area, providing some pot planting , external lighting and new garden furniture.</p> <p>In that regard that approval is very similar to the current proposal and would have resulted in the upgrade of the garden area and potentially an intensification of its use. That permission may still be implemented.</p> <p>....</p> <p>In terms of seating there may potentially be an increase in the number of customers using the garden area and in that regard there may be a perceived adverse effect on the neighbouring properties. However this building has always been a public house and will continue to be so.</p>

Conclusion

The proposal site lies within the village envelope and conservation area for Bottesford. and thus benefits from a presumption in favour of development under policies OS1 and BE1, and fulfils the objectives of the NPPF in terms of sustainability. The host building is a grade II listed public house

As a grade II listed building the Red Lion is a designated heritage asset that is considered to be of significance.. 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.

The proposed minor internal changes to the building, the replacement of the extractor and refurbishment of its garden areas will enhance the listed building will serve to improve the setting. It is considered that the proposals will help to secure the continued use of the building for the foreseeable future and will ensure that the existing building continues to be used in an appropriate manner. This will help to enhance the character and appearance of the Listed Building and Conservation Area. It is not considered that the proposals will adversely affect the residential amenities of neighbouring properties to an unacceptable degree, bearing in mind that the use as a seating/drinking area is not the subject of this application and could occur in any event. Accordingly the proposal is recommended for approval.

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

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The works hereby permitted shall be undertaken strictly in accordance with Drawing Nos :
 - 1773-100 (Revision F), dated August 2014;
 - 1773-101 (Revision B), dated August 2014;
 - 1773-12 (Revision E), dated August 2014;
 - 1773-13 (Revision B), dated August 2014;
3. All works in making good the historic fabric of the listed building shall be carried out using reclaimed materials which shall match the existing in all respects.
4. Prior to the commencement of the works hereby permitted, the applicant is requested to supply a lighting scheme detailing information concerning the type of luminaires, their luminous power as well as their proposed position and orientation.

The reasons for the conditions are:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt
3. To preserve the historic character of the building.
4. No details have been provided of this important element of the application

Officer to contact: **R Spooner**

Date: 14th November 2014