

# Supplementary Agenda



*Rural Capital of Food*

<b>Meeting name</b>	<b>Meeting of the Planning Committee</b>
<b>Date</b>	<b>Thursday, 15 November 2018</b>
<b>Start time</b>	<b>6.00 pm</b>
<b>Venue</b>	<b>Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH</b>
<b>Other information</b>	<b>This meeting is open to the public</b>

<b>Meeting enquiries</b>	Development Control
<b>Direct Dial</b>	
<b>Email</b>	externaldevelopmentcontrol@melton.gov.uk

<b>No.</b>	<b>Item</b>	<b>Page No.</b>
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**COMMITTEE DATE:** 15<sup>th</sup> November 2018

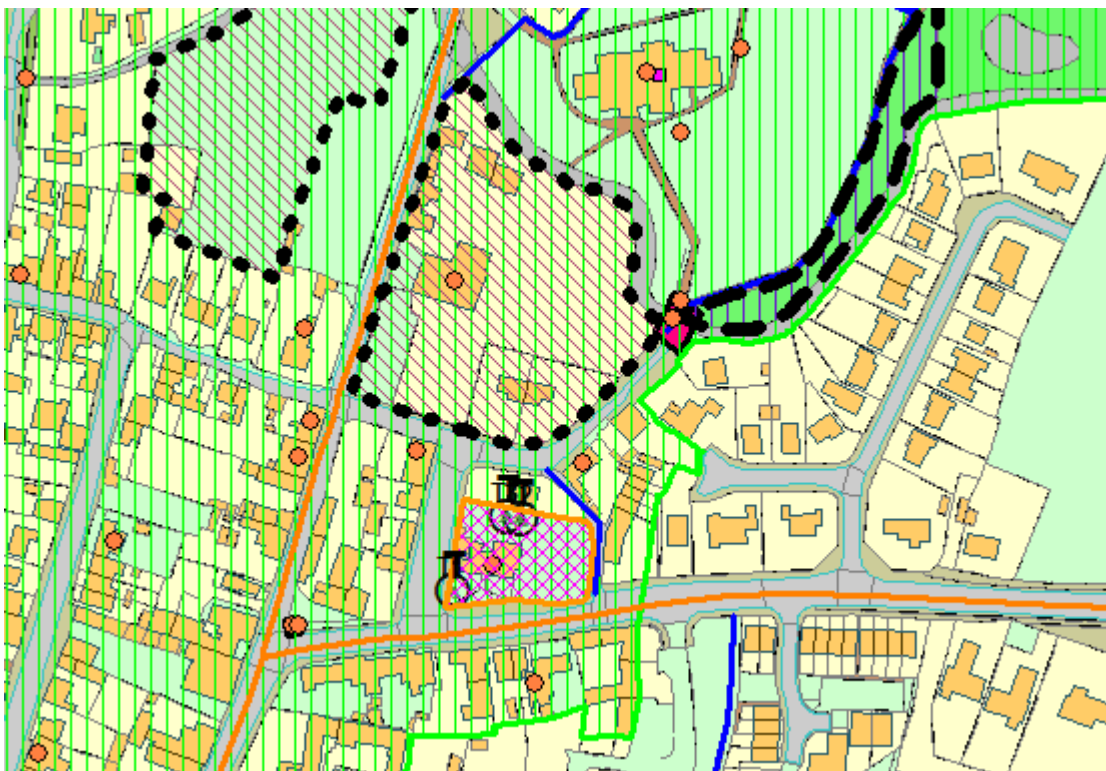
**Reference:** 17/01042/FUL

**Date Submitted:** 21<sup>st</sup> August 2017

**Applicant:** Mr M Mitchell

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

**Proposal:** Change of use and 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 full planning permission to change the use of The Red Lion to form two dwellings and the erection of one three bedroomed dwelling in the existing car park to the East of the Public House. The Red Lion is a Grade II Listed Building and the site is located in the Bottesford Conservation Area. There are three protected trees on site. Listed Building Consent application 17/01043/LBC has been submitted for consideration in conjunction with the planning application for the conversion works to the pub.

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

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact on the local character of the area**
- **Loss of the community facility**

- **Impact on residential amenity**
- **Highway safety**

The application is presented to the Planning Committee due to the number of representations received for the application.

**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. (Granted 25/11/2013)

14/00715/FUL & 14/00716/LBC - Create new garden area to rear of pub with associated works, new extractor from kitchen and internal refurbishment. (Granted 27.11.2014)

#### Asset of Community Value

An Asset of Community Value was placed on the property on 20<sup>th</sup> July 2018. Whilst there is an Asset of Community Value on the property, this is a material consideration and it is for the Planning Committee to determine the weight that this is given.

#### **Planning Policies:-**

##### **Melton Local Plan**

The Melton Local Plan (2011-2036) was adopted by Melton Borough Council on 10<sup>th</sup> October 2018. It is considered that the following policies are relevant to this application:

**Policy SS1** sets out a presumption in favour of sustainable development Policy D1 seeks to raise the standard of design through siting and design being sympathetic to the character of the area, to protect the amenity of neighbours, utilise the existing trees and hedges together with new landscaping and make adequate car parking provision.

**Policy EN13** states the Council will take a positive approach to the conservation of heritage assets and the wider historic environment.

**Policy C7** of the Local Plan supports proposals and activities that protect, retain or enhance existing community services and facilities or that lead to the provision of additional assets that improve community cohesion and well-being to encourage sustainable development. The Policy seeks to resist the loss of the community use but will be supportive subject to meeting certain criteria with regard to re-use of the service/facility and impact of its closure upon the village and its community.

##### **National Planning Policy Framework (NPPF) 2018**

The Local Plan has been examined and it has been concluded it is compatible with the NPPF 2012 version. There are not considered to be any changes in the 2018 version that renders the policies applicable to this application 'out of date'.

##### **Listed Buildings and Conservation Area Act 1990**

The Committee is reminded of the duty of the Council to give special attention to the desirability of preserving or enhancing Listed Buildings, under Sections 16 and 66 and Conservation Areas, under Section 72 of the Act.

**Consultations:-**

<b>Consultation Reply</b>	<b>Assessment of Assistant Director of Strategic Planning and Regulatory Services</b>
<p><b>Bottesford Parish Council</b></p> <p>The Parish Council requests that the application is deferred until the Asset of Community Value (ACV) application is decided and a fair chance to put together a Business Case for a pub is allowed.</p> <p><b>Updated comments:</b> The Red Lion has been agreed as an Asset of Community Value and that now the team should also be given a fair chance to put together a Business Case for a pub before it goes through planning approval again.</p>	<p>Noted.</p> <p>A business case has been submitted by the Friends of the Red Lion, the contents of which have been considered below.</p> <p>Under ACV regulations the moratorium period (i.e. between being made available for sale and actual sale) would only be relevant if the property was for sale. However as it is not for sale, this would not be applicable.</p>
<p><b>Leicestershire County Council Highways</b></p> <p>The Local Highway Authority (LHA) advice is that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with the National Planning Policy Framework 2018 (NPPF), subject to the Conditions and Contributions.</p> <p>The Local Highway Authority (LHA) previously responded to this application on 2nd November 2017 and 13th August 2018. Subsequently discussions with the Local Planning Authority (LPA) have highlighted that the proposal includes a vehicular access onto Church Street which has not previously been discussed in the LHA observations. This response should therefore be read in conjunction with the previous responses referred to above.</p> <p>Vehicular access to the site via Church Street is shown in the vicinity of the Unit 1 "turning area". Church Street is an adopted, unclassified road, subject to a 30mph speed limit. There have been no recorded personal injury collisions on Church Street within the last five years and as such the LHA has no existing highway safety concerns regarding this location.</p> <p>The formation of a new vehicular access at this point would however require the relocation of the existing bus stop on Church Street.</p> <p><b>Recommended Conditions</b></p> <p>1. No occupation until the access arrangements</p>	<p>It is not considered that the change of use to two dwellings and erection of one dwelling would significantly increase the amount of vehicular movements to and from the site than the use of the building as a public house. It is considered that sufficient parking is proposed for the development so to avoid on street parking.</p> <p>Concerns had also been raised in relation to the access on Church Street, which was not clear on the plans and would require the relocation of an existing bus stop. LCC Highways were contacted in relation to this and provided additional comments, which have resulted in some additional conditions, which have been included in the recommendation.</p>

<p>have been implemented in full.</p> <p>2. No occupation until the parking and turning facilities have been implemented and the parking provision shall be maintained in perpetuity.</p> <p>3. No occupation until the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be maintained in perpetuity.</p> <p>4. The new vehicular access shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access on St Mary's Lane that become redundant as a result of this proposal have been closed permanently and reinstated.</p> <p>5. Access on Church Street to be constructed to a minimum width and maximum gradient with dropped crossing, to be maintained at all times.</p> <p>6. Relocation of existing bus stop on Church Street prior to occupation.</p> <p>7. Prior to occupation, the existing dropped kerb access on Church Street shall be re-instated.</p> <p>Notes to applicant also included.</p>	
<p><b>Lead Local Flood Authority</b></p> <p>The above detailed planning application is not considered to be major, as such the Lead Local Flood Authority (LLFA) are not a statutory consultee and have no comment in relation to this application.</p>	<p>Noted.</p>
<p><b>Leicestershire County Council Rights of Way</b></p> <p>I have no objection to the application in principle as it need not affect the public's use and enjoyment of the Right of Way; however concern that only a general arrangement of the boundaries has been given. Changes to the existing boundary treatment between the site and the footpath i.e. to the low brick wall on the eastern side of the site, would have a significant impact on the enjoyment of the footpath. A solid high boundary wall/fence, close planting of a hedge to the edge of the path or disturbance to the existing tarmac surface or grass verges are undesirable.</p> <p>The Design and Access Statement invites conditioning the boundary treatment and therefore suggest the following Condition:</p> <p><i>Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking</i></p>	<p>Noted. The requested condition can be included in the decision notice.</p>

<p><i>and re-enacting that Order) no walls, fences or other means of enclosure shall be erected within one metre of the Public Footpath F74B unless in accordance with details first submitted to and agreed in writing by the Local Planning Authority.</i></p> <p>Notes to applicant included.</p>	
<p><b>MBC Conservation Officer</b></p> <p>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 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 design of the proposed development has changed during the application process to take into account the historic nature of the site in the centre of the village and surrounding listed buildings, including The Red Lion and the Church, which can be viewed at the rear of the site.</p> <p>Appropriate conditions relating to materials and removal of permitted development rights will be included.</p>

**Representations:-**

One comment in support, one neutral comment and objections from 45 separate addresses have been received in relation to the application. In addition to these comments, a representation, including business case, has been submitted by the Friends of the Red Lion and assessed separately below. The representations received have been summarised below.

<b>Representations Received</b>	<b>Assessment of Assistant Director of Strategic Planning and Regulatory Services</b>
<p><b>Support</b></p> <ul style="list-style-type: none"> <li>• Continued use not economically viable.</li> <li>• Competition from two pubs and two restaurants in the village.</li> <li>• Building decaying and become an eyesore if not developed.</li> <li>• Use as a pub caused parking problems (in relation to residential element) and parking provision proposed is welcomed and no direct access to the door on Church Street.</li> <li>• Support single storey extension but should have a sloping roof instead of a flat roof – more in keeping.</li> <li>• Want any deliveries/ workers vehicles to use the car parking rather than Church Street to avoid disruption and highways problems.</li> </ul>	<p>Noted.</p> <p>It is noted that there are other pubs and facilities in the village to serve the community.</p> <p>The application has been determined with guidance from MBC’s Conservation Officer.</p> <p>It would not be possible to restrict where people park, however a condition can be included to ensure that construction does not happen during unsociable hours, due to the location near to a number of residential properties.</p>
<p><b>Neutral</b></p> <ul style="list-style-type: none"> <li>• First choice is to maintain as a village asset.</li> <li>• Sensitivity to the Listed Building and Conservation should be paramount.</li> <li>• New build should be set back to mirror the building line of the pub and adjacent buildings to preserve openness and maintain vista of old building when approaching from Grantham.</li> <li>• New builds should acknowledge street scene and historic buildings.</li> </ul>	<p>Noted.</p> <p>The application has been considered in relation to the setting of the Listed Building and Conservation Area and the proposed design has been amended from the originally submitted design to take into account the characteristics of the area, including the Conservation Area and setting of surrounding Listed Buildings.</p>

<b>Representation Received (Objections)</b>	<b>Assessment of Assistant Director of Strategic Planning and Regulatory Services</b>
<p><b>Highways</b></p> <ul style="list-style-type: none"> <li>• Village has chronic parking problems. Red Lion car park is sizeable, within 2 minute walk of villages main facilities, available 24/7 and meets important community need.</li> <li>• Loss of car park will be detrimental to the Conservation Area by increasing on street parking, increasing congestion and health and safety risks to pedestrians.</li> <li>• Extra vehicles will park on the road.</li> <li>• Problems are being created by the loss of car park.</li> <li>• Strongly dispute car park is redundant.</li> <li>• Other pubs in village have smaller car</li> </ul>	<p>LCC Highways have provided comments in relation to the application (above) and raise no objection to the proposed development.</p> <p>Whilst the development would result in the loss of the car park, this is private land and there is no requirement for the owner to provide parking to members of the public.</p>



parks.	
<p><b>Loss of Community Facility/ Impact on Community</b></p> <ul style="list-style-type: none"> <li>• Far greater value continuing as a pub, as has been for last 200 years.</li> <li>• Village is getting bigger but losing amenities.</li> <li>• Only public house with grassed area and play facilities.</li> <li>• Was popular for Sunday dinners and fish and chips.</li> <li>• Family friendly pub and only one that did proper food.</li> <li>• Pubs are important to communities and we should support them.</li> <li>• Loss of community facility – promote social well being and social interests of the community, support the local economy (employment) and buying local produce.</li> <li>• Red Lion is a valued facility and has met the needs of the local community and can continue to do so.</li> <li>• No reason why cannot be commercially viable in right hands – test against CAMRA viability test.</li> <li>• Has extensive marketing taken place?</li> <li>• Closing the Red Lion has been detrimental to community needs.</li> <li>• Other two pubs have different offerings – Red Lion for families to socialise together. Each pub meets a different need. Different in appearance and environment.</li> <li>• Approximately 350 new dwellings proposed – increase in population will result in an increased demand for services and increased likelihood of the pub being viable.</li> <li>• Need family friendly pub in expanding village with more families.</li> <li>• The Red Lion has only been shut since Easter 2017 – irregular opening in 2016/17 due to inadequate stock levels.</li> <li>• Decline since Greene King took over, who failed to invest and imposed punitive terms on tenants resulting in regular management turn over and problems attracting replacements.</li> <li>• Most recent holding company didn't provide adequate stock – mismanaged rather than lack of demand.</li> <li>• Community group willing to explore</li> </ul>	<p><b>Noted.</b></p> <p>There are two other pubs in Bottesford and other community facilities and services.</p> <p>The supporting information which has been provided by the applicant in relation to the loss of the facility is assessed in full below.</p> <p>There are a number of community facilities within Bottesford village.</p> <p>The assessment undertaken by the applicant has followed the guidance of the CAMRA public house viability test.</p> <p>The way in which the pub has been managed historically is not a material consideration. Additionally it is not possible to raise the question with the previous licensee/ landlord as to whether the decline in business was due to the operation of the pub or a lack of trade.</p>

<p>feasibility of acquiring and running the pub.</p> <ul style="list-style-type: none"> <li>• Contrary to National planning policy regarding community facilities, as well as Local Plan policies CF4 and C7.</li> <li>• Pub served as a meeting place for community groups.</li> <li>• Building offers community space – little space in the village for groups to socialise/meetings.</li> <li>• First pub noticed in the village and commented by visitors.</li> <li>• Only pub with external green space without 21<sup>st</sup> Century trappings.</li> <li>• Need houses but also need a village pub.</li> <li>• Iconic, picturesque building – should be preserved as a community resource.</li> <li>• Demand for type of pub in the village – need a choice of types of pub.</li> <li>• Long been the focal point of village life.</li> <li>• Base for charity bike runs.</li> <li>• Only way stopping pub being of great social and economic value has been the manner in which it has been managed.</li> <li>• Brewery has a corporate history of letting pubs fall into decline nationally.</li> <li>• Loss of pub no less harmful than the loss of a church.</li> <li>• The pub is the only village pub suitable for families, particularly with its internal layout and generous outside space.</li> <li>• Prior to its closure it was used for children’s and adults parties, WI darts team, fishermen’s club, Sunday quizzes, affordable Sunday lunches, Boxing Day Duck/ Morris men venue. Being the only village pub large enough to host these events in a family friendly venue.</li> <li>• Beginning of the end of village history and it’s heart.</li> </ul>	<p>There are other facilities in the village which would be capable of providing space for groups to meeting, including the two public houses, village hall, Parish Rooms, church and primary and schools. There is no evidence to demonstrate loss of the pub will also lead to the inability of these organisations to function.</p> <p>Evidence of these activities has not been provided with this (or other) representations. Furthermore there is no evidence that these functions have ceased since the closure of the pub and are not accommodated elsewhere.</p>
<p><b>Impact on Heritage</b></p> <ul style="list-style-type: none"> <li>• Something needs to be done as the building is falling into disrepair and this could be a good course of action.</li> <li>• The Red Lion is a historic Listed Building.</li> <li>• Redevelopment needs to be in a manner that respects and protects importance of landmark building in conservation Area.</li> <li>• Building is part of the historic character and strong feature enhancing Bottesford as a place to live with a good sense of community and identity.</li> </ul>	<p>The proposed development has addressed heritage issues through the change in the proposed design. As the site is in the Conservation Area and The Red Lion is listed, there is a statutory duty for the Council to preserve/ enhance the Listed Building and Conservation Area. Should the development not take place, there is a likelihood that the Listed Building would fall into further disrepair.</p> <p>It is considered that the proposed design of the development reflects the historic characteristic of the area and building.</p>

<ul style="list-style-type: none"> <li>• Refurbishment should be under the direction of the Conservation Officer, including methods of working and retain features.</li> <li>• Need to use local bricks.</li> <li>• The Red Lion is in an attractive setting, alterations and development would substantially detract, contrary to Local planning policy.</li> <li>• Heritage statement clearly indicates various degrees of harm.</li> <li>• Heritage suffers for the sake of someone's pocket.</li> <li>• Red Lion has been seen in historic photos.</li> <li>• To knock down would be a sad loss.</li> <li>• Attractive building and could be an attractive centre piece for the village.</li> <li>• Concerned that the developer will deliberately allow the building to fall into irredeemable state of repair, requiring demolition of the GII Listed Building.</li> <li>• Obstruct views of the Listed Building.</li> <li>• Construction of houses in the car park will detract from the setting of the Listed Building.</li> <li>• In prominent location in centre of village in Conservation Area.</li> <li>• Integral part of the village with other historic buildings.</li> <li>• Historical landmark, only rivalled by Grade I Listed Church.</li> <li>• Generation must not be responsible for the demise of the look, feel and heritage of the village for the sake of a few houses.</li> <li>• If need further housing, there is plenty of scope on other sites without ruining existing historical structure with cultural value.</li> <li>• Must stand up to maintain history for generations to come and reject short term monetary gains.</li> <li>• Irish Yew – nature conservation feature provides important habitat for nesting birds and adds to aesthetics of the village.</li> <li>• Heritage statement acknowledges cultural value.</li> <li>• Change of use will harm special character.</li> <li>• Pub has served the village since 1822, with parts of the building considerably</li> </ul>	<p>Appropriate conditions can be included to ensure that the works carried out to the public house and the new build are in a manner which are sympathetic to the location.</p> <p>The proposed development would not involve the demolition of the Listed Building.</p> <p>The development has been designed to ensure that the setting of the Listed Building (and others locally) is not compromised.</p>
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<p>older.</p>	
<p><b>Design/ Impact on Residential Amenity</b></p> <ul style="list-style-type: none"> <li>• Overlooking and loss of privacy – property and garden not currently overlooked and would like obscure glazing or trees/hedges on the boundary.</li> <li>• New houses shouldn't be larger than specified on plans so not to obstruct light and viewpoints.</li> <li>• Substantial alteration and new dwellings contrary to Local Plan policy C7.</li> <li>• More dwellings at heart of already crowded village.</li> <li>• Much potential.</li> <li>• Parking at the front of unit two would be detrimental – also requires removal and/or alteration of traditional “hair pin” fencing.</li> <li>• Additional structures ruin Conservation Area.</li> <li>• Rear garden and small garden at the front provide much needed green space.</li> <li>• Replacing with dwellings would exacerbate the problem of village centre parking and deprive the centre of a valued green space.</li> </ul>	<p>It is proposed that permitted development rights would be removed to prevent further extensions to the new dwelling proposed.</p> <p>Parking is proposed to the rear of units 1 and 2.</p>
<p><b>Other</b></p> <ul style="list-style-type: none"> <li>• Contrary to National Planning Policy.</li> <li>• Red Lion should not be left empty and derelict but residential development would be lost opportunity to re-use.</li> <li>• Application should be deferred so that more imaginative use can be encouraged.</li> <li>• Maple tree is in need of maintenance.</li> <li>• Loss of Irish Yew contrary to Policy OS1.</li> <li>• Existing covenant relating to The Red Lion.</li> <li>• Existing trees should be preserved.</li> <li>• Design and Access Statement is incorrect.</li> <li>• Current consideration of the Asset of Community Value.</li> <li>• Pub is an ACV which can be considered as a material matter for planning.</li> <li>• With the right people and investment, The Red Lion could be a thriving village pub.</li> <li>• Pub was understocked and this is why they lost business.</li> <li>• ACV gateway for community group to</li> </ul>	<p>An application for the change of use and construction of new dwelling has been submitted and needs to be determined. No application has been made for any other use of the building.</p> <p>It is proposed that the trees on site will be retained.</p> <p>The covenant is not a material consideration, and is not overridden /removed by planning decisions.</p> <p>The Asset of Community Value is a material consideration and it is for the committee to determine the weight to be afforded to this.</p> <p>This is stated in the “Community Right to Bid: Non statutory advice note for local authorities”, October 2012 (Department for Communities and Local Government), which states “<i>The provisions do not place any restriction on what an owner</i></p>

<p>explore feasibility of running as a community pub – more appropriate use and benefit to wider community.</p> <ul style="list-style-type: none"> <li>• Plan for Friends of the Red Lion have support.</li> <li>• The community has proposed a viable plan which benefits the community and the council as a whole by generating employment, business rates and attracting passing trade to Bottesford.</li> <li>• Friends of the Red Lion feel it is viable to run a public house and community facility.</li> <li>• Need a care home – number of potential providers interested in the site.</li> <li>• Change of use to homes will make no material difference to housing.</li> <li>• Failure to invest in the fabric of the building.</li> <li>• The artificially inflated costings of the developer relating to reopening the Red Lion as a pub seem to have been accepted as gospel.</li> <li>• Infrastructure is not there for the extra houses.</li> <li>• Has been systematic running down of the premises to smooth the way for a planning application.</li> <li>• No online presence.</li> <li>• Lacked real ale and cider and the food went downhill.</li> <li>• When last looked, marketed as a public house, not a development site.</li> <li>• May be worth more financially as a development site but no reason to market the pub for over the odds and claim not viable as no takers.</li> <li>• The developer has been involved in a similar failed development previously involving the forced closure of his company. A new company is now operating from the same business address. This information is public domain. If the council is not aware of this they have not done sufficient due diligence. If the council is aware then it raises the following question: Are highly questionable business relationships of this nature while ignoring the many loud voices of the community really what Melton Council is about?</li> <li>• Failed to improve or maintain accommodation – decoration became tired and the fabric of the building fell</li> </ul>	<p><i>can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.”</i></p> <p>The costings for refurbishing the pub have been carried out by Faithful and Gould, who are an international project and programme management consultancy, specialising in construction.</p> <p>Previous development or business failings are not a material consideration for the application.</p>
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<p>into disrepair. Central heating leak went unrepaired for over 6 months, causing health and safety risk. Problems with ventilation meant that the cooker could not be used (and Sunday lunches abandoned).</p> <ul style="list-style-type: none"> <li>• Residential accommodation for tenants in appalling state.</li> <li>• Greene King prevented a good licensee with funding.</li> <li>• Holding company previously in charge of Moot House pub in Bingham prior to demolition and housing development and The Griffin in Plumtree which is closed and subject to a change of use application and redevelopment applications – strong history of mismanagement.</li> </ul>	<p>These pubs mentioned are located within the Borough of Rushcliffe. The Moot House was demolished and planning permission granted for 13 dwellings on the site in 2014. In relation to The Griffin, planning permission was granted for two dwellings in the car park and extensions to the pub building with the proposal to re-open the pub with a new food offering.</p>
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**Representation from Friends of the Red Lion:**

<b>Representation</b>	<b>Assessment of Assistant Director of Strategic Planning and Regulatory Services</b>
<ul style="list-style-type: none"> <li>• The Red Lion is a listed Asset of Community Value. This means that it has been judged by the Council as meeting community need in the recent past. This is not “only a material consideration” as referred to in the committee report, it is a material consideration.</li> <li>• Need to consider relevant planning policy (e.g. NPPF relevant paragraphs inc Promoting Health and Safe Communities, Conserving and Enhancing the Historic Environment) - Within the above policies there is a clear expectation that all possible avenues to retain valued local facilities have been explored and discounted. Without doubt this</li> </ul>	<p>Planning law requires that consideration is given only to ‘the Development Plan’ and ‘material considerations’. Outside this scope issues cannot be considered.</p> <p>The Listing of the Red Lion as an ACV is a material consideration and does not automatically mean that the change of use of the building should be refused planning permission. Planning policy and other material considerations (such as it’s Listed Building Status and position in the Conservation Area and the statutory requirements) should be taken into consideration.</p> <p>The listing of the building as an ACV is considered to demonstrate the value attached to the facility by the community which in turn supports the application of the applicable local plan policy C7 relating to the retention of community facilities. (This is addressed in greater detail below).</p> <p>Consideration of the relevant planning policies in relation to this application have been given, including the NPPF and the Melton Local Plan 2011-2036. The Local Plan was recently adopted following Examination, which considered its consistency with the NPPF. This is embodied in Policy C7 which is addressed in greater detail</p>

<p>requirement has not been met. Generally, this requires careful consideration of two factors: Community Need and Viability.</p>	<p>below.</p>
<ul style="list-style-type: none"> <li>• A generalised observation about the two other pubs does not represent a detailed and vigorous examination of community need and how it is/ could be met – neither pubs provide a dedicated children’s play area, need opportunity for families to introduce children into an environment where they can experience families drinking responsibility – important to health and social cohesion of communities.</li> <li>• 25% of the village residents are over 60 and the provision of a quieter pub environment is valued, not met in pubs with TVs and juke boxes.</li> <li>• There are several examples of Planning Inspectors recognising that other pubs in the local vicinity do not necessarily meet the community need in total. In the Case of The Crown at Reepham the Inspector observed that “while another pub was 600 metres away, it served a different catchment area and type of customer”. In the Case of The Feathers in London the Inspector noted “the significant number of other pubs in the area but each had a different character and function – spatial proximity was not of itself a necessarily reliable guide to the value of a pub or its contribution to the local area”.</li> </ul>	<p>An assessment has been made of the loss of the pub and the impact this would have on the community.</p> <p>A children’s play area at a pub does not necessarily mean that responsible drinking would take place, additionally the lack of a play area does not mean that responsible drinking would occur.</p> <p>Although there may not have been TVs or music in the Red Lion previously, this does not mean that these features could be introduced. There are also other facilities appropriate for meeting and socialisation in the village.</p> <p>There are other community facilities, such as a village hall, licensed premises (including two pubs) and a café in the village and a café at the garden centre just outside of the village on Orston Lane.</p>
<ul style="list-style-type: none"> <li>• Consideration so far appears to have relied solely on information supplied by the applicant who has, of course, a vested interest; and to date there has been no evidence of the authority considering alternative views or independent scrutiny. Comments which refer to past (mis)management of the pub have been discounted as “not a material consideration”. But they impact on viability which in turn impacts on the protection policies outlined earlier, and therefore do require proper consideration.</li> <li>• A copy of the assessment by the applicant was not made available. It is impossible to comment further on that submission which represents a gap in the authority’s knowledge on which to base recommendations. All we can do, therefore, is signpost elements of the viability test as set out by CAMRA</li> </ul>	<p>The assessment provided by the applicant has been considered alongside information provided by the Friends of the Red Lion, consultees and those making representations.</p> <p>The Assessment was published following consideration whether it should be ‘exempt under FOI legislation’. The assessment provided by the applicant follows the CAMRA Public House Viability Test guidance.</p>

<p>which are key in the particular circumstances of the Red Lion.</p> <ul style="list-style-type: none"> <li>• It is worth highlighting one especially important factor acknowledged by the Council, but not specifically addressed, in relation to increasing demand. The allocation of some 350 new dwellings in Bottesford in the Council's Local Plan will result in a 20-25% increase in the number of dwellings and population of the village, with a consequent, across the board, increase in demand for local services and facilities, including that for pubs.</li> <li>• The Red Lion was once the most popular pub in the village but in recent years it fell from favour. The other two pubs received investment to improve their accommodation and facilities but there was little investment in the Red Lion. In short, the popularity of the pub and thus its viability in recent years, was undermined by management failures at owner level. There was considerable speculation locally as to whether this was a deliberate strategy by the owners to maximise the value of the site with development potential.</li> <li>• Despite all of the above an experienced pub landlord with funding available did approach the owners to take up a lease before the pub went up for sale, but discussions at local area level were discontinued after the intervention of senior managers. Clearly, they had no interest in finding a tenant at that time despite having sent several interested parties to view the pub.</li> <li>• The history of the sale and purchase of the Red Lion is shrouded in mystery which would not have been the case if it had been listed by the Council as an Asset of Community Value when first nominated in May 2016, as it should have been. As mere members of the public we are unable to obtain much information about the sale process from the parties involved i.e. the owner at the time or the agent. Whether the pub was offered as a going concern is questionable. No trading figures were made available for the three years prior to it being offered and that in itself would undermine any potential buyer's</li> </ul>	<p>Noted: these developments will take place over a period of up to 25 years.</p> <p>Noted. It is considered there is little relevance as to how the former business was run. The issue raised under Policy C7 is whether it could be viable in the future.</p> <p>Noted – see above.</p> <p>Noted.</p> <p>Financial information in relation to sales have been provided as part of the application.</p> <p>The listing of the property as an Asset of Community Value was not dealt with by the Planning department, nor is it covered by planning legislation. The Council have not been provided with details in relation to the sale process, however the sale process is not a</p>
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<p>confidence. At an asking price of circa £380k it was certainly very much overvalued as a going concern. We are aware of a number of offers that were submitted below the asking price, but one individual's experience stands out.</p> <ul style="list-style-type: none"> <li>• It is not difficult to conclude from the above that only token efforts were made to sell the pub as a going concern. Again, in the case of The Crown at Reephram, the Inspector observed that "it was unclear how the asking price had been calculated despite the property having been up for sale for three years" and "the lack of interest in operating the pub as a going concern did not sufficiently show that the business itself was not viable".</li> </ul>	<p>planning matter.</p> <p>Financial information in relation to sales have been provided as part of the application.</p> <p>No further details have been provided in relation to this and this comment cannot be verified.</p> <p>The Friends of the Red Lion in their representation has provided a statement from an alternative prospective purchaser of the pub, who claims that the vendor would only accept £365k as a minimum and was not notified of the asking price being lowered or there being opportunity to negotiate. This person also considers that the pub could be run as a viable business. However this comment in the representation cannot be verified.</p> <p>The Council are not involved in the sales process of the property. The pubs in the other locations as referenced are in other authorities and it is possible that there will be different planning policies associated with these developments.</p>
<ul style="list-style-type: none"> <li>• The pub has a reasonable sized car park conveniently sited in the Conservation Area close to the centre of the village. It has traditionally been used, not just by patrons of the pub, but by local residents and those visiting the village to attend events at the church and other venues. This has contributed to alleviating problems of on-street parking which are only going to get worse with implementation of the Local Plan. As a community pub, the car park would continue to serve this wider benefit to the community.</li> <li>• There is a bus stop immediately outside the pub and the railway station is 5 minutes walk away. Public transport is reliable but in the main focussed around peak periods which don't generally tie in with people's wish to visit the pub. There is no taxi business located in the village but there are businesses in the surrounding area. Pub management have never sought a favourable agreement with such businesses which may have</li> </ul>	<p>The car park is in private ownership and it would have been possible for the owner to restrict parking or to remove parking provision at any time, in the past or in the future.</p> <p>Issues regarding transport have been considered below, including public transport provision and the restrictions (including no evening Saturday service or no Sunday service, all day).</p> <p>It cannot be verified if there have been discussions previously with local taxi services.</p>

impacted on business.	
<ul style="list-style-type: none"> <li>• Whilst the ACV was placed in the property in July 2018, interest in this goes back to May 2016.</li> <li>• Question validity of consultation as prior to the revised NPPF publication.</li> <li>• <i>The new dwelling will be located in place of the car park which will make a marginally negative contribution to the character of the conservation area....</i> No rationale is given for the judgement as marginally negative.</li> <li>• Why is the total number of objections not included in the report. This seems like an attempt to minimise opposition compared with the number of those in support/neutral.</li> <li>• Support: Response – the Community Need section earlier in this document addresses the inadequacy of the generalised response “that there are other pubs and facilities in the village to serve the community”</li> <li>• Highways: The response to the loss of the car park.... Refers to the land being owned privately. Technically correct, of course, but once again is disingenuous and mis-leading without a historical context i.e. why we are, where we are. It is another example of the case against approval of planning being subtly undermined by omission</li> <li>• Loss of Community Facility/ Impact on Community: There are far too many representations listed here to which no response is offered e.g. Only public house with grassed area and play facilities; Popular for Sunday dinners and fish &amp; chips; Other two pubs have different offerings...each pub meets a different need; Loss of community facility that supports local economy; etc. If not responded to here the value of the points made gets lost in the generalisations that follow.</li> <li>• Impact on Heritage – Response: Refers to the Council’s statutory duty to preserve/</li> </ul>	<p>The ACV is a material consideration and it is for the decision maker to determine how much weight to give this.</p> <p>All comments received have been taken into account.</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. Notwithstanding this, the impact the development has on the conservation area is a subjective consideration,</p> <p>The number of representations is clearly stated at the beginning of the relevant section of this report. Representations are based on the number of households, not each individual representation.</p> <p>The car park is associated with the pub and therefore in private ownership. It does not belong to the Parish or Borough Council or any other public body.</p> <p>The Committee needs to give detailed considerations as to whether the ‘offer’ provided by the pub is sufficiently different to those that remain within the village. The criteria set by Policy C7 is whether its role can be fulfilled by other facilities.</p> <p>Members will take account of these comments but the services offered by a pub are likely to change over time depending on customer demand.</p> <p>The proposed development would help to enhance and maintain the Listed Building and</p>

<p>enhance the Listed Building and Conservation Area and the likelihood that the Listed Building would fall into further disrepair. The Council also has powers to ensure protection of the building quite apart from approving planning. Recognition of this should be included so that the comment is fair and balanced and not viewed as another means of subtly undermining the case against planning.</p> <ul style="list-style-type: none"> <li>• No application has been made for any other use of the building. As far as FotRL are aware no application is necessary for the continued use of the pub if that were possible unless it has been de-licensed?</li> <li>• Policy C7: Attention is drawn to the requirement that “It must be demonstrated that all options for continued use have been <u>fully</u> explored <u>and</u> that retention would not be economically viable. They must show that there is no <u>reasonable</u> prospect of the established use being retained or resurrected <u>and</u> that there is little evidence of public support for the retention of the facility. In the case of public houses ...., it must be demonstrated that <u>all</u> reasonable efforts have been made to let or sell the property as a public house .... and that it is not economically viable.”</li> </ul>	<p>Conservation Area.</p> <p>The Council has a duty to determine the application presented to it. Licensing is a separate regime.</p> <p>The consideration of the policy and the information submitted in support of this application have been considered below.</p>
<ul style="list-style-type: none"> <li>• The viability report states that the works required to bring the property back into use as a public house would cost approx. £800k. There is no evidence in the report to support this and no evidence that the Council have sought to get it independently verified or obtain a counter view, given that the submission has come from the applicant with a vested interest in demonstrating that the pub is unviable.</li> <li>• There is reference to a difficult borrowing environment in the licensed trade which is accurate but with support from the Plunkett foundation and with access to community share options 46 communities have succeeded in raising the necessary funds to acquire and develop community pubs. The inclusion</li> </ul>	<p>A works schedule produced by Faithful and Gould has been provided by the applicant detailing the works concerned and their costs.</p> <p>The property is not for sale at present. Notwithstanding this, no community-led bid had been made on the property. Whilst it is acknowledged that community pubs can be successful, this often depends on a number of factors, including good management, community support and investment, both financial and in time.</p>

<p>of the comment without a balancing response again biases the report in favour of approval.</p> <ul style="list-style-type: none"> <li>• There is reference to the number of pubs closing increasing – in fact according to CAMRA the figure is now reducing. The comment is out of date and factually incorrect.</li> <li>• The comments about the limited scope for improvement should be viewed in the context of the plans submitted by the previous owner which were approved by the Council in November 2014 (14/00716/FUL but were not implemented; they demonstrate that improvements are possible without impinging on the beer garden or car park. In this respect the comment is inaccurate and mis-leading but is not challenged in the Council’s response.</li> <li>• The response to the argument that the pubs are characteristically different requires comment. It argues that should the pub re-open there is no guarantee that this would be in the same format as the pub has previously operated. This is addressed in the Business Plan but fundamentally any new business would seek to maximise its unique selling points. The comment is fundamentally unsound and once again mis-leading.</li> <li>• The Estate Agent’s observations about viability (page 22) are included without qualification. It is assumed that this is the same agent who was quoted in the Grantham Journal on 11th July 2016 as follows; “The Red Lion is a very attractive property with enormous potential and offers an ideal opportunity for a pub/restaurant operator looking to enter or expand into the freehold pub market. We are expecting a lot of interest in this pub.” Based in Cambridge and offering a nationwide service their website recognises that their expert knowledge and detailed understanding is particularly focussed in East Anglia, London and the South East. Once again, the inclusion of these views without question or qualification introduces an undue bias into the report.</li> <li>• The comment about the ACV not requiring the owner to sell the property is certainly true; but once again the Council</li> </ul>	<p>Noted.</p> <p>Applications 14/00715/FUL and 14/00716/LBC related to an application for works to the garden area (to include smoking shelter), installation of an extraction fan and some minor internal refurbishments. Due to the Listed Building Status, it would be difficult to make significant changes to the building.</p> <p>There is no guarantee that any other operator would run the pub in the same format, or as it has previously been ran. There is no requirement for the pub to be ran in a certain manner or for certain features to be retained (for example the children’s play area could be removed, or tvs could be introduced).</p> <p>A letter provided as part of the application was produced by Everard Cole, who have offices based in Nottingham and Cambridge. The Council have not been provided with further details in relation to the quote provided in the Grantham Journal. From the information available on their website, it is evident that they deal with properties across the country, but also including Leicestershire, Lincolnshire and Nottinghamshire.</p>
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<p>is not just glossing over its own involvement in creating the current set of circumstances, it completely ignoring them! The current circumstances would not exist if the Council had listed the pub as an ACV in May 2016 as it should have done, and then held to its unsustainable position for a further 19 months during which time the pub was sold and the local community deprived of its legal access to the Right to Buy process under the Localities Act 2011. There are times in government, at all levels, when exceptional circumstances have to be recognised and dealt with. This is one such example. The Council's maladministration has caused immense injustice to the Bottesford community. Whilst ACV status is not intended to be used to frustrate legitimate planning applications, the position that the Council has created leaves the Bottesford community with only one option – to oppose planning in the hope that this will result in a rational business decision to sell the property. The Thorold Arms at Marston is an example of how this can work. Following planning refusal the reluctant developer finally agreed to sell the property to the community if it could raise the funds by an agreed date. They succeeded and the rest is history with a planned re-opening in December. If they had failed it would have demonstrated that the viability test was not met, opening the route to development.</p> <ul style="list-style-type: none"> <li>• Is the need for the Planning Authority to take action should the Listed Building fall into further repair a material consideration? The paragraph is used to encourage a decision to approve. It could equally be used to re-assure the committee that in the event of refusal the council has the powers to protect the property; up to and including compulsory purchase. The avoidance of the Council's responsibility to protect a Listed Building should not be used as a justification for a planning decision.</li> </ul>	<p>Since the original application was made to list the property as an ACV, there has been a change in process, which has also included a review of previous ACV nominations.</p> <p>If permission is refused for the application, there would be no requirement for the owner to sell the property. Additionally, while the moratorium period would start, there is still no onus on the owner to have to sell to the nominating group, this would just give the group the option and time to generate the funds required.</p> <p>It is necessary to consider if the proposed use would be a viable use of the Listed Building, as in accordance with paragraph 192 of the NPPF. The Council has powers to require the building to be 'wind and watertight' if further deterioration took place.</p>
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### **Friends of the Red Lion Business Plan**

The Friends of the Red Lion have submitted a business plan as part of their representation to demonstrate that the pub could be ran in a viable manner. However it should be noted that the pub is

not currently up for sale. This states that it is proposed that the pub could be ran as a community enterprise and lease to a tenant who would have responsibility for the day to day operation of the pub and business risk therein. It is then proposed that the rent will cover any borrowing plus a modest amount for administration. Surplus profits would then be shared between the tenant and the community enterprise, with the community enterprise share used to cover maintenance costs and support good causes in the Parish.

<b>Representation made in the Business Case</b>	<b>Assessment of Assistant Director of Strategic Planning and Regulatory Services</b>
<p>An experienced licensee will be offered the tenancy. Essential attributes will be:</p> <ul style="list-style-type: none"> <li>• Experience in the licensing trade, especially running a pub</li> <li>• A clear community focus and ethos, and a pro-active approach to linking with the local community to identify and meet need beyond the traditional pub model</li> <li>• A commitment to the highest standards of customer service</li> <li>• A commitment to on-going staff training</li> <li>• Modern management skills</li> <li>• Exceptional leadership skills</li> </ul>	<p>It is proposed that the pub will be purchased by the community group and leased out to a licensee. It has not been made clear whether there is a licensee already involved or whether this would be someone who would need to be approached at a later date.</p>
<ul style="list-style-type: none"> <li>• The traditional model of owning/operating pubs has become increasingly uneconomic and the nature of pub ownership is changing. The large estates are now being broken up and properties closed or passing into the hands of individuals or small groups. CAMRA report that currently 16 pubs a week are closing which is an improvement on previous figures. Undoubtedly the trading environment in the pub sector has become much more challenging and it might be concluded that no pub venture would be likely to succeed in the current climate. However, there are still in excess of 50,000 pubs operating successfully in the UK and it is always the case that as options are closed off, new ones, often unexpected, emerge.</li> <li>• Amongst these are 46 community owned pubs with 9,000 shareholders (2016 - Plunkett Foundation Report 2017) which have been saved from closure by community action. To date none of these supposedly unviable pubs have failed.</li> <li>• Research suggests that in the current (and future) climate successful pubs have a number of key characteristics. They:</li> <li>• are free houses able to maximise the financial benefits of a competitive market in wholesale supply – estimated to be</li> </ul>	<p>It is acknowledged that there are a number of issues which have affected the pub business, including the economic downturn, changes in drinking habits, increases in costs and other pressures.</p> <p>It is acknowledged that there are a number of community ran pubs which can be viable. Details of specific local examples have not been provided.</p>

<p>some 40% over the traditional tied model</p> <ul style="list-style-type: none"> <li>• offer a dynamic range of wet products – ales, ciders, lagers, etc.</li> <li>• are not solely dependent on wet sales but diversify, usually into food targeted at customer requirements</li> <li>• offer a friendly, well-maintained, clean and fresh environment</li> <li>• provide exceptional customer service</li> <li>• have a modern flexible management ethos allied with experience in the pub sector</li> <li>• have a local and community focus with management pro-actively identifying and seeking to meet community needs</li> <li>• have regular and known opening hours and serving times for meals</li> <li>• have a clear marketing strategy</li> <li>• develop a reputation as a “destination” pub</li> <li>• offer something not available elsewhere in their “trading” area – unique selling point/s</li> </ul> <p>There is no obvious reason why the Red Lion should not thrive in this environment if it meets the above criteria and the financial plans shown elsewhere support this conclusion.</p>	
<ul style="list-style-type: none"> <li>• The parish is well provided for in terms of facilities: two general stores (one incorporating the Post Office), a traditional greengrocer and butchers, three restaurants, a fish &amp; chip shop plus three other takeaway/café businesses, several hairdressers, two ATMs, a community library and two other pubs. There is an active Parish Council with rooms and a Village Hall. Nevertheless, there are gaps in provision that the Red Lion’s future operation as a community pub could fill and from which the community would draw benefit.</li> </ul>	<p>It is noted that there are various community facilities in the village, which have been taken into account when considering the application. It is also acknowledged that the population is due to increase in the next twenty five years, due to the proposed housing allocated for the village.</p>
<p>A SWOT analysis has been carried out, which includes the below:</p> <p>Strengths</p> <ul style="list-style-type: none"> <li>• Location</li> <li>• Historical heritage</li> <li>• Only pub in village with traditional grassed beer garden</li> <li>• Only pub in village with permanent dedicated children’s play area</li> <li>• Family orientated</li> <li>• Serve good home cooked food</li> </ul>	<p>The Friends of the Red Lion have also stated in their business case how these issues can be strengthened, including advertisement, promoting use of the car park, extending the pub garden and employing the correct staff.</p>

<ul style="list-style-type: none"> <li>• Use locally produced food</li> <li>• Dynamic range of well kept beers and ciders</li> <li>• Quiet pub, no permanent tv or juke box.</li> <li>• Exceptional customer service</li> <li>• Commitment to use net profits to support local community</li> <li>• Underlying value of the site, and in extremis, development value</li> <li>• Good sized car park.</li> </ul> <p>Weaknesses:</p> <ul style="list-style-type: none"> <li>• Existing internal layout</li> <li>• Existing kitchen area is very small</li> <li>• Recent history and management have undermined the traditional customer base; <ul style="list-style-type: none"> <li>• inconsistency in opening hours, wet supplies and food services;</li> <li>• average customer service</li> <li>• failure to invest in the building/business</li> </ul> </li> <li>• No marketing strategy</li> <li>• Grade II listed building status will increase redevelopment costs</li> <li>• Business will have to be built up from scratch so full profitability will only be achieved over 3 years.</li> </ul> <p>The FOTRL has stated how these can be improved, including redevelopment and refurbishment of the kitchen, marketing (to include a re-launch) financial plan, encourage volunteering keep rent as low as possible for first three years to encourage the tenant and support early profitability.</p> <p>Opportunities:</p> <ul style="list-style-type: none"> <li>• Expansion of village</li> <li>• Traditional home cooked food is gap in the existing local market</li> <li>• As a free house, will be free to negotiate prices</li> <li>• Develop as a “destination pub”</li> <li>• Re-establish traditional pub teams e.g. darts</li> <li>• Identify, invest in, and develop new complementary community services</li> <li>• Unused outside buildings</li> <li>• Shortage and lack of variety of evening entertainment in the village</li> <li>• Increasing number of home workers</li> </ul>	<p>The Listed Building status of the building will also restrict the development which can be carried out at the property. No details of any proposed redevelopment have been provided in the business plan.</p> <p>The expansion of the village would not be immediate, but rather over a long period of time.</p> <p>While these opportunities have been identified,</p>
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<p>needing a break/ change of scenery/ social interactions</p> <ul style="list-style-type: none"> <li>• Limited local opportunities for training</li> <li>• Limited outlets for visitor information (library not always open).</li> </ul> <p>The FotRL have stated that the marketing strategy would target the new homes in the village to encourage new visitors. Additionally the pub can provide home cooked meals, including low cost children’s meals.</p> <p>It is stated that links will be developed with local breweries to enhance skills, facilities and products.</p> <p>It is proposed that the pub could become Casque Mark and CAMRA accredited and hold beer festivals offering different wet products at competitive prices. Additionally it is suggested that a micro-brewery could be established.</p> <p>Pro-active engagement with the community is also proposed including reclaiming “lost” events such as the weekly quiz. It is also proposed that a parcel drop service could be provided, and provision for free Wi-Fi and space for homeworkers/mobile workers.</p> <p>It is also proposed that training opportunities could be provided during the re-development and operation of the pub.</p> <p>Threats:</p> <ul style="list-style-type: none"> <li>• Business may fail</li> <li>• Increasing costs</li> <li>• Continuing competition/ under-cutting by retail outlets</li> <li>• Change/ expansion of services provided by other village pubs/ restaurants.</li> </ul>	<p>these do not necessarily mean that the pub could be viable. The pub would require the support from the local community (and possibly further afield).</p> <p>A financial plan has included sensitivity analysis which shows that at a -5 and 10% lower income is manageable. The cost of this would be covered by sale of the site at development value given that viability had been fully tested and failed. The plan also makes provision for increases in costs.</p> <p>The FotRL have stated that the Government plans to introduce a minimum cost per unit of alcohol will reduce differential margins with retail outlets. There is no guarantee that this will happen though.</p> <p>It has also been proposed that a loyalty scheme could be introduced and that there is regular monitoring of competition and responding to changes, to ensure that the pub remains competitive.</p>
<ul style="list-style-type: none"> <li>• The pub would not seek to limit the range of customers and that advertising would be carried out to attract passing trade.</li> <li>• The pub would retain some of its unique features which appeal to particular groups. The dedicated children’s play</li> </ul>	<p>The business case has set out how to attract customers. This includes how the pub will be ran, which products will be on sale, events and promotions which can be undertaken and that as the pub is a community benefit scheme that it is expected to generate interest and customer loyalty.</p>

<p>area safely separated from the road and car park will find favour with families with younger children as will the expanded grassed beer garden which will also appeal to traditional beer drinkers and older people in the community. Retaining its historic quieter environment, with no permanent juke box or large screen TVs, a welcoming ambience would be created with background music across a wide spectrum of musical genres suitable for those wanting to meet and converse in a comfortable and convivial atmosphere. Past relationships with customer groups, and new ones, would be nurtured with special promotions and events specifically targeted at customer interest and need</p>	<p>It is also proposed that there will be a redevelopment and remodelling of the building inside and out (taking into account the LB constraints). Further details of these works have not been provided.</p>
<p>Unique selling points of the proposed pub include:</p> <ul style="list-style-type: none"> <li>• Only free house pub in the village</li> <li>• Only pub with a traditional grassed pub garden</li> <li>• Only pub with a dedicated children's play area safely located away from the road and car park</li> <li>• Only "quieter" pub</li> <li>• Only community pub offering community benefits from surplus profits</li> <li>• Only pub financed through community shares, generating community loyalty</li> <li>• Only pub offering a loyalty scheme</li> </ul>	<p>Whilst there are some physical constraints which means that some other providers cannot provide certain facilities (e.g. play areas); it would be possible for the other pubs to introduce a loyalty scheme.</p> <p>Additionally, just because the pub was previously a "quieter" pub, does not necessarily mean that it has to be and will be in the future. The alternative offerings could change their format to meet this need.</p> <p>A comparison of the other pubs in the village and other nearby villages has been provided. Whilst the other offerings do not provide all of the proposed facilities/ features as the Red Lion, each attribute (except a loyalty scheme and freehouse) are met.</p> <p>Therefore it can be considered that there are other facilities in the village and nearby to meet the need of the community which would be lost from the loss of the Red Lion as a public house.</p>
<p>Community Purchase &amp; Redevelopment is the preferred option with funding via a mix of grants and loans, a mortgage and community shares. The greater the percentage of funds raised through share equity the more financially viable the business would be. This is the generally recognised model of community pub ownership and has worked successfully in many locations across the country.</p> <p>The community do not currently have access to the property. The financial estimates are based on</p>	<p>Financial estimates have been provided as part of the representation. However much of this information is based on estimation only, including the proposed purchase price. There is no evidence to back the figures provided in the financial estimates.</p> <p>The property at present requires internal and external works. The applicant has separately</p>

<p>the condition and contents of the property at the point of sale completion. The property has since been stripped out and many of the fixtures and fittings that could have been re-used have been disposed of. Whilst this will increase the cost of redevelopment, it equally reduces the value of the property for re-use as a pub if planning is refused. The detailed financial plans for the pub business show that there is scope to raise more capital through share equity or borrowing if that proves to be necessary.</p> <p>Early years of the community's profit share would be used to build up a reserve to buffer against adverse financial events. The share structure would tie-in equity for the first three years and would include measures to protect the Comm Ent and the pub business from excessive withdrawals over short periods of time in the longer term. In extremis the business would be closed down and the site sold for development having demonstrated that the pub business was not viable. The capital receipt would more than cover borrowing.</p>	<p>provided a schedule of works for what works would be required to bring the building back into use as a public house.</p> <p>At present it has not been demonstrated by the FotRL that there has been confirmation that the sources of funding have been secured (or agreed in principle).</p> <p>The risks of a community enterprise body have been considered, including a failure to raise the necessary funds. The business case states that <i>no loans or equity would be taken out until all finance strands are secured. If the project can't be funded it would be closed down.</i></p> <p>Given the statement above, if the funds cannot be raised, the project would be closed down. At present there does not appear to be any community funding to the project.</p>
<p>Private Purchase &amp; Redevelopment</p> <p>Three individuals with local connections have approached the FotRL interested in acquiring and operating the pub with a community emphasis should it become available to buy. Financial backing is understood to be available but the timing of its release is currently unclear. Although this would secure the immediate future of the pub, there is no certainty about the longer term. Nor would it guarantee the community ethos which would be dependent on the new owners. However, the possibility does offer contingency options to save the pub if the community failed to raise sufficient funds</p>	<p>This statement has not been provided with any supporting evidence from the three individuals.</p> <p>Again, it would be possible that if a private purchaser took over the pub that the pub may not be ran in a manner which has previously nor in the way which the Friends of the Red Lion are proposing.</p>
<p>Profit and Loss estimates show an anticipated year one net pre-tax profit of £21,000. Tax payable in the early years of trading is expected to be minimal. The figures used and assumptions made are drawn from extensive research into similar sized pub operations. They draw on published average figures published by the British Beer and Pub Association, and examination of actual operating figures from another pub in the locality which is trading successfully. They are supported by advisors from The Pub Is The Hub and an experienced local publican who acts as our critical friend.</p> <p>Cash flow estimates indicate a healthy on- going cash surplus after the first month of trading. The</p>	<p>The financial information has been largely based on estimations. This has also included a sensitivity analysis, which allows for a 10% underperformance.</p> <p>It is not specified if these are based on local or nationwide average figures.</p> <p>Financial information has been provided, including estimated profits and how the pub would be funded. This includes a purchase price of £300,000 (maximum), however no formal</p>

<p>figures include VAT at 20% where applicable and at 5% for Heating.</p> <p>Based on the assumption of year on year increases of 3.5% in RPI and expenses and modest increases in year on year sales as the business develops it predicts year on year increases in net pre-tax profits rising to £63,000 by year 5.</p>	<p>valuation of the property has been undertaken.</p> <p>Additionally, the Friends of the Red Lion have provided estimated redevelopment costs of £150,000 with a contingency of £50,000. This is at odds with the £800,000 as demonstrated by the applicant (in the Faithful and Gould report).</p>
<p>A questionnaire was circulated to the village in order to demonstrate support for the redevelopment of the pub. 216 responses were received and included the following key points:</p> <ul style="list-style-type: none"> <li>• 190 responses strongly supported, and a further 19 supported, the aim of saving the Red Lion; 6 responses expressed a neutral view and 1 strongly opposed the aim. This shows a significant proportion (96.7%) in favour with only one opposing (0.46%).</li> <li>• The main facilities/services valued by respondents were: <ul style="list-style-type: none"> <li>o Traditional home cooked pub grub 201 (93.1%) especially during evenings and week ends</li> <li>o Traditional grassed pub garden 178 (82.4%)</li> <li>o A quiet drinking/eating environment 152 (70.4%)</li> <li>o Changing selection of ales and lagers 144 (66.7%); with occasional mini beer festivals 140 (64.8%)</li> <li>o Family friendly environment with dedicated children's play area 143 (66.2%)</li> <li>o Business profits used to support good local causes 128 (59.3%)</li> </ul> </li> </ul> <p>These responses equate with the Red Lion's unique selling points and intended business ethos. Respondents offered a range of ideas for additional services that the pub business might explore and many offered trade and professional support for the project on a voluntary basis.</p>	<p>The date of when this questionnaire was carried out has not been stated.</p> <p>Whilst it is acknowledged from this information that there may be support for the pub, it has not been stated how many of the respondents were customers.</p> <p>Whilst these features had been valued, there is no guarantee that these would be retained or the same business format would be followed by any future owner/ tenant.</p> <p>It has not been stated how many respondents had offered to carry out work on a voluntary basis.</p>
<p>This plan demonstrates that, given the chance, a redeveloped and remodelled Red Lion in Bottesford could operate as a viable community pub. It has examined in detail a range of factors which could impact on the business success and none of them individually, or collectively, suggest any major impediment to that objective. The two biggest obstacles are ensuring that the opportunity is provided, given that the property is already in the hands of a property developer, and raising the necessary capital finance. The former is entirely in the hands of the local authority</p>	<p>The property is not currently up for sale. If the application is refused planning permission, the applicant would have the right of appeal. Additionally, there would be no onus on the owner to sell the property if planning permission was not forthcoming. Whilst there is an ACV on the property, if the property is put up for sale, would allow the nominating group of the ACV a period of 6 months to generate funds. However after this 6 month period, there is no requirement for the owner to have to sell to the group.</p>

<p>which is currently considering planning applications for change of use and residential development. The latter rests with the local community. As far as fund raising goes it is impossible to know in advance if the necessary target could be achieved, but evidence from other similar situations elsewhere indicate that it is realistic possibility.</p>	<p>This statement acknowledges that the proposed community initiative would need the backing of the local community and that this is not known at present, taking evidence from other similar situations that “indicate that it is realistically possible”.</p>
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**Other Material Considerations Not Raised In Representations:-**

<p><b>Other Material Considerations</b></p>	<p><b>Assessment of Assistant Director of Strategic Planning and Regulatory Services</b></p>
<p><b>The Melton Local Plan</b></p> <p><b>Paragraph 47 of the NPPF states that:</b></p> <p>Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.</p> <p><b>Policy SS1 –Presumption in favour of Sustainable Development:</b> when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</p> <p>Planning applications that accord with the policies in this Local Plan (and, where relevant, with polices in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.</p> <p><b>Policy D1 – Raising the Standard of Design</b> All new developments should be of high quality design. All development proposals will be assessed against all the following criteria:</p> <ul style="list-style-type: none"> <li>a) Siting and layout must be sympathetic to the character of the area;</li> <li>b) New development should meet basic urban design principles outlined in this plan and any accompanying Supplementary Planning Documents (SPD);</li> </ul>	<p>Bottesford is considered to be a sustainable location for development, with facilities easily available to it’s residents and good public transport links.</p>

- c) Buildings and development should be designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design;
- d) Amenity of neighbours and neighbouring properties should not be compromised;
- e) Appropriate provision should be made for the sustainable management of waste, including collection and storage facilities for recyclable and other waste;
- f) Sustainable means of communication and transportation should be used where appropriate;
- g) Development should be designed to reduce crime and the perception of crime.
- h) Existing trees and hedges should be utilised, together with new landscaping, to negate the effects of development;
- i) Proposals include appropriate, safe connection to the existing highway network;
- j) Performs well against Building for Life 12 or any subsequent guidance and seeks to develop the principles of 'Active Design' for housing developments;
- k) Makes adequate provision for car parking; and
- l) Development should be managed so as to control disruption caused by construction for reasons of safeguarding and improving health well-being for all.

**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

It is considered that the design of the proposed development would respect the Conservation Area and Listed Building, taking into account the historic nature of the location. Appropriate conditions will be included to ensure that materials are appropriate for the location and further development is controlled.

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

**Policy C7** of the Local Plan states that support will be given to proposals and activities that protect, retain or enhance existing community services and facilities\* or that lead to the provision of additional assets that improve community cohesion and well-being to encourage sustainable development. **Proposals for the change of use of community facilities\*, which would result in the loss of the community use, will only be permitted where it is clearly demonstrated that either:**

**1. there are alternative facilities available and active in the same village which would fulfil the role of the existing use/building, or**

**2. the existing use is no longer viable (supported by documentary evidence), and there is no realistic prospect of the premises being re-used for alternative business or community facility use.**

The proposal must also demonstrate that consideration has been given to:

a) the re-use of the premises for an alternative community business or facility, and that effort has been made to try to secure such a re-use; and  
b) the potential impact closure may have on the village and its community, with regard to public use and support for both the existing and proposed use.

\* including facilities such as community/village halls, village shops, post offices, schools, health services, care homes, **public houses**, playing fields and allotments.

The requirements for this policy include: the loss of the community facility must be fully justified. It must be demonstrated that all options for continued use have been fully explored and that retention would not be economically viable. They must show that there is no reasonable prospect of the established use being retained or resurrected and that there is little evidence of public support for the retention of the facility. (5.11.5)

In the case of public houses and shops, it must be demonstrated that all reasonable efforts have been made to sell or let (without restrictive covenant) the property as a public house or shop

The pub is one of several in the village and has not been trading since 2016. However as representations have pointed out, it also hosted various community activities, and provides a different customer experience to the others in the village. This is an important consideration for the Committee under the first part of the applicable policy (opposite).

There is no evidence that these activities could not be hosted in one of the other pubs or other facilities in the village or that they have ceased since the pub closed.

It cannot be guaranteed that the pub (if it was to re-open) would provide the same nature of experience as it did previously – these would be matters for the owner/landlord in such a scenario. Furthermore the applicant has indicated it will not be sold and that he has no intention of reopening it as a pub.

Fundamentally the property was a public house and others are present in the village and nearby. Whilst it displayed a different character from others, to varying extents depending on the comparison made, it is considered that these were derivative of how the pub was run in the past and there is nothing to confirm a future occupant would replicate them.

On this basis it is considered that there are alternative facilities available that would fulfil the current role of the pub and as such it accords with this element of Policy C7

The second part of Policy C7 is presented as an alternative to the first, i.e. where unviable despite there being no alternatives present. (alternative facilities ‘OR’ unviable). It is considered that if it is concluded that sufficient alternative facilities would remain, the question of viability does not need to be addressed. However if the opposite is the case, viability becomes a key issue.

As part of the application, a viability assessment has been submitted, considering the economic viability of the site and also the impact the proposed development would have on the

<p>and that it is not economically viable. (5.11.6).</p>	<p>community (social viability). This assessment has taken guidance from the CAMRA Public House Viability test, and has been assessed below.</p>
<p><b>Other heritage issues</b></p> <p>The Red Lion is a Grade II Listed Building and the site is located within the Conservation Area. Under the Town and Country Planning (Listed Buildings and Conservation Areas) Act, the Council has a duty to give special attention to the desirability of preserving or enhancing Listed Buildings, under Sections 16 and 66 and Conservation Areas, under Section 72 of the Act.</p> <p>Para 191 of the NPPF advises: 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.</p> <p>Paragraph 192 of the NPPF also states that in determining applications, LPAs 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.</p>	<p>There is an associated Listed Building Consent (17/01043/LBC) to consider the proposed works to the Listed Building.</p> <p>It is not considered that there is neglect or damage to the building that adversely affects its value or significance as a heritage asset. Limited internal works have taken place in preparation for conversion but these do not affect its historic fabric or features of historic or architectural interest. Otherwise the building has been kept secure and is wind and watertight to prevent deterioration.</p> <p>It is considered that the change of use of the building to two dwellings would be an appropriate use of building, allowing for the retention of the building and requiring little alteration which would affect the historic fabric of the building. The use of the building would also sustain the building in the historic core of the village, contributing to the local character of the village.</p> <p>The use of the building, including the existing viability of the use as a pub is considered below.</p>
<p><b>Viability Assessment</b></p> <p>This has stated that the works required to bring the property back into use as a public house, would cost approximately £800,000, with a refurbishment cost plan submitted to the Council.</p> <p>The agent has stated that it would not be economically viable to refurbish the pub and that the development would not deliver an acceptable rate of return.</p> <p>In the supporting document, it is stated that the consumer environment has changed over the past couple of years. This has included:</p> <ul style="list-style-type: none"> <li>• Fall in sales</li> <li>• Changes in drinking habits – anti drink-</li> </ul>	<p>These are commonly given reasons for the decline/ failure of a public house, and has been raised as an issue across the country.</p>



<p>drive</p> <ul style="list-style-type: none"> <li>• Smoking ban</li> <li>• Increase in more leisure outlets</li> <li>• Decline of heavy industry</li> <li>• Increase in health lifestyles (e.g. gyms)</li> <li>• Economic downturn, and</li> <li>• Less disposable income.</li> </ul> <p>In the report it is also stated that it is more difficult to borrow money in the licensed trade, especially if the licensee has no previous experience, the pub has been closed, there is no up to date accounting information or the licensee has less than 50-60% deposit.</p> <p>The number of pubs closing is increasing nationally, with breweries disposing of their non-core pubs, there is a wide sell of approach by many large companies. They note that there is only substantive growth in “value offerings” e.g. Wetherspoons, Hungry Horse, chain/ family offerings.</p> <p>Additionally, there are two other pubs within 150m of The Red Lion. Within 1.5 miles of the site, there are three public houses and two licensed premises. Within a 5 mile radius, there are 16 public houses (not including the two in Bottesford).</p> <p>The building has a traditional pub layout, with a kitchen (not high quality), toilets (in a poor condition), limited scope for pool/darts and a general poor internal condition. It is stated that it is evident that there has been a lack of investment.</p> <p>There is limited scope to carry out alterations due to the listed status of the building. Additionally, extensions would be at the expense of the limited beer garden and subject to Listed Building Consent. Any extension to the east is considered to affect the Listed Building and impinge on the parking area.</p> <p>External and internal works are required to the building. Internal works include works to the gas and electric, which do not meet current regulations and are in a poor condition throughout. The external walls are poorly insulated. Additionally it is stated that the toilets have no hot water, there is no disabled toilet/ baby change facilities, the cellar is of limited size (able to contain 6-8 small barrels only and no soft drinks). Externally, there is no allocated bin</p>	<p>It is considered that despite the loss of the pub, there would remain sufficient alternative offer for the local community and as such this element of Policy C7 is satisfied. Similarly, detailed viability evidence has been submitted to demonstrate the pub would not be viable, which addresses the second element of Policy C7. However there is little evidence that efforts have been made towards the re-use of the premises for an alternative community business or facility, and as such it is deficient in this aspect of the policy. There are a variety of public facilities in Bottesford, including shops, other licensed premises and a village hall.</p> <p>A site visit included the internal inspection of the building. At this point, many of the fixtures and fittings had been removed.</p> <p>Whilst there are public transport links, the buses do not run in the evenings (no buses after 3.40pm on a Saturday) or on a Sunday, when it is considered that most patrons would require public transport.</p> <p>Whilst there is only a requirement to consider the alternative use <b>or</b> the viability of the existing use, information in relation to the decline in sales (including financial information) has been submitted, which demonstrates a decline in wet sales from 08/09-16/17 inclusive.</p> <p>Notwithstanding the issues considered in the viability information as submitted by the applicant, there is still the duty to protect Listed Buildings.</p> <p>It is concluded that the evidence submitted in support of the application from the applicant can be considered to meet the requirements of Policy C7 of the Melton Local Plan.</p>
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<p>storage or area for used barrels and upstairs the living quarters are in poor condition and need modernising.</p> <p>In the statement, it is stated that there is no taxi company in Bottesford, however it is acknowledged that there is good public transport links.</p> <p>The report has listed many available facilities in the village, including:</p> <ul style="list-style-type: none"> <li>• Primary school</li> <li>• Post Office</li> <li>• General Store (there are in fact 2).</li> <li>• Medical Practice</li> <li>• Pharmacy</li> <li>• Community and leisure facilities</li> <li>• Employment facilities</li> <li>• 6-day a week bus services</li> <li>• Community Library</li> <li>• 2 public houses</li> <li>• 2 restaurants</li> <li>• 1 pizza takeaway / restaurant</li> <li>• 1 Chinese takeaway</li> <li>• 1 fish and chip shop</li> <li>• Speciality retail</li> <li>• Train station</li> <li>• Civic amenity site</li> </ul> <p>Marketing had been carried out (since June 2016 for freehold) and it is stated that there was no interest in running the property as a public house. The statement from the estate agent stated that the main issue raised was the condition of the building. At the time of the disposal of the property, it is stated that the tenant was on a £0 rent agreement but still unable to successfully operate.</p> <p>The estate agent has noted that the decline of beer volumes has made the business unsustainable and that due to the number of facilities in the village and small local population density, viability will always be an issue as there is not enough trade to be viable, but also with other competition in the Vale of Belvoir with the “gastro” pubs.</p>	
<p><b>Proposed Design</b></p> <p>It is proposed that the development will result in the construction of one new dwelling and alterations to the existing public house to create two dwellings.</p> <p>Works would be required to the Listed Building</p>	<p>It is proposed that the development would result in three, three bedroomed dwellings in a sustainable location. Sufficient parking provision has been proposed for the development.</p> <p>The proposed design of the development has been</p>

to convert the building and carry out alterations as proposed.	amended during the application process to take into account the character of the area and the setting of the Red Lion. This has included ensuring that the development allows views to the Church from Grantham Road and that the new building does not compete with the listed building, by ensuring that the new development is in a linear formation and does not compete in the street scene with The Red Lion or adjacent buildings.
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## Conclusion

The Borough is considered to have an adequate housing land supply. The development would add three dwellings to this supply, and it is considered that the contribution it would make is limited. It is considered that due to the limited need for further housing supply and the contribution the development would make, the weight attached to the provision is limited.

Bottesford is considered to be a sustainable location for new housing development, with a wide range of facilities in the village including two public houses (not including the Red Lion), convenience store, take away facilities, licensed premises and other services. It is not considered that the loss of the building as a community facility would be detrimental to the vitality or sustainability of the local community, due to the other facilities which are in the village. Whilst the pub is a registered Asset of Community Value, this does not require the current owner to sell the property to another party or to reuse the building as a public house.

It is considered that Local Plan Policy (C7) is in general conformity with the NPPF (2018), when considering the loss of a community facility. The information supplied with the application shows general compliance with these policies. This includes the consideration of other facilities in the village and the viability of the pub. It is to be noted that Policy C7 does not require the applicant to demonstrate how the pub can be ran to be viable and to provide profit forecasts. When considering the conflicting financial representations from the Friends of the Red Lion and the applicant, members should be concerned to establish the factual background to the matter and where estimates, projections or valuations are given, attention should be paid to the parties making those statements and whether they are sufficiently qualified to make them.

In addition to this, the Listed Building status of the Red Lion needs to be taken into consideration, including the need to protect the building, to which the NPPF advises we should afford “great weight”. The Council have a duty under the Listed Building and Conservation Area Act 1990 to provide adequate protection to heritage assets. Should planning permission not be granted, there is a possibility that the Listed Building may fall into further disrepair, requiring action by the Local Planning Authority.

## **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 development hereby permitted shall be carried out in accordance with drawings numbered: 1784.A.3c and 1784.A.5d, received by the Local Planning Authority on 15 May 2018 and 1784.A.6, received by the Local Planning Authority on 2nd September 2018.

3. All external joinery including windows and doors shall be of a timber construction only. Details of their design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.
4. In relation to the above condition, trickle vents shall not be inserted into the windows/doors hereby granted consent.
5. Works shall not commence until such time as samples (or detailed specifications) of all new roof tiles to be used on the works hereby granted consent, which shall be natural clay non-interlocking pantiles, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed materials.
6. Works shall not commence until such time as a brick/stone sample panel showing brick/stone, bond, mortar and pointing technique shall be provided on site for inspection and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.
7. Dentil fillers shall not be used on any pantile roof at the ridge.
8. Ventilation of the roof space shall not be provided via tile vents.
9. Works shall not commence until such time as details of the treatment of verges and eaves shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.
10. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 as amended (or any Order revoking and re-enacting that Order) in respect of the replacement dwelling hereby permitted no development as specified in Classes A-H inclusive, shall be carried out unless planning permission has first been granted by the Local Planning Authority.
11. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing number 1784.A.3 have been implemented in full.
12. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number 1784.A.3. Thereafter the onsite parking provision shall be so maintained in perpetuity.
13. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.
14. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access on St Mary's Lane that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.
15. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no walls, fences or other means of enclosure shall be erected within one metre of the Public Footpath F74B, unless planning permission has first been granted by the Local Planning Authority.
16. Construction work, demolition work and deliveries associated with the construction work for the development shall only take place between the following hours:  
07:00 - 19:00 Monday to Friday  
08:00 - 13:00 Saturdays

No works to be undertaken on Sundays or bank holidays.

Any deviation from this requirement shall be with the prior approval of the Environmental Health department of Melton Borough Council.

17. No development shall commence on site until all existing trees that are to be retained have been securely fenced off by the erection of post and rail fencing to coincide with the canopy of the tree(s), or other fencing as may be agreed with the Local Planning Authority, to comply with BS5837. In addition all hedgerows that are to be retained shall be protected similarly by fencing erected at least 1m from the hedgerow. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left unsevered.
18. Notwithstanding the provisions of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 as amended (or any Order revoking and re-enacting that Order) in respect of the replacement dwelling hereby permitted no development as specified in Class A (gate, fence, wall or other means of enclosure), shall be carried out unless planning permission has first been granted by the Local Planning Authority.
19. The new build dwelling hereby permitted shall not be occupied until the works to the Listed Building (The Red Lion) have been completed.
20. Notwithstanding the submitted plans, the proposed access on Church Street shall have a width of a minimum of 2.75 metres, a gradient of no more than 1:20 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 3.7 metre dropped crossing. The access once provided shall be so maintained at all times.
21. The development hereby permitted shall not be occupied until such time as the existing bus stop on Church Street has been relocated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.
22. The development hereby permitted shall not be occupied until such time as the existing dropped kerb access on Church Street that becomes redundant as a result of this proposal has been reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

**Reasons:**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building.
4. To preserve the special architectural and historic interest of the listed building.
5. To preserve the special architectural and historic interest of the listed building.
6. To preserve the special architectural and historic interest of the listed building
7. To preserve the special architectural and historic interest of the listed building
8. To preserve the special architectural and historic interest of the listed building.
9. Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building.
10. To enable the Local Planning Authority to retain control over future development in view of the location of the development.

11. To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework 2018.
12. To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework 2018.
13. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework 2018.
14. In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework 2018.
15. In the interests of amenity, safety and security of users of the Public Right of Way in accordance with Paragraph 98 of the National Planning Policy Framework 2018.
16. In the interests of the amenity of nearby residential occupiers.
17. To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.
18. To enable the Local Planning Authority to retain control over future development in view of the location of the development.
19. To ensure that works to the Listed Building are completed.
20. To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2018).
21. In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework 2018.
22. In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework 2018.

**Officer to contact: Mrs J Lunn**

**Date: 2<sup>nd</sup> 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:-**

<b>Consultation Reply</b>	<b>Assessment of Assistant Director of Planning and Regulatory Services</b>
<b>MBC Building Control</b> Access is adequate for fire appliances.	Noted.
<b>Bottesford PC – No comment for LBC application</b>	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.
<b>LCC Ecology –</b>  LCC Ecology are satisfied with the application in as such that it does not constitute a threat to wildlife	Noted.
<b>LCC Highways</b>  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.

<b>Consideration</b>	<b>Assessment of Assistant Director of Planning and Regulatory Services</b>
<b>Objections</b>  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><b>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.</b> 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:**

<b>Consideration</b>	<b>Assessment of Assistant Director of Planning and Regulatory Services</b>
<p><b>Planning Policies and compliance with the NPPF and the LB Act (1990)</b></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><b>The (new) Melton Local Plan –</b></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**