

Agenda

Meeting name	Planning Committee
Date	Thursday, 14 September 2023
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH
Other information	This meeting is open to the public

Members of the Planning Committee are invited to attend the above meeting to consider the following items of business.

Edd de Coverly
Chief Executive

Membership

Councillors	A. Thwaites (Chair)	J. Mason (Vice-Chair)
	P. Allnatt	I. Atherton
	S. Atherton	R. Browne
	P. Cumbers	M. Glancy
	M. Gordon	L. Higgins
	D. Pritchett	

Quorum: 6 Councillors

Meeting enquiries	Democratic Services - democracy@melton.gov.uk
Email	democracy@melton.gov.uk
Agenda despatched	Wednesday, 6 September 2023

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES (a) To confirm the minutes of the meeting held on 17 August 2023. (b) The minutes of the special meetings held on 31 August 2023 and the reconvened meeting on 05 September will be to follow.	1 - 6
3.	DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.	7 - 8
4.	SCHEDULE OF APPLICATIONS	
4.1	APPLICATION 21/00825/VAC Land off Burdett Close, Great Dalby – Report to follow.	
4.2	APPLICATION 22/01217/FUL 1A Bradgate Lane, Asfordby	9 - 24
5.	URGENT BUSINESS To consider any other business that the Chair considers urgent	

Minutes

Meeting name	Planning Committee
Date	Thursday, 17 August 2023
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor A. Thwaites (Chair)

Councillors

J. Mason (Vice-Chair)	P. Allnatt
I. Atherton	P. Cumbers
C. Evans	M. Glancy
M. Gordon	L. Higgins
S. Atherton (Substitute)	

Officers

- Assistant Director for Planning
- Planning Development Manager
- Senior Solicitor (TP)
- Senior Planning Officer (AC)
- Senior Planning Officer (RR)
- Planning Officer (AC)
- Planning Officer (HW)
- Democratic Services Officer (HA)
- Democratic Services Officer (SE)

Minute No.	Minute
PL17	<p>Apologies for Absence Apologies for absence were received from Councillors Browne and Pritchett. Councillor Siggy Atherton was appointed as substitute for Councillor Pritchett.</p>
PL18	<p>Minutes Minute PL5 - 22/00006/VAC - Field OS 6260 Canal Lane, Hose Councillor Gordon requested that the following wording be added to the above minutes of the meeting held on 6 June 2023: 'The builder should have made simpler houses then he could have had some, not all, but some of the affordable housing.' The minutes of the meeting held on 29 June 2023 were approved as a true record.</p>
PL19	<p>Declarations of Interest Minute PL22 – Application 23/00382/VAC – Former Poultry Farm Site, Sandy Lane, Melton Mowbray The Chair, Councillor Thwaites, declared a personal interest in this application due to having an acquaintance related to the application. He advised that he would stand down as Chair for that item and the Vice Chair, Councillor Mason, would take the chair of the meeting for that application.</p>
PL20	<p>Schedule of Applications</p>
PL21	<p>Application 19/01360/FUL Application 19/01360/FUL - Wyndham Development Site, Kennelmore Road, Melton Mowbray (Development of 14 additional dwellings, part retrospective (in lieu of the previously approved retirement housing block under application 13/00522/FUL), together with the demolition and reinstatement of the existing boundary wall)</p> <p>The Planning Officer (HW) addressed the Committee and provided a summary of the application. The application was recommended for approval subject to conditions and a Section 106 Agreement.</p> <p>Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a three minute presentation:</p> <ul style="list-style-type: none"> • Tim Shattock, Agent, APB Commercial Property Consultants (Leicester) <p>Councillor Allnatt moved the recommendations in the report with the addition 'to ensure the wall was rebuilt in materials and a style that were in-keeping with the history of the site, approval be in consultation with the Chair'. Councillor Glancy</p>

seconded.

RESOLVED

That the application be **APPROVED** subject to :

(1) the conditions set out in in the report;

(2) a completed Section 106 Agreement to secure contributions towards

(i) Education £29,695.56

(ii) Libraries £430

(iii) Healthcare £3,073.72

(iv) Off-site commuted sum to Affordable Housing £51,000

(3) to ensure the wall was rebuilt in materials and a style that were in-keeping with the history of the site, approval be in consultation with the Chair.

(9 for, 1 against)

REASONS

The reasons for approval are as outlined within the report.

PL22

Application 23/00382/VAC

(The Chair, Councillor Thwaites, left the meeting and moved into the public gallery.)

(The Vice Chair, Councillor Mason, in the chair.)

Application 23/00382/VAC – Former Poultry Farm Site, Sandy Lane, Melton Mowbray

(Variation of Condition 1 (approved documents) of approval 20/00438/REM dated 15/04/2020 (Reserved matters of Layout, Scale, Appearance and Landscaping of 30 dwellings in association with outline approval 15/00537/OUT) to amend site layout due to requirement to relocate road to align with existing farmer's right of access. (Site Layout Plan 15/50/14H to be replaced with Site Layout Plan 15/50/14m, Landscape Master Plan EML SH 1100 01 Rev D to be replaced with EML SH 1100 01 - PL2 - Landscaping Master Plan 2046-101-P1 and Drainage Strategy to be replaced with 82046-101-P3))

The Senior Planning Officer (RR) addressed the Committee and provided a summary of the application. The application was recommended for approval subject to conditions.

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a three minute presentation:

- Lee Harris, Agent, Springbourne Homes
- Councillor Robert Child, Ward Councillor

Councillor Allnatt moved the recommendation in the report and Councillor Ian Atherton seconded.

RESOLVED

That the application be APPROVED subject to the conditions set out in the report.

(6 for, 3 abstentions)

(Councillors Evans and Higgins requested that their abstentions be recorded.)

REASONS

The reasons for approval are as outlined within the report.

(Councillor Thwaites in the Chair.)

PL23

Application 23/00409/NONMAT

Application 23/00409/NONMAT – Wagoners Lodge, 16 Main Street, Harby, LE14 4BN

(Non-Material amendment to 22/00419/FULHH - To relocate the current kitchen window position to the south west side of the property and brick up the current window area once new one is in position)

The Planning Officer (AC) addressed the Committee and provided a summary of the application. The application was recommended for approval.

The applicant was a member of staff at Melton Borough Council. The constitution therefore required this application be determined by the Planning Committee.

There were no speakers on this application.

Councillor Higgins proposed the recommendation in the report and Councillor Siggy Atherton seconded.

RESOLVED

That the non-material amendment be approved.

(Unanimous)

REASONS

The reasons for approval are as outlined within the report.

PL24

Urgent Business

There was no urgent business.

The meeting closed at: 7.26 pm

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MEMBER INTERESTS

Do I have an interest?

1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

A “Disclosable Pecuniary Interest” is any interest described as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and includes an interest of yourself, or of your Spouse/Partner (if you are aware of your Partner's interest) that falls within the following categories: Employment, Trade, Profession, Sponsorship, Contracts, Land/Property, Licences, Tenancies and Securities.

A Disclosable Pecuniary Interest is a Registerable Interest. Failure to register a DPI is a criminal offence so register entries should be kept up-to-date.

2 OTHER REGISTERABLE INTERESTS (ORIs)

An “Other Registerable Interest” is a personal interest in any business of your authority which relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

3 NON-REGISTRABLE INTERESTS (NRIs)

“Non-Registrable Interests” are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.

Declarations and Participation in Meetings

1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

- 1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:
- a) you must disclose the interest;
 - b) not participate in any discussion or vote on the matter; and
 - c) must not remain in the room unless you have been granted a Dispensation.

2 OTHER REGISTERABLE INTERESTS (ORIs)

- 2.1 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests i.e. relating to a body you may be involved in:
- a) you must disclose the interest
 - b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
 - c) must not remain in the room unless you have been granted a Dispensation.

3 NON-REGISTRABLE INTERESTS (NRIs)

- 3.1 Where a matter arises at a meeting, which is not registrable but may become relevant when a particular item arises i.e. interests which relate to you and /or other people you are connected with (e.g. friends, relative or close associates) then:
- a) you must disclose the interest;
 - b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
 - c) must not remain in the room unless you have been granted a Dispensation.

4 BIAS

- 4.1 Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias):
- a) you should not take part in the decision-making process
 - b) you should state that your position in this matter prohibits you from taking part
 - c) you should leave the room.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.



Helping people | Shaping places



Planning Committee

14 September 2023

Report of: Assistant Director for Planning and Delivery

22/01217/FUL - Change of use of public house to convenience store and change of use of food store to community cafe and associated works

Applicant: Central England Cooperative Ltd

Planning Officer: Amy Smith

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Steven Carter (Asfordby) and Charlie Pitt Miller (Asfordby)
Date of consultation with Ward Member(s):	22 November 2022
Exempt Information:	No

Reason for Committee Determination:

The application is required to be presented to the Committee as the application has received more than 10 objections.

Web Link: <https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RKS4P3KOL8U00>

What3words: <https://w3w.co/earl.riches.cement>

RECOMMENDATION(S)
<p>1. It is recommended that the Planning Application is APPROVED subject to the below conditions:</p> <ul style="list-style-type: none"> • 3 years to implement the consent (time) • Approved plans • Details of materials to be submitted for approval

- Development implemented in accordance with Bat Survey
- Bat and Bird Enhancement Scheme to be submitted prior to commencement of development
- Details of proposed windows and doors for 128 Main Street to be submitted prior to installation
- Access arrangements to be implemented prior to occupation
- Vehicular visibility splays to be provided prior to occupation
- Parking and turning facilities to be implemented prior to occupation
- Parking Management Plan to be submitted prior to occupation
- Secure Cycle Parking to be provided prior to occupation
- Construction Traffic Management Plan submitted prior to commencement of development
- Opening hours of the retail unit limited 7:00-22:00hrs Monday to Saturday, 8:00-22:00hrs Sundays and Bank Holidays

1 Executive Summary

- 1.1 The application seeks full planning permission for the change of use of 128 Main Street, The Horseshoes Public House, (sui generis) to Use Class E (a) as a retail store into which the Co-op will locate. The proposed physical development includes the demolition of the existing extensions to the rear and side elevations of 128 Main Street, and the erection of a new single storey rear extension.
- 1.2 The description of development also makes reference to the change of use of Unit 1A Bradgate Lane, which is currently occupied by the Co-op, to a café within Use Class E (b). However, it should be noted that this change of use could be carried out without the benefit of planning permission.
- 1.3 The Horseshoes Public House is registered as an Asset of Community Value.
- 1.4 The Public House is not currently open for business, and The Cooperative currently occupy Unit 1A Bradgate Lane.
- 1.5 Asfordby is identified as a Service Centre in the Development Plan for the Melton Borough area. Service Centres are a suitable location for growth, defined as having essential services and facilities capable of serving the basic day to day needs of the residents.
- 1.6 The proposed change of use of the 128 Main Street to a retail unit would replace the current retail provision at 1A Bradgate Lane operated by the applicant, The Cooperative. As such, there will be no increase to the number of proposed convenience stores in the Service Centre.
- 1.7 The proposed development would be in accordance with Policy C7 of the Melton Local Plan which seeks to protect, retain and enhance existing community services and facilities. Under Policy C7, both public houses and village shops are defined as community facilities. It is also noted that Asfordby benefits from another public house, The Crown, located at 106 Main Street.
- 1.8 A Retail Impact Assessment is submitted with the application and concludes that the proposed development would only improve the existing convenience store offer in

Asfordby, extending consumer choice and would not undermine the vitality and viability of Melton Mowbray town centre. The proposed development therefore accords with Policy EC7 of the Melton Local Plan.

- 1.9 The application site is located within the Asfordby Conservation Area and the Horseshoes Pub building is recognised as a non-designated heritage asset. The proposed development is in accordance with Policy EN13, which is consistent with Section 16 of the NPPF, in that it is considered the proposals secure the continued use of the non-designated heritage asset within the Conservation Area. Planning conditions are attached to the recommendation for details of the proposed materials and sectional drawings of the proposed new openings to ensure the appearance of the buildings is in-keeping with the character of the Conservation Area.
- 1.10 The proposed development is designed to reflect the character and appearance of the Conservation Area, as well as be in-keeping with the wider context of the streetscene and local vernacular. The proposed development would not result in undue detriment to the amenity of neighbouring properties by virtue of the proposed development's design or daily operations. It is therefore considered to comply with the criteria set out in Policy D1 of the Melton Local Plan.
- 1.11 The development site is located within the sustainable Service Centre of Asfordby, which benefits from existing public transport services linking the settlement with Melton Mowbray, Leicester, Loughborough and Ashby-de-la-Zouch. The proposed development is not considered to result in a significant impact upon highway safety, and a safe and suitable access and egress of vehicles is achieved at the site. The proposed on-site parking and existing car parking provision in the local area would cater for the demand generated by the proposals. The proposed development is therefore considered to accord with Policy IN2: Transport, Accessibility and Parking of the Melton Local Plan.
- 1.12 Policy EN2 of the Melton Local Plan seeks to protect and enhance biodiversity throughout the Borough. Planning conditions are recommended for the proposed development to be implemented in accordance with the submitted Bat Roost Assessment, and a bat and bird enhancement scheme to be submitted and approved prior to demolition.
- 1.13 There is no identified material impact on flood risk, and the proposed development accords with Policy EN11 of the Melton Local Plan.
- 1.14 The proposed development would therefore accord with the relevant policies of the Melton Local Plan and the overall aims of the National Planning Policy Framework. The development would also accord with the emerging Asfordby Neighbourhood Plan which is awaiting referendum and is afforded moderate weight at this time.

2 Main Report

3 The Site

- 3.1 The application site is located in the Service Centre of Asfordby. The site relates to a public house at 128 Main Street, and a retail unit at Unit 1A Bradgate Lane and the associated service area to the rear of the properties, accessed via Bradgate Lane.
- 3.2 The application site is bound by residential properties to the north and west, and retail units to the north and east. It is situated on a prominent position within the settlement of Asfordby on the main through road, and at a corner plot of the active frontage of existing retail units.

- 3.3 To the front of the site, parking restrictions are in place on the public highway. The existing service yard to the rear of the development is accessed via Bradgate Lane. There is also a gated vehicular access located on Main Street, adjacent to 132 Main Street.

4 Planning History

- 4.1 12/00307/FUL - Replacement of existing retail entrance door with automated sliding doors. Approved 14th June 2012

5 Proposal

- 5.1 Full planning permission is sought for the change of use of the 128 Main Street, currently The Horseshoes public house, to Class E (a) 'Retail'.
- 5.2 The planning application also refers to the change of use of the existing Cooperative store at Unit 1A Bradgate Lane to Use Class E (b) (Café). However, it should be noted that this change of use could be carried out without the benefit of planning permission in accordance with The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.
- 5.3 The proposed development also comprises the demolition of the existing rear and side extensions of the Horseshoes Public House, and the erection of a new single storey rear extension. New door openings are proposed to the elevations of 128 Main Street and 1A Bradgate Lane fronting Main Street. A car parking area would be created to serve the proposed retail unit at 128 Main Street, comprising 11 car parking spaces and bicycle storage infrastructure.

6 Planning Policy

National Policy

- 6.1 National Planning Policy Framework
- 6.2 National Planning Policy Guidance
- 6.3 National Design Guide

Melton Local Plan

- 6.4 The Melton Local Plan 2011-2036 was adopted by Full Council on 10th October 2018 and is the Development Plan for the area.
- 6.5 The Council's Design of Development Supplementary Planning Document was adopted on the 24th February 2022 and is also considered in the determination of the application.
- 6.6 The Local Plan is consistent with the National Planning Policy Framework and its policies remain up to date.
- 6.7 The relevant policies to this application include:
- Policy SS1: Presumption in Favour of Sustainable Development
 - Policy SS2: Development Strategy
 - Policy C7: Rural Services
 - Policy EC7: Retail Development in the Borough

- Policy EN2: Biodiversity and Geodiversity
- Policy EN6: Settlement Character
- Policy EN11: Minimising the Risk of Flooding
- Policy EN13: Heritage Assets
- Policy D1: Raising the Standard of Design
- Policy IN2: Transport, Accessibility and Parking

Neighbourhood Plan

6.8 The Examiner's Report to the Asfordby Neighbourhood Plan was published on 14th June 2023. The Neighbourhood Plan is therefore afforded moderate weight at this time. The following policies are relevant to this application;

- Policy A7: Biodiversity
- Policy A9: Design
- Policy A16: Bradgate Lane Shops

Other

6.9 Leicestershire Highway Design Guide

7 SUMMARY of RESPONSES

SUMMARY OF TECHNICAL CONSULTATION RESPONSES

7.1 Lead Local Flood Authority (28th November 2022)

7.2 No comments to make on the application. Refer to Standing Advice.

7.3 Ecology (1st December 2022)

7.4 No evidence of bats or nesting birds was recorded in the building. The building is located within a swift area. Two conditions are recommended to be attached to a planning permission; development to be implemented in accordance with the submitted Bat Roost Assessment, and a bat and bird enhancement scheme to be submitted and approved prior to demolition/development.

7.5 LCC Highways (12th December 2022, 31st January 2023, 4th April 2023)

7.6 The proposed new access at 128 Main Street can achieve adequate visibility splays and swept-path analysis of vehicles passing to ensure a safe and suitable access.

7.7 One Personal Injury Collision noted at the proposed Bradgate Lane access, and therefore the Highways Authority have increased interest of ensuring appropriate visibility from this junction is maintained. A parking management plan to be provided prior to occupation of the proposed development to minimise the potential for vehicular conflict at the Bradgate Lane access.

7.8 The net result of the proposed development (convenience store and café) would lead to an increase of 18 two-way trips during the AM peak period and 10 two-way trips during the PM peak period. This increase would not warrant any junction modelling. It is also noted that the proposed development would experience a number of pass-by, diverted and potentially linked trips, therefore reducing the number of 'new flows' on the network. No further investigation is therefore required.

- 7.9 The submitted drawings for the proposed development show a total of 11 parking spaces including on disabled parking bay. The Applicant has provided further evidence when requested by the Highway Authority, including surveys of similar stores to establish stay times at the Coop and the café and the level of linked trips. Surveys have also taken place at existing public car parking in the vicinity of the site. The Highway Authority therefore acknowledge parking demand would reach a peak of 9 spaces for customers, and that with suitable conditions the proposed development would cater for demand.
- 7.10 The site is also served by local bus routes through to Melton Mowbray, Leicester, Loughborough and Ashby de la Zouch.
- 7.11 **Conservation Officer (24th May 2023)**
- 7.12 No objections. The Officer notes the pub building at 128 Main Street is to be retained, and the proposed new openings on the main elevation of this building are necessary to provide access. The proposed use will secure the future of the building which is classified as a non-designated heritage asset.
- 7.13 Recommended conditions to include detailed sectional drawing should be submitted for the new entrance, and details of the facing materials shall be submitted prior to commencement to the Local Planning Authority.

SUMMARY OF REPRESENTATIONS

Ward Member(s)

- 7.14 No written comments received.

Parish Council

- 7.15 No comments received

Neighbours

- 7.16 13 letters of objection from 13 households, including a representation from the Horseshoes Community Group.
- 7.17 **An online petition was also submitted to the Local Planning Authority with 148 names included. No comments were submitted alongside the petition citing material planning considerations.**
- 7.18 The comments received include;
- No need for another café in such close proximity to an existing café in Asfordby
 - Other uses for the existing Coop store should be considered
 - A Post Office should be included in the plans
 - The Horseshoes Pub is registered as an Asset of Community Value
 - The Pub is a part of the local community and its closure will be a great loss to the village
 - The pub is still a viable community use
 - Transport links in Asfordby are limited
 - The local road infrastructure and proposed parking provision cannot accommodate a larger Coop store, issues include road safety, parking, tracking of delivery vehicles, and visibility from vehicular access
 - Demolition of the pub will spoil the visual frontage of the centre

- Coop have converted other pub premises in the Melton Borough with negative impacts
- The proposed development should incorporate adjacent units on Bradgate Lane, and avoid the conversion of the pub building
- Proposed development will damage local business
- Disappointment that the pub will close
- Consideration not given to the re-use of the existing building at 128 Main Street, the proposal includes demolition
- Demolition of 128 Main Street would harm heritage assets – the overall pub building will be lost. The internal appearance of the pub premises forms its historic character

RESPONSE TO CONSULTATIONS AND REPRESENTATIONS

- 7.19 Comments regarding design, impact on the historic environment, and highways/parking matters are considered in the Planning Analysis below.
- 7.20 The closure of the existing businesses is not a material planning consideration.
- 7.21 We must consider the application presented to us in this proposal. No alternative uses have been presented by the applicant, and therefore we cannot take into consideration any potential suggested alternative uses.

8 PLANNING ANALYSIS

8.1 The main considerations are

- Principle of Development
- Conservation and Design
- Highways Impact
- Amenity
- Ecology
- Flood and Drainage

Position under the Development Plan Policies

8.2 Melton Local Plan Policy SS1 sets out the principle in favour of sustainable development. Where planning applications are in accordance with the relevant planning policies of the Development Plan, they should be approved without delay, unless material considerations indicate otherwise.

Principle of Development

8.3 Asfordby is identified as a Service Centre in the Development Plan for the Melton Borough area. The development plan for the area comprises the Melton Local Plan, adopted in October 2018 and is considered to be consistent with the National Planning Policy Framework.

8.4 The Asfordby Neighbourhood Plan has been examined with the Examiners Report published on 14th June 2023. It can therefore be afforded moderate weight. Policy SS1 of the Melton Local Plan states that where planning applications accord with the policies of the Local Plan and the Neighbourhood Plan, they shall be approved without delay unless material considerations indicate otherwise.

- 8.5 The Melton Local Plan identifies Service Centres as a suitable location for housing growth, having essential services and facilities capable of serving the basic day to day needs of the residents of the village. Asfordby is therefore considered a sustainable location for the proposed retail development.
- 8.6 Policy EC7 supports development where they are physically integrated, of an appropriate scale and would not have an adverse impact on the character of the settlement.
- 8.7 In accordance with Policy EC7 of the Melton Local Plan, the application is supported by a Retail Impact Assessment. The proposed retail floor space to be created by the development of 358sqm (260sqm net sales area). The proposed change of use of the Public House to retail unit would replace the current retail provision at 1A Bradgate Lane operated by the Coop. This existing unit comprises a gross area of 225sqm, with a net sales area of 135sqm. The Retail Impact Assessment sets out that the proposed development would merely improve the existing convenience store offer in Asfordby, extending consumer choice and would not undermine the vitality and viability of Melton Mowbray town centre.
- 8.8 Policy C7 of the Melton Local Plan states that support will be given to proposals 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 current use of the Horseshoes as a public house is noted as a 'community facility' under Policy C7.
- 8.9 Policy C7 only permits proposals that would result in the loss of a community facility where;
- a) There are alternative facilities available and active in the same village which would fulfil the existing use/building, **or**
 - b) The existing use is no longer viable and there is no realistic prospect of the premises being re-used for alternative business or community facility use.
- 8.10 In response to the criteria of Policy C7, Asfordby benefits from another public house, The Crown located at 106 Main Street, less than 100m to the east of the application site.
- 8.11 The footnote of Policy C7 defines community facilities to include 'village shops' as well as 'public houses'. The proposed change of use would retain the premises for a community facility as required by Policy C7, serving as a village shop.
- 8.12 Furthermore, Policy C7 requires development proposals to demonstrate;
- 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.
- 8.13 To reiterate paragraph 8.8 above, a village shop is also defined as a community facility, and the re-use of the building as such is considered acceptable in accordance with criterion a.
- 8.14 In response to criterion b, the Horseshoes Public House was listed as an Asset of Community Value on 10th June 2022. The listing will expire on 10th June 2027. The Localism Act and its provisions relating to Assets of Community Value and the Community Right to Bid are therefore relevant.

- 8.15 The listing is considered a material planning consideration in the assessment of the application. It is clear through the registration of the Horseshoes as an Asset of Community Value that there is local support for its existing use as a public house. However, the Horseshoes Public House became a vacant premises earlier this year and there is alternative provision in Asfordby for a public house at The Crown which would also serve the social interests and well-being of the local community.
- 8.16 For clarification of the legalities of the Asset of Community Value listing; the applicant has confirmed the contract of sale with the sellers of the property was made prior to the ACV listing, and confirms that the seller will be observing all legal requirements of the process prior to a sale taking place.
- 8.17 Further to the Melton Local Plan, Policy A16 of the emerging Asfordby Neighbourhood Plan identifies the area of the application site as a local centre that served the local catchment area. Policy A16 requires Class E uses to remain in dominant use in this area, and other uses will not be supported. The proposed development accords with emerging Policy A16.
- 8.18 The current Coop store in Asfordby, at 1A Bradgate Lane, also forms part of the application for a change of use to a café (Use Class E (b)). Under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, as the unit is currently in use for retail (Use Class E(a)), it can legally change its use to any other use defined under Class E i.e. retail, café, banks, day nurseries, offices etc. Therefore this part of the application would not require planning permission in its own right.
- 8.19 The proposed development accords with the provisions of Policy SS1 and SS2 of the Melton Local Plan, Policy EC7 which addresses the retail offer in the Borough as well as Policy C7 which seeks to retain community facilities. Therefore, the principle of the proposed development is considered acceptable, subject to the satisfaction of other material planning considerations.

Conservation

- 8.20 Policy EN13 of the Melton Local Plan states the Council will take a positive approach to the conservation of heritage assets and the wider historic environment. Heritage assets, including non-designated heritage assets, should be protected and enhanced, and new developments in Conservation Areas should be consistent with the identified special character of the area.
- 8.21 Further to Policy EN13, Policy EN6 also states that development proposals will be supported where they do not harm features of a settlement which contribute towards settlement character, including non-designated heritage assets.
- 8.22 The application site is located within the Asfordby Conservation Area, and the Horseshoes public house is recognised as a non-designated heritage asset. Special consideration needs to be given to these designations as per Section 72 of the Town and Country (Listed Buildings and Conservations Areas) Act. The term non-designated heritage asset is taken to mean buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions locally because of their heritage interest but which do not meet the criteria for designated heritage assets, with their being identified in lists normally contained within Local Plans.
- 8.23 Policy EN13, consistent with Section 16 of the NPPF, seeks to secure the viable and sustainable future of heritage assets through uses that are consistent with the asset and its conservation.

- 8.24 The Conservation Officer is satisfied that the proposed development retains the public house building, and the proposed amendments to the external appearance of the building are necessary to secure the continued use of the non-designated heritage asset.
- 8.25 To ensure the appearance of building is in-keeping with the character of the Conservation Area, details of the proposed materials to be used in the exterior of the development shall be submitted to the Local Planning Authority prior to commencement. A planning condition will also be attached to a decision requiring the submission of a detailed sectional drawing for the new openings in the principal elevation of the Horseshoes public house.
- 8.26 On the basis that the proposal has been assessed by the Conservation Officer who is satisfied that the proposal will not unacceptably impact on heritage assets, the proposed development is considered to protect the character and appearance of the built environment of the Conservation Area, and therefore accords with Policies EN6 and EN13 of the Melton Local Plan.

Design

- 8.27 Policy D1 of the Melton Local Plan seeks to ensure that all new development is of a high quality design. The Policy states that the siting and layout of the development must be sympathetic to the character of the area, and it should meet basic urban design principles outlined in the plan and accompanying Supplementary Planning Documents.
- 8.28 The application seeks planning permission for the redevelopment of the Horseshoes pub, demolition of the existing single storey elements to the rear and side elevations and the construction of a new single storey extension to the rear. The existing façade of the Horseshoes building will be retained with modest alterations to allow its conversion to its proposed use as a retail unit and to create an active frontage onto Main Street. The impact upon the streetscene from Main Street is considered to be minimal; the character of the traditional built form in the centre of Asfordby would be preserved. Furthermore, the existing single storey element to the original building's west elevation will be removed which would reduce the bulk of the building fronting Main Street. A wider vehicular access would then be created to the associated car parking area for the retail unit.
- 8.29 The new single storey extension to the rear of the Horseshoes Public House would increase the overall length of the building to approximately 35m. However, it is not considered that the increased footprint of the building would result in overdevelopment of the plot as the development would retain large areas of outdoor space for both customer parking provision and servicing areas. The proposed single storey rear extension would include a mansard roof which would be in-keeping with the original two storey building fronting Main Street. I consider the proposed development to be acceptable by virtue of its scale and design.
- 8.30 The materials proposed to be used in the external walls and roof of the development at the Horseshoes Public House should be sympathetic to the appearance of the original building. A pre-commencement condition is therefore recommended to ensure suitable materials are approved by the Local Planning Authority.
- 8.31 1A Bradgate Lane forms part of a large, modern, red brick, flat roofed building located at the corner of Bradgate Lane and Main Street. The existing active frontage to the existing Coop Store is situated at Bradgate Lane. The proposed development to the exterior appearance of this unit would comprise the insertion of a new customer access to the southern elevation of the building fronting Main Street. The appearance of the proposed alterations to this southern elevation of the building is considered to be acceptable.

- 8.32 All proposed signage would be required to comply with Town and Country Planning (Control of Advertisements) (England) Regulations 2007, and the appropriate consents applied for to the Local Planning Authority where necessary.
- 8.33 The proposed development demonstrates innovative design and is designed to maintain the character of the Conservation Area and respect the existing local vernacular. It is therefore considered to comply with the urban design principles and the criteria set out in Policy D1 of the Melton Local Plan.

Highways Impact

- 8.34 Policy IN2: Transport, Accessibility and Parking of the Melton Local Plan states that all new development shall provide appropriate and effective parking provision and servicing arrangements.
- 8.35 The development site is located within the sustainable Service Centre of Asfordby, which has existing provision of public transport linking the settlement with Melton Mowbray, Leicester, Loughborough and Ashby-de-la-Zouch.
- 8.36 The development proposed would reconfigure an existing access to Main Street. Main Street is a classified C-road, subject to a 7.5 tonne weight restriction and a 30mph speed limit. On-street parking is limited by single yellow line waiting restrictions along the extent of the site frontage. The proposed access, including the width of the opening and visibility splays, would comply with the Leicestershire Highway Design Guide.
- 8.37 An existing access on to Bradgate Lane would be retained, providing access to the rear servicing area of the existing buildings. This area is also likely to provide for customer car parking associated with the proposed development therefore, to minimise the potential for vehicular conflict, a pre-occupation condition requiring a parking management plan is to be submitted for approval.
- 8.38 It is noted that due to the nature of the development, comprising a convenience store and café, a number of 'pass-by', diverted and potentially linked trips will occur. These ultimately reduce the number of 'new' flows on the network. Therefore, although the Highway Authority have determined that the proposed development would result in an overall increase of two-way trips throughout the day; the increase would not warrant further assessment of the impact upon the highway network.
- 8.39 The Highway Authority guidance suggests that the proposed convenience store use generates a parking requirement of 4no. car parking spaces, and the proposed café would generate a requirement of 49no. car parking spaces. However, substantive evidence and a parking methodology have been provided by the applicant and their approach is accepted by the Highway Authority. It is therefore considered that with suitably worded conditions, the proposed development and parking provision at the site and available in the local area would cater for the demand.
- 8.40 The proposed development therefore accords with Policy IN2 of the Melton Local Plan and the guidance of the Local Highway Authority. Appropriate conditions are recommended to ensure the proposed development does not cause undue impact upon the highway network.

Amenity

- 8.41 Policy D1 of the Melton Local Plan seeks to protect the amenity of neighbours and neighbouring properties. 132 Main Street adjoins the boundary of the site to the west, and 29-33 Whitlock Way adjoin the site to the north. There are also residential properties above the retail units fronting Bradgate Lane.

- 8.42 It is considered there would be no undue impact upon neighbouring residents by virtue of overlooking impact or loss of privacy. The single storey rear extension would not result in overbearing or overshadowing impact upon these closest residential properties due to the proposed roof height and existing boundary treatments in place between the site and adjacent properties.
- 8.43 1A Bradgate Lane is situated at the corner of an active frontage of various retail units. It is considered the change of use of this store would have very limited impact upon neighbouring properties.
- 8.44 A noise impact assessment has been submitted by the applicant to assess the potential impact of the change of use at the Horseshoes public house. The assessment focuses on the likely noise impact from the proposed car parking area and delivery operations associated with the proposed retail use upon the nearest noise sensitive receptors (the residential properties to the north of Whitlock Way). The assessment found that a possible adverse noise impact is anticipated, however, existing store deliveries to the adjacent units take place at the same location currently. There are no other issues recorded which are considered to result in significant impact upon the noise sensitive receptors to warrant the refusal of planning permission for this reason.
- 8.45 Therefore, given the current lawful use of The Horseshoes public house, it is considered that the proposed change of use to a retail unit would have limited adverse impacts upon neighbouring properties due to the nature of the proposed operations.
- 8.46 It is therefore considered that the amenity of the residents of neighbouring properties to the proposed development would not be unduly compromised. The development is therefore in accordance with Policy D1 of the Melton Local Plan.

Ecology

- 8.47 Policy EN2 of the Melton Local Plan seeks to protect and enhance biodiversity throughout the Borough. Proposals are supported where appropriate management and maintenance of existing and created habitats are in place through planning conditions. Policy A7 of the emerging Asfordby Neighbourhood Plan is consistent with Policy EN2.
- 8.48 A Bat Survey is submitted with the application, and confirms there is no evidence of bats within the Horseshoes building and low roost potential. It is recommended a precautionary approach is adopted to the demolition of the rear of the existing building.
- 8.49 The building is located within a Swift Alert Area. Two conditions are therefore recommended to be attached to a planning permission; development to be implemented in accordance with the submitted Bat Roost Assessment, and a bat and bird enhancement scheme to be submitted and approved prior to demolition.
- 8.50 As such, it is demonstrated that the proposed development meets the requirements of Policy EN2.

Flood Risk/Drainage

- 8.51 A Flood Risk Assessment has been submitted to support the application. The application site is located within Flood Zone 1, with a low risk of fluvial flooding and a medium to high risk of surface water flooding.
- 8.52 The Lead Local Flood Authority were consulted and refer to Standing Advice for the consideration of the proposed development. The proposed development complies with Standing Advice and the recommendation given in the Flood Risk Assessment.

- 8.53 The proposed development is therefore in accordance with Policy EN11 of the Melton Local Plan which seeks to ensure that development proposals do not increase the risk of flooding.

9 CONCLUSION

- 9.1 Policy SS1 and SS2 of the Melton Local Plan strongly emphasise the need to support growth in locations that can take advantage of sustainable travel. The site is situated within the Service Centre of Asfordby and as such is considered to be an acceptable location for the proposed development.
- 9.2 Policy EC7 supports development where they are physically integrated, of an appropriate scale and would not have an adverse impact on the character of the settlement. A Retail Impact Assessment is submitted with the application and concludes that the proposed development would merely improve the existing convenience store offer in Asfordby, extending consumer choice and would not undermine the vitality and viability of Melton Mowbray town centre.
- 9.3 Policy C7 of the Melton Local Plan states that support will be given to proposals 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. Both public houses and village shops are recognised as community facilities in the footnote of Policy C7.
- 9.4 Asfordby benefits from another public house in close proximity; the Crown is located at 106 Main Street, less than 100m to the east of the application site. The proposed change of use would also retain the Horseshoes public house premises for a community facility as required by Policy C7, as it would serve the local community as a 'village shop'.
- 9.5 Policy EN13 of the Melton Local Plan states the Council will take a positive approach to the conservation of heritage assets and the wider historic environment. Policy EN6 also seeks to protect settlement character, including individual settlement features including non-designated heritage assets. The application site is located within the Asfordby Conservation Area, and the Horseshoes public house is recognised as a non-designated heritage asset.
- 9.6 The proposed amendments to the external appearance of the buildings are necessary to secure the continued use of the non-designated heritage asset. Planning conditions are attached to the recommendation for details of the proposed materials and sectional drawings of the proposed new openings shall be submitted to the local planning authority prior to commencement to ensure the appearance of building is in-keeping with the character of the Conservation Area.
- 9.7 The proposed development demonstrates innovative design and is designed to reflect the character and appearance of the Conservation Area, as well as be in-keeping with the wider context of the streetscene and local vernacular. The proposed development would not result in undue detriment to the amenity of neighbouring properties by virtue of the proposed development's design or daily operations. It is therefore considered to comply with the criteria set out in Policy D1 of the Melton Local Plan.
- 9.8 Policy IN2: Transport, Accessibility and Parking of the Melton Local Plan requires new development to provide appropriate and effective parking provision and servicing arrangements. The development site is located within the sustainable Service Centre of Asfordby, which benefits from existing public transport services linking the settlement with Melton Mowbray, Leicester, Loughborough and Ashby-de-la-Zouch.

- 9.9 The proposed development is considered to not result in a significant impact upon highway safety, and a safe and suitable access and egress of vehicles is achieved at the site. The proposed on-site parking and existing car parking provision in the local area would cater for the demand generated by the proposals.
- 9.10 Policy EN2 of the Melton Local Plan seeks to protect and enhance biodiversity throughout the Borough. Planning conditions are recommended for the proposed development to be implemented in accordance with the submitted Bat Roost Assessment, and a bat and bird enhancement scheme to be submitted and approved prior to demolition.
- 9.11 There is no identified material impact on flood risk, and the proposed development accords with Policy EN11 of the Melton Local Plan.

10 REASON FOR RECOMMENDATION

- 10.1 The application is recommended for approval.
- 10.2 The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise the need to support growth in sustainable locations.
- 10.3 The proposed development would improve the existing community facilities and convenience store offer in Asfordby, extending consumer choice and would not undermine the vitality and viability of Melton Mowbray town centre.
- 10.4 The proposed amendments to the external appearance of the buildings are necessary to secure the continued use of 128 Main Street. The proposed development would protect the settlement character and appearance of the built environment of the Conservation Area.
- 10.5 The design of the proposed development accords with Policy D1 of the Melton Local Plan and the proposed development does not unduly the amenity of neighbouring properties.
- 10.6 The proposed development is considered to not result in a significant impact upon highway safety or flood risk. Relevant conditions are attached to the recommendation to ensure highway safety. The proposed development therefore accords with Policies EN11 and IN2 of the Melton Local Plan.

11 Financial Implications

- 11.1 Not applicable

Financial Implications reviewed by: N/A

12 Legal and Governance Implications

- 13 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

14 Background Papers

- 14.1 None
- 14.2

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