

Minutes

Meeting name	Planning Committee
Date	Thursday, 15 November 2018
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor J. Illingworth (Chair)

Councillors P. Baguley T. Bains
G. Botterill P. Cumbers
P. Faulkner M. Glancy
T. Greenow B. Rhodes

Observers

Officers Solicitor To The Council (RP)
Assistant Director for Strategic Planning and Regulatory Services
Development Manager (LP)
Planning Officer (TE)
Planning Officer (JL)
Administrative Assistant (AS)

Minute No.	Minute
PL49	<p>Apologies for Absence Cllr Posnett (VC) sent her apologies and was substituted by Cllr Wyatt</p> <p>Cllr Holmes sent her apologies</p>
PL50	<p>Minutes Minutes of the meeting held on 18th October 2018</p> <p>Approval of the minutes was proposed by Cllr Greenow and seconded by Cllr Glancy. It was unanimously agreed by the members present at the previous meeting that the Chair sign them as a true record.</p>
PL51	<p>Declarations of Interest Cllr Rhodes declared a personal interest in any item which precludes to Leicestershire County Council of which he is a member and he also declared a personal interest in item 5 of the agenda (PL53 of the minutes), 18/01204/CM - the Melton Mowbray Distributor Road, due to his position as a County Councillor and his involvement with the application.</p>
PL52	<p>Schedule of Applications</p>
PL52.1	<p>17/01042/FUL and 17/01043/LBC Applicant: Mr M Mitchell</p> <p>Location: The Red Lion, Grantham Road, Bottesford, NG13 0DF</p> <p>Proposal: 17/01042/FUL - 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.</p> <p>17/01043/LBC - 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.</p> <p>The Chair advised Members that the above applications would be voted on separately at the end of all speakers and debates.</p> <p>(a) The Planning Officer (JL) stated that: The Red Lion, Bottesford – 17/01042/FUL The application is for the change of use for the existing public house and construction of one additional dwelling on the car park. Bottesford is a sustainable village, with a wide variety of different services</p>

and facilities in the village. Whilst the proposed development would result in the loss of the community facility, there are two other pubs within the village (and other licensed premises). There is an Asset of Community Value listing on the property and it is for the committee to consider how much weight they give to this as a material planning consideration.

The property is also Grade II Listed and located within the Conservation Area. The Committee are reminded of their duty under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy EN13 of the Melton Local Plan 2011-2036.

Late Representations

One late representation has been received for the application, which has been circulated round committee members. This raises concerns in relation to the applicant and their background. As stated in the report, the personal circumstances and background of the applicant is not a material planning consideration.

The Chair advised Members that more than one objector had requested to speak and asked if Members would suspend standing orders to allow this. **Cllr Rhodes proposed to permit and Cllr Botterill seconded.** A vote was taken and the Members voted unanimously to permit.

(b) Cllrs Leigh Donger, on behalf of Bottesford Parish Council, was invited to speak and stated that:

- Loss of an extremely important village asset.
- Most important of the 3 pubs Bottesford due to its history.
- Loss of heritage.
- Support the efforts of the community to try and save it.
- Most suited for families with a beer garden to front and rear along with a child's play area.
- Cramming more houses in to the centre of the village is unnecessary.
- Suggestion to defer the decision for 6 months to enable the community to raise funds to buy it.

A Cllr noted that they had already had 6 months.

Cllr Donger responded that they had only just got team together so would like more time.

A Cllr asked why this was considered the more important of the 3 pubs.

Cllr Donger replied that it is due to its historical value.

A Cllr asked how much they would need to raise and how much the property would be to buy.

Cllr Donger responded that it is not for sale at present but that they were hoping that the owner, as a business man, would sell it to them. He was unsure of the figure required for funding and suggested one of the later speakers would be able to answer this.

(c) Bernard Carey, on behalf of the objectors, was invited to speak and stated that:

- Referenced page 41 of the report, where it stated there was no viability to run it as a public house.
- When brewing was moved to the head quarters, the brewery slowly engineered the pubs demise.
- Repeated promises of improvements but nothing happened.
- Often ran out of beer due to non delivery.
- Comprehensive list of objections.
- Loss of history.
- Need to protect this resource as it will remove the heart of the community.

A Cllr asked if it was an opinion or fact that the brewery has engineered its demise.

Mr Carey stated that it was his opinion after reading articles and speaking to previous land lords.

A Cllr noted that they may not have delivered the beer due to the landlord not paying the bill rather than engineering its demise.

Mr Carey added that he was not aware of the circumstances for this.

(d) John Shilton, on behalf the Friends of the Red Lion, was invited to speak and stated that:

- There are 150 concerned residents in the Friends of the Red Lion group.
- The report doesn't fairly reflect the community position.
- Want to see it continue as a pub as it has for the last 195 years.
- A pub would serve the community more than 3 dwellings would.
- Want to move forward as a constituted group but this requires seed funding and a period of stability.
- The council's decision to reject asset of community value. No 6 month moratorium. Need to be put on equal footing with other bidders.
- A funding package would be an answer to the viability concerns.

A Cllr asked how much funding would be required to buy this asset and get it in to a viable condition.

Mr Shilton responded that they would need to raise £500,000 in total. No access to inside the pub at present to know how much needs spending inside and also they are aware that items that would have been useful and of value have been removed.

A Cllr noted that the figure to buy and renovate would be more in the region of £800,000.

Mr Shilton responded that they need more time.

A Cllr asked how much the community were offering and of the £50,000 already pledged how many people this had come from.

Mr Shilton responded that they had not asked the community yet but 6 had pledged the £50,000.

- (e) Mike Sibthorpe, agent on behalf of the applicant, was invited to speak and stated that:
- The development satisfies C7 of the local plan and should be given significant weight.
 - It has met both tests with regards to loss of community use although it only needs to meet one. 1) Change of use will be supported if other facilities are available. There are another two pubs. 2) Demonstrate it is no longer viable. The costs would not be viable and this information has been provided.
 - Statement from Everard, the property was suffering from neglect and decline. Numerous viewings but no offers due to the expenditure required being unfeasible. Terminal decline from which it will not recover. There was an alarming decline in beer volumes. Unsuccessfully operating and losing money even though they weren't paying rent. Kitchen too small to operate a food business. Necessary work to bring up to standard £800,000.
 - Renovations will be sympathetic to the listed buildings.
 - No highways objections.
 - No realistic prospect of it reopening as a public house.

A Cllr asked if it is the applicants intention to complete the development or sell it with the planning permission in place if granted today.

Mr Sibthorp confirmed it is the applicants intention to carry out the development.

A Cllr asked if there has been any meaningful development between the owner and the Friends of the Red Lion group with regards to selling it.

Mr Sibthorp was not aware of such dialogue. It is not for sale. The applicant wants to carry out the development and even in 6 months time it would not be for sale.

- (f) Cllr Chandler, Ward Cllr for Bottesford, was invited to speak and stated that:
- No definite views on this.
 - Some residents want something done fairly quickly as it is deteriorating by the day.
 - There is nothing indicating it will be for sale and nothing on the table with regards to money. They've already had 18 months already.
 - Half the people want it retaining as a pub and half of the people are saying it looks a disgrace and want something doing quickly.
 - How much more will it deteriorate in another 6 months. Not sure of the state inside.

A Cllr stated that they noted the internal condition of the pub on their site visit.

A Cllr asked if it would it be viable as a pub.

Cllr Chandler responded that they are already well catered for with regards to licenced venues and eating establishments.

The Planning Officer (JL) advised that the pub is not for sale at present and there

are no discussions regarding this.

Cllr Rhodes proposed to defer the application for 6 months to allow the Friends of the Red Lion to raise the funds. The building is an asset that's been part of Bottesford life for nearly 200 years. It is derelict and would need a complete and total refurbishment to become a public house

The Chair asked for legal advice regarding the implications of a deferral.

The Solicitor to the Council advised the application has been outstanding for a considerable amount of time since 2017 and that the applicant is entitled to have a decision. It would be unreasonable and challengeable decision to take, which may prompt the applicant to put in an appeal or take it to judicial review. The applicant has already said that they are not going to sell.

The Chair asked if Cllr Rhodes wished to change his proposal after hearing the legal advice.

Cllr Rhodes declined to change his proposal.

A Cllr asked if Members can legally propose a deferment.

The Solicitor to the Council reminded Members of the risks of a possible appeal or judicial review. The ACV process would kick in if the owner put it on the market but there is no obligation on the owner to sell it.

Cllr Greenow seconded the proposal to defer and added that there is a lot of value in what Cllr Rhodes has said and a reasonable period would be 6 months.

A Cllr Commented that they couldn't support the deferral as Bottesford already has facilities and community assets.

A Cllr asked for the date of ACV status as it could impact on the amount of time to raise funds.

The Planning Officer (JL) responded that it was July 2018 of this year but previous nominations had been rejected and that it was the third time.

A Cllr asked for clarification of the date in September.

The Planning Officer (JL) responded that September was the owner appealing against the ACV.

A Cllr echoed the comments the Solicitor to the Council and reminded Members to think very carefully and reinforced the fact that the pub is not for sale.

A Cllr added that they can't support the deferral as the Council would be vulnerable to a non determination. On a positive note they could end up securing and

enhancing the building just may be not in its previous state.

A vote regarding the deferral of the FUL application was taken. 2 Members voted in favour of deferral and 7 voted against deferral. There was 1 abstention.

The proposal to defer is lost.

Cllr Baguley proposed to permit the application and supported the Officers recommendation along with taking in to account Cllr Chandler's comments. Perhaps the applicant might call it Red Lion Court.

Cllr Faulkner seconded the proposal.

A vote was taken. 7 Members voted to permit and 2 Members voted against. There was 1 abstention.

Determination: The FUL Application was permitted, in accordance with the recommendation in the report and subject to the conditions therein.

Reasons: 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.

In addition to this, the Listed Building status of the Red Lion, which the NPPF advises should be afforded "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.

The Chair advised Members that they now needed to put forward a proposal for the LBC application and the scheme would be monitored very closely for the preservation of the building.

The Planning Officer (TE) advised that there would be strict conditions placed on the schedule of works to ensure the fabric of the building is preserved.

Cllr Baguley proposed to permit the application and noted that the applicant had renovated the Peacock in Redmile and everyone is happy with it and they had done a good job.

Cllr Faulkner seconded the proposal.

A vote was taken. 8 Members voted to permit and there were 2 abstentions.

Determination: Determination: The application for listed building consent was permitted, in accordance with the recommendation in the report and subject to the conditions therein.

Reasons: 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 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.

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.

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 this location.

Cllr Bains left the meeting at 7pm.

PL52.2

18/00500/OUT

Applicant: Mr G Stroud

Location: Grange Farm House, Harby Lane, Hose

Proposal: Proposed Residential Development for 35 Houses.

(a) The Planning Officer (JL) stated that: Late Representations.

The NHS have been contacted in relation to their contribution request as it has not been demonstrated that the surgery is currently at capacity. No additional information has been provided in relation to this.

The Parish Council had also made a request for proportionate Section 106 contributions towards children's play equipment for the Hose Park (new climbing frame £15000) and repairs to the Hose Village Hall car park. The specific amounts

required have not been provided and there has been no background information provided to justify the request, as required under Regulation 122 of the Community Infrastructure Levy Regulations.

An additional objection has been received from a local resident, which has been circulated round the committee. This raises concerns in relation to the timing of the consultation of the application, and that the applicant would be aware of this issue, and that this lacks integrity and openness. The objector considers that the process should be repeated. They have also stated that should permission be granted, since the consultation closed, there has been a fire at the village hall, rendering the hall unusable and that the developer should provide funding to reinstate the village hall, or ideally upgrade. There has not been a S106 request made in relation to the village hall from the Parish Council and further justification would be required (as mentioned previously in relation to the Parish Council comment).

The application is for outline permission with access only, for the development of 35 dwellings. This site is an allocated site in the Local Plan, but not in the Neighbourhood Plan.

- (b) Cllr Phillip Tillyard, on behalf of Clawson, Hose and Harby Parish Council, was invited to speak and stated that:
- This is not included in Harby neighbourhood plan but it is in the local plan.
 - Major concern that it has presented itself as a detached community on the edge of the village.
 - Footpath should be enhanced and improved to help accessibility in the village.
 - Requested S106 for playground equipment and the carpark. Important to make a contribution towards these facilities. The play ground is currently in a distressed state due to wear and tear. Figures not submitted yet.

A Cllr asked how much they would need and what is reasonable amount.

Cllr Tillyard responded that they would need £15,000 for a climbing frame and that they needed to use the formula but it was likely to be a modest figure of £1500 to £2000 for the contribution. It is usually done on the number of units as a proportion of the whole village.

The Chair noted that they should have submitted the figures ahead of tonight's meeting.

The Planning Officer (JL) advised that they had provided the figure of £15,000 but not the calculation.

The Development Manager confirmed that the calculations for other developments have previously been calculated this way, as suggested by Cllr Tillyard.

The Chair asked if they would be breaking rules or the law if they added this in now.

The Solicitor to the Council responded that in essence planning are inviting you to make this subject to the section 106.

- (c) Maurice Fairhurst, agent for the applicant, was invited to speak and stated that:
- It occupies over 2 hectares of flowing land.
 - Unremarkable in character or biodiversity.
 - It does have good footpath access which they are intending to make a main access in to the village.
 - Village is well served with existing facilities.
 - Substantially improved vehicular access. Won't affect what is already there.
 - Highways support.
 - Site can accommodate a mix of dwellings.
 - Archaeological trenching now support the development subject to special landscaping to the countryside side of the site.
 - The proposal is acceptable in all other respects. The officers report covers the detail.

A Cllr asked if the applicant would consider adding the condition regarding a play ground contribution.

Mr Fairhurst responded that they already have to provide a play area in the actual development and there are a number of other contributions required so they may have to draw the line at contributing towards the existing play area.

A Cllr asked if the new play area be equipped.

Mr Fairhurst responded that a LEAP is an equipped area of play and a LAP is for an area of play without equipment. It has not yet been decided which this development will be providing.

The Planning Officer (JL) advised that the Local Plan inspectorate did find it acceptable. Conditions could be included in relation to the footpath.

A Cllr noted that the boundary of the site and the footpath do not conform to the Local Plan.

The Planning Officer responded that the footpath is where the buffer will be required by historical and ecology consultees. Condition so that it can't be built on.

Assistant Director for Strategic Planning And Regulatory Services added that the application is as it is presented to us. If you would allow this deviation is for Members to debate. Condition 18 notes the landscaping to create a buffer.

Cllr Rhodes proposed to refuse the application as it is not in accordance with the local plan which should have been noted in the report.

A discussion took place regarding restriction of development on the strip of land near the footpath and if Members wished to do this.

Cllr Baguley seconded the proposal.

A Cllr asked for clarification regarding the farm track and the footpath and also noted that there was no S106 request from the police.

A Cllr confirmed that it is the farm track and it is outside the site in the local plan.

The Planning Officer (JL) advised that the police were consulted and made no request.

A Cllr asked if they would be setting a precedent if they permitted it and it's not within the local plan.

The Assistant Director for Strategic Planning And Regulatory Services advised that it wouldn't be setting a precedent and that it would be on it's individual merits. He also confirmed his understanding that Cllr Rhodes is correct with regards to it being outside the local plan.

A Cllr suggested that they seek a deferment and bring it back with line in the correct place.

The Chair asked the proposer if they would **amend their proposal to a deferment** for this purpose.

Cllr Rhodes the proposer agreed.

The seconder, Cllr Baguley, agreed to the amendment to the proposal.

The Chair clarified the proposal for the benefit of the Members, to defer whilst the issue of the track to the Northern boundary of the site is determined.

A vote was taken and the Members voted unanimously to defer.

Determination: Deferred, to seek a revised site area which is in accordance with the Local Plan

PL52.3

18/00981/FUL

Applicant: Mr & Mrs P & E Connor

Location: The Old Vicarage, 43 Church Lane, Long Clawson

Proposal: Proposed erection of 1 no dwelling in the paddock area adjoining The Old Vicarage, (resubmission of withdrawn application 17/01472/FUL)

(a) The Development Manager stated that: The application proposes the erection of one new dwelling which is a resubmission of the withdrawn application 17/01472/FUL.

The site lies within the conservation area and is located to the south of Church Lane forming part of the curtilage to the Old Vicarage which is Grade II listed.

The site has a gated access from Church Lane to the North which will form the proposed access to the dwelling with the proposal being in line with the adjacent property Number 55 Church Lane.

It is considered that the proposal could be accommodated within the site without having a detrimental impact on the character of the area, neighbouring properties or highway safety and subject to condition would not be harmful to the character or appearance of the Conservation Area or adversely affect the setting of any listed building.

As such the proposal is recommended for approval as per the report.

- (b) Cllr Phillip Tillyard, on behalf of Clawson, Hose and Harby Parish Council, was invited to speak and stated that:
- SS3 of the local plan outlines the criteria.
 - Long Clawson has planning permission for 93 houses so 1 more won't make much difference.
 - Concerns about the distance from the listed building. Impact will be considerable.
 - In a much valued conservation area.
 - This is a protected open view and it will spoil it.
 - Pay special regard to preserve listed buildings and their settings.
 - Large for just one building.
 - In the curtilage of a listed building.
- (c) Alan Kenyon, on behalf of the objectors, was invited to speak and stated that:
- He lives in the property most affected by the development.
 - Close proximity to our home.
 - Happy with orientation and layout but it needs to be further away.
- (d) Nick Cooper, agent for the applicant, was invited to speak and stated that:
- Discussed concerns with officer and conservation officer.
 - In accordance with policies.
 - Village is a suitable location for small scale developments.
 - No harmful impact. Views will still be allowed. The trees are a distinctive element of street scene and will be retained.
 - Design takes account of forms and mass.
 - There are no technical or policy issues.
 - Already seen approval on west side although it has not yet been implemented.

A Cllr asked for clarification of the exact separation distance.

Mr Cooper responded that it is 4 and ½ metres which is due to the habitat of the pond and the trees to retain within the site.

A Cllr questioned whether this separation complied with normal practice.

The Development Manager stated that it is not in the realms of SS3. SS1 and SS2 are the applicable Local Plan policies. It is not a protected open view or open area

as defined and protected by the Neighbourhood Plan. With regards to the separation distances, it is usually window to window with consideration of amenity. There is an orchard to the rear and a number of trees which are being kept and protected. 6 metres is not a rule.

Cllr Baguley proposed to refuse the application due to the Long Clawson already taking a lot of new housing and a lot on which are on Church Lane. The Borough has fulfilled the housing requirement. It is a conservation area. The benefit of 1 house on the land is limited. With regards to Policy H7, the benefits do not outweigh the harm to the listed buildings and conservation area. The character of the village is important. The presence of a house would detract from the open space.

Cllr Botterill seconded the proposal and noted that the orchard is a feature on that site.

A Cllr offered support to the refusal as there is already adequate provision in Long Clawson with the sites already approved.

The Assistant Director for Strategic Planning and Regulatory Services noted that the essence of the neighbourhood plan is to draw out features that are special to it and merit protection, and that this site hasn't been included such designations in the neighbourhood plan. In the context of refusal, this position is significantly weaker than if it had been the subject of such designations.

A vote was taken. 6 Members voted in favour of refusal and 3 voted against refusal.

Planning permission refused

Determination: The introduction of a dwelling on this site by virtue of its location within the grounds of the Grade II listed building and historic core of the village would be harmful to the special historical character, appearance and setting of the listed building and conservation area and therefore would not comply with Policies D1 Raising the standard of design, Policy EN6 Settlement Character, Policy EN13 Heritage Assets of the adopted Melton Local Plan (2018) and The National Planning Policy Framework Chapter 16.

PL53

18/01204/CM

Cllr Rhodes left the meeting at 7.47pm due to his declaration of interest.

Report of the Assistant Director for Strategic Planning And Regulatory Services regarding the North and East Melton Mowbray distributor road.

The Chair advised Members that this has come to the planning committee as we are a consultee.

The Assistant Director for Strategic Planning And Regulatory Services noted that County are seeking our comments on this and Officers recommend to support it but Members could express concerns if they have any.

	<p>A Cllr asked for clarification of an NMU route.</p> <p>The Assistant Director for Strategic Planning And Regulatory Services stated that it is Non Motorised Usage. It would cease to become a through route to Saxby Lane.</p> <p>A Cllr asked for clarification that if they support it as a Member of the Planning Committee, would it have any impact on their ability to comment on the application at County.</p> <p>The Solicitor to the Council advised that being part of this forum doesn't stop a Cllr from representing their residents views</p> <p>Cllr Greenow proposed to permit and Cllr Glancy seconded the proposal. A vote was taken. It was voted unanimous by the Members still present at the meeting.</p> <p>DETERMINATION: Melton Borough Council support to the proposal, and to urge Leicestershire County Council to approve the application.</p>
PL54	<p>Urgent Business None</p>

The meeting closed at: 7.52 pm

Chair