



Proposal: 23/00999/FUL Partial demolition of Red Lion Inn and conversion to 1 dwelling; conversion of outbuilding to 1 dwelling & construction of no. 4 new dwellings to the rear together with associated boundary treatments, parking & landscaping

Site: Red Lion Inn, 2 Red Lion Street, Stathern, LE14 4HS

Applicant: Mr and Mrs Hammond

Planning Officer: Alex Coy

Report Author:	Alex Coy , Planning Officer
Report Author Contact Details:	01664 502566 ACoy@melton.gov.uk
Chief Officer Responsible:	Lydia Rusling , Director of Place and Prosperity
Chief Officer Contact Details:	01664 502582 lrusling@melton.gov.uk

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Cllr Chris Evans and Cllr Simon Orson
Date of consultation with Ward Member(s):	31 October 2024
Exempt Information:	No

Reason for Committee Determination: Letters of objection have been received from more than 10no. household's contrary to the Officer recommendation.

Web Link:

<https://pa.melton.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

What 3 words: <https://w3w.co/outlawing.hers.plots>

Previous committee report: N/A

RECOMMENDATION(S)

It is recommended that the Planning Application be APPROVED subject to;

1. Conditions, as listed in detail at Section 10 of this Report.

1 Executive Summary



- 1.1 Full planning permission is being sought for the change of use of the Public House, development of the car park and outbuilding to 6 residential units. This would involve the following elements;
 - Demolition of modern extensions to the rear of the main Red Lion Inn building
 - External alterations and additions to facilitate conversion of the main Red Lion Inn building to a 3-bed dwellinghouse.
 - Construction of single storey extension to the existing outbuilding to facilitate conversion to a 2-bed dwellinghouse
 - Construction of 4 x 3-bed dwellings within the car park area
 - Provision of new hard and soft landscaping throughout the site, with new boundary treatments and historic walling retained and creation of garden areas for each plot along with off-street parking spaces and a turning area for the site.
 - The existing access to the site would remain as part of the proposal with no amendments made.
- 1.2 The application site is located in the Service Centre of Stathern. The site relates to The Red Lion Inn Public House, associated car park and outbuilding located at 2 Red Lion Street, which is currently in a poor state of repair. The Red Lion Inn is a non-designated heritage asset as designated by the Stathern Neighbourhood Plan. In addition, the Red Lion Inn has been registered as an Asset of Community Value (ACV) since 25th May 2018 and is due to expire on the 12th June 2028.
- 1.3 ACV legislation sits outside of the planning arena and concerns raised in regard to procedure and bids relating to the ACV is not a planning consideration. The primary purpose

of ACV listing is to afford the community an opportunity to purchase, and the ACV listing does not stop any planning permission application for the site coming forward. There is no requirement for the owner to accept an offer that may be made by the community

- 1.4 The proposal for housing in this location is considered acceptable in principle given the number and type of housing proposed to meet the local needs and the location with the centre of a service centre with access to local amenities. Therefore, it is considered that the application is in accordance with Policies SS1, SS2, SS3, C3 of the Melton Local Plan, and Policies H1, H2, H3 of the Stathern Neighbourhood Plan.
- 1.5 The proposal would see the loss of a community facility through the conversion of the Red Lion Inn to a residential dwelling, however an independent viability assessment has stated that the use of the site as a Public House is unviable with an estimated cost of a minimum investment of approximately £1,200,000 (including purchase price) to re-establish a business. In addition, the ACV listing is not in itself determinative in making a decision on the planning application, this approach is consistent with appeal decisions. Stathern also has other community facilities within the village including a second Public House. Therefore, it is considered that the proposal to change the use of community facility to a residential is acceptable and would be in accordance with the criteria of Policy C7 of the Melton Local Plan and Policy CFA1 of the Stathern Neighbourhood Plan.
- 1.6 The development represents a traditional design through the sympathetic conversion of the existing Public House, and the new build dwellings are in a sympathetic material palette, with roof lines that respect those of surrounding properties. Therefore, it is considered the impact upon the character of the area would be minimal and the proposals is in accordance with Policies D1, EN6 and EN13 of the Melton Local Plan and Policies H2, H5, ENV7 and ENV9 of the Stathern Neighbourhood Plan, and the overall aims of the NPPF 2024.
- 1.7 The site has indirect and direct links to various heritage assets which have the potential to be harmed by the proposed development. The impact upon of the development upon heritage assets is finely balanced. It is considered that the proposed development represents a lower degree of harm and a greater public benefit. There will be less than substantial harm to the Red Lion Pub (as a non-designated heritage asset), the street scene of the Conservation Area and the setting of the adjacent listed buildings, as the proposal would improve the condition of the site and reduce any further impact upon the heritage assets. Therefore, it is considered that the proposal would be in accordance with Paragraphs 215-220 of the NPPF 2024 and Policies SS3, D1, EN13 and EN6 of the Melton Local Plan, Policies H2, H5 ENV7 and ENV9 of the Stathern Neighbourhood Plan.
- 1.8 Concerns have been raised in relation to the impact upon residential amenity specifically at No.35 and 35A Main Street. Amendments sought by the planning officer are considered to reduce the impact of the development to such an extent that it would not unduly compromise neighbouring amenity as to warrant refusal of the application. The development is therefore in accordance with Policy D1 of the Melton Local Plan and Policies H2 and H5 of the Stathern Neighbourhood Plan.
- 1.9 The proposed landscaping and biodiversity enhancement strategy for the proposal would ensure there is a net gain in biodiversity. Therefore, it is demonstrated that the proposed development meets the requirements of Policy EN2, EN3, EN5 and D1 of the Melton Local Plan, Policy ENV5 and H5 of the Stathern Neighbourhood Plan and the aims of chapter 15 of the NPPF 2024.
- 1.10 Concerns were raised in regard to highway safety and parking within the development. It is considered that the proposed development provides sufficient parking within the

development to meet the Leicestershire Highway Design Guide, and the development would utilise an existing access. LCC Highways have raised no objections to the parking, access and turning area within the proposed development. Relevant conditions would be attached to the any decision notice to ensure highway safety. Therefore, it is considered that Policy D1 and IN2 of the Melton Local Plan and Policy TR1, TR2 and TR3 of Stathern Neighbourhood Plan and the guidance of the Local Highway Authority.

- 1.11 Following concerns raised by residents it is clarified that the site is located within Flood Zone 1 and through the use the proposed drainage and landscaping scheme the proposed development is considered not to increase the risk of flooding and be in accordance with Policies D1 and EN11 of the Melton Local Plan and Policy H5 of the Stathern Neighbourhood Plan and is considered to be in accordance with paragraph 181 & 182 of the NPPF 2024.
- 1.12 In addition, the Council have received no objections from statutory consultees on this application following re-consultations.
- 1.13 The proposed development therefore accords with the Development Plan for the area, comprising the Melton Local Plan, Stathern Neighbourhood Plan and the National Planning Policy Framework and the application is recommended for approval subject to the condition detailed within section 10 of the report.

Main Report

2 The Site

- 2.1 The application site is located in the Service Centre of Stathern. The site relates to The Red Lion Inn Public House, associated car park and outbuilding located at 2 Red Lion Street. The Public House has been closed since 2017, and associated outbuilding is also in poor condition. The Red Lion Inn is a non-designated heritage asset as designated by the Stathern Neighbourhood Plan. In addition, the Red Lion Inn has been registered as an Asset of Community Value (ACV) since 25th May 2018 and is due to expire on the 12th June 2028.
- 2.2 The application site is located within Stathern Conservation Area and the historic core of the village where there are a range of Listed Buildings in the vicinity. The site is located within Flood Zone 1.
- 2.3 The application site is bound by residential properties to the North, East and South. To the West of the site is an area of public open space. The Red Lion Inn is situated in a prominent position within the settlement of Stathern within the historic core of the village, close to the junction where The Green, Church Lane, Water Lane, Tofts Hill & Red Lion Street meet.
- 2.4 The only vehicular access to the site is from Red Lion Street, and there is a pedestrian access via Water Lane to the south-east of the site.

3 Planning History

- 3.1 00/00204/OUT - Proposed erection of three detached houses with garages to rear area of existing car park – Refused - 11.05.2000
- 3.2 00/00633/COU - Proposed change of use from public house to private dwelling house – Refused - 09.11.2000
- 3.3 02/00085/FUL - Proposed single storey extension to existing kitchen and new garden wall and gate to form new service yard – Permitted - 27.03.2002

- 3.4 20/00309/FUL - Partial demolition of Red Lion Inn and conversion to a single dwelling together with erection of 7 dwellings to rear – Withdrawn - 08.07.2020
- 3.5 20/01482/FUL - Partial demolition of Red Lion Inn and conversion to a single dwelling together with erection of 7 dwellings to rear – Withdrawn - 09.08.2021
- 3.6 22/00317/FUL - Partial demolition of Red Lion Inn and conversion to a single dwelling together with erection of 7 dwellings to rear – Withdrawn - 28.10.2022

4 Proposal

4.1 Full planning permission is sought for the change of use of the Public House, development of the car park and outbuilding to 6 residential units. This would involve the following elements;

- Demolition of modern extensions to the rear of the main Red Lion Inn building
- External alterations and additions to facilitate conversion of the main Red Lion Inn building to a 3-bed dwellinghouse.
- Construction of single storey extension to the existing outbuilding to facilitate conversion to a 2-bed dwellinghouse
- Construction of 4 x 3-bed dwellings within the car park area
- Provision of new hard and soft landscaping throughout the site, with new boundary treatments and historic walling retained and creation of garden areas for each plot along with off-street parking spaces and a turning area for the site.
- The existing access to the site would remain as part of the proposal with no amendments made.

5 Amendments

- 5.1 Following concerns raised by the Planning Officer and the Conservation Officer, the heights of the car ports for Plots 1 and 2 have been lowered.
- 5.2 Amendment to the proposed boundary treatments have also been submitted following Planning Officer and Conservation Officer concerns.
- 5.3 Most recently the Planning Officer sought amendments to the proposed plans for Plot 1 to see the removal of a 1st floor window on the North-West elevation in order to reduce the impact of overlooking onto 35 and 35A Main Street.
- 5.4 In addition, a clerical error was noted by the Planning Officer whereby Plot 4 stated it had 1 off-road parking space whereas the site plan illustrated two off-road parking spaces therefore the text on the plan was amended and the site plan and plot 4 plans were resubmitted to confirm 12 off-road parking spaces are proposed.

6 Planning Policy

6.1 National Policy

- 6.1.1 National Planning Policy Framework
- 6.1.2 National Planning Policy Guidance
- 6.1.3 National Design Guide

6.2 Melton Local Plan

- 6.2.1 The Melton Local Plan 2011-2036 was adopted by Full Council on 10th October 2018 and is the Development Plan for the area.
- 6.2.2 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.
- 6.2.3 The Local Plan is consistent with the National Planning Policy Framework published in December 2024 and, whilst it is now being updated, its policies remain relevant and up to date for the determination of this application.
- 6.2.4 The relevant policies to this application include:
- Policy SS1: Presumption in Favour of Sustainable Development
 - Policy SS2: Development Strategy
 - Policy C3: National Space Standard and Smaller Dwellings
 - Policy C4: Affordable Housing Provision
 - Policy C7: Rural Services
 - Policy EN2: Biodiversity and Geodiversity
 - Policy EN3: The Melton Green Infrastructure Network
 - Policy EN5: Local Green Spaces
 - 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

6.3 **Stathern Neighbourhood Plan**

- 6.3.1 The Stathern Neighbourhood Plan was adopted on 27/06/2022 and forms part of the Development Plan. The relevant policies to this application include:
- Policy H1: Limit to Development
 - Policy H2: Windfall Sites
 - Policy H3: Housing Mix
 - Policy H4: Affordable Housing
 - Policy H5: Housing Design
 - Policy ENV5: Biodiversity and Habitat Connectivity
 - Policy ENV7: Local Heritage Assets
 - Policy ENV9: Important Views
 - Policy ENV10: Footpaths, Bridleways and Other Walking Routes
 - Policy CFA1: Retention of Community Assets and Facilities
 - Policy TR1: Parking and Road Safety
 - Policy TR2: Traffic Management
 - Policy TR3: Electric Vehicles

- Policy BE1: Support for Existing Businesses and Employment
- Policy BE6: Broadband and Telecommunications

6.4 Other

6.4.1 Leicestershire Highway Design Guide

6.4.2 The Assets of Community Value (England) Regulations 2012

6.4.3 Planning (Listed Buildings and Conservation Areas) Act 1990

6.4.4 Melton Borough Council Community Right to Bid – Assets of Community Value Policy

7 Consultation Responses

7.1 Summary of Technical Consultation Responses

7.2 The below is a summary of responses received during the public consultation period, please visit;

<https://pa.melton.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

To view the full comments received to this application.

7.2.1 LCC Highways (13th November 2024)

- a) The existing access width of 5m is acceptable as the proposed development would be unlikely to result in any significant change compared to the extant permitted use of the site in terms of vehicle movements. It is important to note, that where there is no intensification of use of a substandard access, it would be unreasonable for the LHA to seek to resist such proposals.
- b) The LHA note that the pedestrian access onto Water Lane has subsequently been removed on the revised drawing '23018-DSA-ZZ-XX-DR-A-021 PO3 Proposed Boundary Treatment', this is therefore acceptable to the LHA.
- c) In the response issued 27th June 2024, the LHA advised that the proposals were acceptable in highway safety terms subject to the imposition of suitable Conditions. The LHA note that no changes are proposed affecting any highway related matters. Therefore, the LHA has no further comments to make on the proposals.

7.2.2 LCC Ecology (14th November 2024)

- a) Two bat roosts were recorded at the property in the form of a common pipistrelle and a brown long-eared bat day roosts (BJ Collins, August 2023). As such the works may only commence with a granted EPS licence from Natural England (a Bat Mitigation Class Licence will be sufficient). I recommend conditions and informatives are attached to any planning permission on mitigation measures, Biodiversity Enhancement Strategy and European Protected Species licence and nesting birds. Given the bat surveys are now over one season old, they will need updating prior to applying for the EPS Licence.

7.2.3 LCC Archaeology (21st December 2023 & 14th November 2024)

- a) Appraisal of the Leicestershire and Rutland Historic Environment Record (HER) indicates the building is or has the potential to include heritage assets with an archaeological interest (National Planning Policy Framework (NPPF) Section 16, paragraph 189, and Annex 2).

If the application is approved, we would therefore, recommend that the planning authority require the applicant to complete an appropriate level of building recording prior to

alteration, to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 16, paragraph 199). This should be secured by condition on any approved planning application.

Also buried archaeological evidence, constituting one or more as yet unidentified heritage asset(s) (National Planning Policy Framework (NPPF) Section 16, paragraph 194-195, and Annex 2), spanning the period from the earliest evolution of the village to its more recent past can be expected within the development area. Consequently, there is a likelihood that buried archaeological remains will be affected by the development. To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide professional archaeological attendance for inspection and recording during the groundworks for the proposed development through the use of a condition requiring the submission of a written scheme of investigation and initial phase of trial trenching to inform a final archaeological mitigation scheme

7.2.4 **LCC Forestry (27th November 2024)**

- a) A formal Arboricultural appraisal in accordance with BS5837:2012 has been undertaken and which details the principle Arboricultural constraints on site, particularly those trees located to the rear of the site as located adjacent to the watercourse. The report is reasonable and identifies that with the majority of trees on site can be retained within the development and appropriately protected with a construction exclusion zone. T1 (and smaller specimens within G6 would be removed to facilitate the development, however additional mitigation planting is proposed to ensure adequate compensatory planting across the site.

As such there is no objection to raise to the proposals providing that conditions are placed to ensure all protective fencing is installed prior to the development commencing in accordance with the Tree Protection Plan.

7.2.5 **Lead Local Flood Authority (19th November 2024)**

- a) Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 0.2ha brownfield site is located within Flood Zone 1, suggesting a low risk of fluvial flooding. An ordinary watercourse, the Rundle Beck, forms the South-western boundary of the site. Fluvial flood risk from the Beck is not shown on the Risk of Flooding from Rivers or Sea mapping, as the upstream catchment is less than 3km²; the Risk of Flooding from Surface Water mapping suggests the proposed development site is partially at high risk of fluvial flooding from the Rundle Beck. The mapping also suggests a medium risk of surface water flooding adjacent to Red Lion Street. The proposals seek to discharge via permeable paving to the existing 225m surface water sewer in Red Lion Street at 2 l/s.

The proposals are not considered to be major as defined by the Town and Country Planning Order 2010. The LLFA is a statutory consultee in relation to surface water flood risk for major applications only and as such is not a statutory consultee for this application. However, due to the flood risk associated with the site, the LLFA had chosen to provide comment.

- A flood risk assessment and outline surface water drainage strategy were requested in our first response. These have been submitted.
- Further justification for the proposed surface water outfall was requested in our second response. This has now been provided.

Leicestershire County Council as LLFA advises the LPA that the proposed development is not considered a major application and therefore the LLFA is not a statutory consultee for this application and offers no further comment. Please refer to the enclosed standing advice.

7.2.6 Environment Agency (31st October 2024)

- a) The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site.

There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

7.2.7 Historic England (12th February 2025)

- a) Thank you for your letter of 31 October 2024 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist Conservation and archaeological advisers, as relevant.

7.2.8 Designing Out Crime Officer (4th December 2024)

- a) Leicestershire Police are supportive of the application in principle and suggest that the applicant considers complying with Secured by Design to help create a safer environment

7.2.9 MBC Environmental Health (5th December 2024)

- a) I have reviewed the Phase 1 Land Contamination Risk Assessment submitted for the proposed development at the site of the Red Lion Inn, 2 Red Lion Street, Stathern (LE14 4HS). Below are my comments and recommendations based on the findings in the report and the proposed actions outlined in Section 16.0.

Contamination Risks Identified: The report identifies potential contamination sources, including historical land use and possible presence of asbestos in the existing structures. The recommendation for Phase 2 intrusive site investigation is appropriate to further assess contamination risks.

Asbestos: The recommendation to conduct an asbestos survey is crucial, particularly as the site includes structures that may contain asbestos-containing materials (ACMs). Asbestos removal, if required, should be carried out by a licensed contractor in compliance with Control of Asbestos Regulations 2012.

Phase 2 Intrusive Investigation: The proposed Phase 2 investigation is necessary to confirm the presence and extent of any contamination. This should include testing of soils, groundwater, and made ground to assess risks to future residents, construction workers, and the wider environment. The investigation should align with the guidelines set out in Land Contamination: Risk Management (LCRM).

Recommend planning conditions on the following Contamination Investigation and Remediation, Validation Reporting, Asbestos Management

The recommendations outlined in the Phase 1 report are appropriate and necessary to manage potential contamination risks on site. I strongly support the progression to a Phase 2 intrusive investigation and an asbestos survey, with all findings submitted to the LPA for further review.

7.2.10 MBC Housing Policy Officer (3rd December 2024)

- a) The number of dwellings proposed is 6 and under the site size area to be considered a major application and therefore the affordable housing (C4) policies do not apply.

Additionally, as the site is located in Stathern which is a service centre and the site is within the limits to development, it is considered that the windfall would be compliant with policy SS1 and SS2 and therefore would not need to demonstrate a need for housing under policy SS3.

7.2.11 **MBC Empowering Communities Officer (8th January 2025)**

- a) Further to our meeting regarding the Asset of Community Value listing on The Red Lion, Stathern, as discussed, the owner has previously satisfied the requirements of the moratorium period following a notification of their intention to dispose of the asset in 2021. The full moratorium period was allowed, and no sale was achieved at this time. I would also note that the legislation states that the owner must advise MBC of any planned “relevant disposal” of the asset and this is described in the legislation as “the sale of the freehold”, in this instance the owner is looking to apply for change of use and therefore the Asset of Community Value listing would be relevant as a material planning consideration. The ACV listing remains in place on the above until 12/06/2028 and should the owner wish to sell the property before this date (to a developer or other prospective buyer), they would be required to inform Melton Borough Council, and a further 6 Week Moratorium period would be triggered.

7.2.12 **MBC Conservation Officer (18th February 2025)**

- a) The application must first be considered with regards to the potential harm caused to the street scene and character of the Conservation Area. A detailed Heritage Statement has been submitted both by the applicant. In addition, the Stathern Community Benefit Society submitted a Heritage Statement to support their objections this identifies less than substantial harm to the character and appearance of the Conservation Area, as well as the setting of a number of listed buildings that are located in close proximity to the site.
- b) MBC Conservation Officer is not in disagreement with the findings of the Heritage Statement submitted on behalf of the Stathern Community Benefit Society. The development of the car park of the Red Lion in Stathern will transform an area of open space that has not been previously built upon, located in the heart of the historic settlement pattern of Stathern.
- c) However, the site has been left to fall into a state of significant disrepair which presently harms the character and appearance of the Conservation Area. If the site continues to be neglected, then it will fall into a further state of disrepair and continue to harm the Conservation Area.
- d) If the pub was deemed viable for continuation following refurbishment, then the best outcome for the Conservation Area street scene would be to leave the pub car park as an undeveloped piece of land. However, a viability assessment has been submitted which is independent of the applicant. This has found the pub would require ~£1.2m to be spent on restoration and concludes it is not viable in the present trading conditions. The Conservation Officer does not seek to determine the validity of the viability report, but it still forms the basis of the recommendation.
- e) Then the development of the pub car park represents a lower degree of harm, than the long-term unoccupied use of the site (which is a state of neglect if the pub is proven to be unviable). The site will fall into a further state of disrepair as a result if the pub cannot

be reopened. Thus, the public benefits of resolving the issue of the dilapidated vacant site is deemed to outweigh the harm caused by the proposed application, to the Red Lion Pub (as a non-designated heritage asset), the street scene of the Conservation Area and the setting of the adjacent listed buildings (this is considered in detail below), is determined in accordance with Paras 215, 216, 219 and 220 of the NPPF.

- f) There are four listed buildings located in the intermediate / wider setting of the proposed development of new dwellings. Due to the rising ground levels, along Water Lane to the south, the listed buildings will form a direct, visible, and tangible relationship to the proposed development. The Church of St Guthlac is largely screened from the proposed development and its setting is primarily relating to kinetic views when travelling between the two locations. The neighbouring property to the Red Lion, The Beeches 35 Main Street, is a fine example of Victorian gothic featuring imposing gables with slate roofs, thus it is recognised as an outstanding non-designated heritage asset.
- g) The amount of harm caused to the setting of the Old Rectory and Church Cottage is considered to be less than substantial, at the intermediate level. The harm caused to the setting of the remaining aforementioned heritage assets is considered to be at the very lowest end of less than substantial harm. The harm caused to the setting of the adjacent property The Beeches is deemed to be the most harmful element of the proposal.
- h) The proposed development scheme has a high-quality design code; including material treatment, scale, form, massing and layout, landscaping plan and boundary treatment which is considered acceptable. The scale of all newly built form is subordinate to the Red Lion and is consistent with the modest proportions of cottage architecture within close proximity to the application site. Strict conditions are recommended on all facing materials to ensure the designs are in accordance with the plans submitted. Condition recommended to remove permitted development rights.
- i) In summary, if the viability report is deemed to be valid, then the level of public benefits of the proposal are deemed to outweigh the harm, in accordance with Paras 215, 216, 219 and 220 of the NPPF.

7.3 Summary of Representations

7.3.1 Ward Member(s) – Cllr Chris Evans

- a) I have been through this process from the beginning and everything that David says is true. It would be a travesty to withdraw ACV status when the owner has failed to market the property and ignored two offers.

7.3.2 Parish Council

- a) The site is listed as an Asset of Community Value and should be retained.
- b) Misleading and misrepresentation of information provided by the applicant around the community bidding procedure.
- c) Proposal will harm the Conservation Area and the unlisted asset of the Red Lion Pub not in accordance with Policy EN13
- d) Harm the setting of the listed Old Rectory adjacent to the site by removing open character.
- e) Deliberate neglect of the building by the current owners has led to poor state of the building not a reason for planning approval as detailed in the NPPF.

- f) Proposed design itself is over development and inappropriate in style and scale, it is overlooking and overbearing of neighbouring dwellings.
- g) There is no requirement for these houses as current permissions more than cover any local target.
- h) Designated as functional Flood Plain 3b on the Melton Flood Risk Assessment and subject to Policy EN11. Development will increase risk of flooding.
- i) Concerns over highway safety from parking, access road and turning area within the site.
- j) The proposed design itself is over intensive and inappropriate in style and scale.
- k) Stathern Parish Council echoes and fully supports the comments submitted by David Worth on behalf of SCBS.
- l) Council should use its powers under Section 215 (Planning Act, 1990) to improve the character of the Conservation Area.
- m) Disappointed in the delay in determining this application which is due to issues within the MBC planning department.

7.3.3 Historic Buildings and Places (Formerly Ancient Monuments Society)

- a) Thank you for notifying Historic Buildings and Places (HB&P) of the above application. Provided it has been clearly demonstrated that there is no viable future as a public house, HB&P would have no objection to the change of use or the development of the outbuilding and area to the rear.

Our only comment is regarding the forward extension to the outbuilding. We note from the historic mapping that there was a structure closer to the street line shown on the 1929 and 1950 OS map, but it is unclear when it was removed. We also note there are a variety of setbacks within the Conservation Area. The current setback allows for views along Red Lion Street from Church Lane to the former pub that would be obscured by the outbuilding extension. HB&P would therefore encourage further consideration about the need of the forward extension and whether the additional bedroom is necessary or could be accommodated in another way.

We defer to the advice of your Conservation Officer on detailing and other matters not mentioned above.

7.3.4 Public Comments

7.3.5 123 objections were received from 82 households, 56 of which were located within the village of Stathern, a number of these objections were received on behalf of the Stathern Community Benefit Society (SCBS), the objections are summarised below;

- a) There is not a need for any more housing, specifically large non-affordable housing within Stathern and not enough infrastructure to support these houses.
- b) Concerns over the developments impact on highway safety specifically in regard to the access of the site.
- c) Concerns of the type and amount of off-road parking made available within the proposed development and its accordance with Policy H5 of the Neighbourhood Plan and the Design SPD.
- d) Concerns over the loss of a car park used by the community.

- e) Concerns over the loss of an Asset of Community Value (ACV), detrimental to Stathern and wider Borough
- f) Concerns over the marketing of the public house in accordance with the ACV regulations and the applicant failing to act reasonably when offers have been made.
- g) It has not been sufficiently demonstrated that the public house is no longer viable, in accordance with Policy C7 of the Local Plan and Policy CFA1 of the Neighbourhood Plan.
- h) Concerns that applicant has deliberately left the site to be in a very poor state and an eyesore and decay not in accordance with NPPF paragraph 196.
- i) Concerns the proposed development would impact upon a non-designated heritage asset, listed buildings and a community landmark, including its relation to Death Warrant of King Charles I.
- j) Concerns over over-development of the site and inappropriate for the context of the area and Conservation Area
- k) Concerns over the design of the development and use of dormer windows in conflict with Design SPD.
- l) Concerns on an increase in flooding due to the development and stating the Site is within flood Zone 3B and not in Zone 1.
- m) Concerns that the proposal would impact upon residential amenity of neighbouring properties specifically No.35 and 35A.
- n) Restoring the public house would create employment opportunities to the village and therefore development is in conflict with Policy BE1
- o) Concerns with the Conservation Officer's comments, specifically on the funding comments
- p) Concerns and questions over the statements, assumptions, evidence and findings of the financial viability report and refurbishment report.
- q) SCBS commissioned an external, independent, Business Buyer and Market Appraisal Valuation report – Red Lion is viable as an operational business with the right operator and refurbishment.
- r) Revisions are minor structural or cosmetic in nature, while overall the proposed new development remains a dominant and out of character imposition into the shared setting.
- s) SCBS commissioned an external, independent heritage impact assessment has been provided which makes a clear case that this development will do harm to the Conservation Area
- t) Concerns with lack of comments on the public website and comments disappearing both submitted by email and via the portal.
- u) The site is impacting house sales within the area.
- v) Concerns with the amount of time taken to determine the planning application.
- w) The council should use its powers to issue a 215 notice.

7.4 **Response to Consultations and Representations**

- 7.4.1 The housing need and principle of housing within the site is discussed in the planning analysis below within section 8.2.
- 7.4.2 The concern associated with the viability assessment produced by the applicant is discussed within section 8.2 following an independent viability assessment obtained by the Council which scrutinised the applicant's viability assessment and refurbishment report.
- 7.4.3 The procedures of the Asset of Community Value are discussed in the Planning Analysis below within section 8.2.
- 7.4.4 The issues concerning the design of the development specifically that of the proposed new dwellings are discussed in the Planning Analysis below within section 8.3.
- 7.4.5 The impact the development would have on heritage assets including the Conservation Area, listed buildings and non-designated heritage assets is discussed in the Planning Analysis below with section 8.4.
- 7.4.6 The impact of the development on highway safety and issues of parking are discussed in the Planning Analysis below within section 8.5.
- 7.4.7 The impact the development would have upon residential amenity (specifically that of 35 and 35a Main Street) is discussed in the Planning Analysis below within section 8.6.
- 7.4.8 The issues raised in regard to the development's impact upon flooding and the flood risk zone that the development sits within is discussed in the Planning Analysis below within section 8.8.
- 7.4.9 Concerns were raised by local residents and the Parish Council in regard to the comments received by the Conservation Officer. This was discussed with the Conservation Officer and revised comments were submitted which removed specific reference to funds secured by potential bidders. It should be noted that specific bids submitted are a matter for the ACV regulations and are not a material planning consideration.
- 7.4.10 The condition of the site impacting house sales is not a planning consideration and will not be considered as part of the assessment of this application. However, as stated above, the impact of the present condition of the site and building on the Conservation Area is a material planning consideration.
- 7.4.11 Concerns were raised over the length of time the application has been submitted is not a material planning consideration. The Council have been proactive with the planning application and ensured the applicant has had sufficient time to amend the application and submit the required information for the application to be determined. Although the application has exceeded the 8-week determination, a large amount of time has been spent working with the Conservation Officer and other consultees to amend and improve the planning application since its submission.
- 7.4.12 The Council's ability to issue a 215 notice to require the landowner to repair/tidy the site and buildings within the site has not been used. Matters of planning enforcement are separate to those of planning applications, and any decision upon whether to undertake formal Planning Enforcement action is outlined in the Council's adopted Planning Enforcement Policy. Furthermore, it is not usually expedient to begin formal action when there is an undetermined planning application submitted to the Council.

8 Planning Analysis

8.1 Main Considerations

- Principle of Development
- Design
- Conservation
- Highways Impact
- Residential amenity
- Ecology
- Flooding and Drainage
- Other matters

8.2 Principle of Development

Housing Development

- 8.2.1 Policy SS1 of the Local Plan relates to the principle in favour of sustainable development, whilst Policy SS2 establishes the development strategy for the Borough. Service Centres and Rural Hubs will accommodate approximately 35% of the Borough's residual housing requirement (1,822) on a proportionate basis. This will be delivered by planning positively for the development of sites allocated within and adjoining the Service Centres and Rural Hubs by 2036. Stathern is defined as a Service centre in the Local Plan, Policy SS2 provides for small scale residential development on windfall sites within or adjoining settlements which meet the needs and enhance the sustainability of the settlement in accordance with Policy SS3.
- 8.2.2 Policy SS3 of the Melton Local Plan supports windfall residential development within or on the edge of rural settlements, providing it is in keeping with the scale and character of the host settlement and where certain criteria are met including:
- a) The development provides housing which meets a proven local need.
 - b) The development respects the Borough's landscape and settlement.
 - c) The development will be served by sustainable infrastructure and or provide new infrastructure or services to the wider benefit of the settlement; and
 - d) The development respects ecological, heritage and biodiversity features
 - e) Where possible the development does not result in the loss of best and most versatile agricultural land.
 - f) The development can be adequately drained and would not increase the risk of flooding.
- 8.2.3 The Stathern Neighbourhood Plan has been adopted and forms part of the Development Plan. The site lies within the limits to development for Stathern as defined in Neighbourhood Plan, Policy H1. This policy supports development proposals within the Neighbourhood Plan area on sites within the Limits to Development, where it complies with the policies of the neighbourhood plan. Policy H2 supports small scale residential development on windfall sites within the limits to development subject to certain criteria including
- a) is within the Limits to Development;
 - b) helps to meet the identified housing requirement for the parish;

- c) provides safe vehicular and pedestrian access;
- d) is in keeping with the character of the area;
- e) has roof heights limited to those of surrounding buildings;
- f) does not result in an unacceptable loss of amenity for neighbouring occupiers; and
- g) retains existing important natural boundaries.

- 8.2.4 The site is located within the limits to development. With regards to the local housing requirement The Neighbourhood Plan identifies that the Parish has high levels of under occupancy in the existing housing stock. It suggests a need for smaller homes of one to two bedrooms suitable for downsizing, small families and those entering the housing market. In regard to the other criteria of Policy SS3 and H2 these are considered to be met, and this is explained in detail within the remainder of this report.
- 8.2.5 Policy H3 of the Neighbourhood Plan states: “New housing development proposals should provide a mixture of housing types specifically to meet identified local needs in Stathern. Priority will be given to dwellings of 3 bedrooms or fewer and to homes suitable for older people, including 2 and 3 bed bungalows and dwellings suitable for those with restricted mobility.”
- 8.2.6 The proposal would provide 1 x 2-bedroom single storey dwelling via the conversion of the existing outbuilding, with the remainder of the development providing 5 x 3-bedroom dwellings. Therefore, the proposed scheme is considered to meet the housing mix within Policy H3 and would better meet the identified local housing need therefore meeting both criteria (a) of Policy SS3 and (b) of Policy H2.
- 8.2.7 It should also be noted that the internal floor space of all the proposed dwellings would meet National Space Standard as per Table 9 of the Melton Local Plan and therefore would be in accordance with Policy C3.
- 8.2.8 Concerns were raised by local residents that the dwellings provided on site would not be affordable to local residents and young people who want to remain within the village. As the application is for only 6 dwellings, the trigger for affordable housing as set out within Policy C4 of the Melton Local Plan and Policy H4 of the Stathern Neighbourhood Plan would not apply.
- 8.2.9 On the basis of the above it is considered that the type and number of dwellings proposed within this development, in this location (within a service centre) and within the limits to development, that the principle of housing development within this site is acceptable and would be in accordance with Policies SS1, SS2, SS3, C3 of the Melton Local Plan and Policies H1, H2, H3 of the Stathern Neighbourhood Plan and the objectives of the National Planning Policy Framework (NPPF) 2024.

Loss of Community Facility

- 8.2.10 Although the principle of housing in this location is considered acceptable as detailed above, a further consideration of this application is the loss of a community facility via the conversion of the Red Lion Inn from Public House to Residential. Paragraph 88 of the NPPF states that planning decisions should enable the retention and development of accessible local services and community facilities. Policy C7 of the Melton Local Plan seeks to protect, retain or enhance existing community services and facilities and states that proposals for the change of use of community facilities must demonstrate the following;

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.

8.2.11 Aligning with Policy C7 is Policy CFA1 of the Stathern Neighbourhood Plan which states that proposals leading to the loss of existing community facilities (Red Lion is listed) will be supported only where it can be proven:

- a) there is no longer any need or demand for the existing community facility and either b) or c)
- b) the existing community facility is no longer economically viable or able to be supported by the community, such viability and support includes fundraising and volunteering by residents and others
- c) the proposal makes alternative provision for the relocation of the existing community facility to an equally or more appropriate and accessible location within the parish, and which complies with the other general policies of the Neighbourhood Plan.

8.2.12 The Red Lion Inn ceased trading in February 2017 and has been closed since this date. The applicant has submitted a Viability Assessment carried out in 2022 and an addendum update carried out in 2023 produced by Everard Cole. The assessment details whether or not the Red Lion Inn is economically viable and has sustainable trade for use as a Public House. The assessments concluded that the Red Lion is not economically viable for continued use as a Public House with a revised net loss per annum of £90,506. The assessment also stated that the remedial works to the property to relaunch as a Public House in this location would cost a conservative estimate of £125,000.

8.2.13 It should be noted that a significant number of objections were raised over the information provided within the Viability Assessments, specifically from the Stathern Community Benefit Society. Therefore, an independent assessment of the viability of the Red Lion Inn was commissioned by the Council and was undertaken by Bruton Knowles in February 2025. This assessment stated that a buyer would require a minimum investment of approximately £1,200,000 (including purchase price) to re-establish a business with no certainty of success. The independent review also considered that the applicant's viability assessments offered a balanced analysis of the current licensed market, and was credible viability assessment. It concluded that the Red Lion Inn is unviable as a public house. Therefore, it is considered that criteria 2 of Policy C7 has been met.

8.2.14 A second Public House is located within the village of Stathern; The Plough Inn which is located on Main Street an estimated 150m away from the Red Lion Inn. The Plough Inn provides the same services that were provided at the Red Lion Inn being a public house it serves the social interests and well-being of the local community. In addition there is a village hall (War Memorial Institute), café/takeaway and store with garage and petrol station,

and convenience store. Therefore, it is considered that both criteria 1 and 2 of the Policy C7 have been met.

- 8.2.15 The need and demand for the existing Public House has been considered. The Red Lion Inn was registered as an Asset of Community Value (ACV) on 25/05/2018, and the ACV remained on the property following a review in July 2018. As per The Assets of Community Value (England) Regulations 2012 (the Regulations), when the landowner intended to sell the ACV in June 2021 the Council were notified of their intent and an 'interim moratorium' period of six weeks commenced in July 2021. Within this period the community group notified of their wish to make a bid, triggering a full moratorium period until December 2021.
- 8.2.16 It has been stated by the Stathern Community Benefit Society and other local residents that two offers were made during the period; however, no sale was achieved during this period. A significant amount of concern has been raised by the Ward Member, local residents and the Parish Council in regard to the ACV procedure that was undertaken by the applicant in 2021. Specifically in relation to the amount of time the Public House was on sale for, the unknown price and that the offers were not accepted.
- 8.2.17 It should be noted that the ACV process and Regulations and are not a material planning consideration and dealt with under a separate regime. In addition, there is no requirement for the owner to accept the offers made by the community in accordance with the legislation.
- 8.2.18 The ACV status of the Red Lion Inn was renewed on 12/06/2023 and expires on the 12/06/2028 and any disposal would need to go through the ACV disposal process.
- 8.2.19 It is considered that due to the presence of the ACV on the Red Lion Inn and the objections relating to the loss of the public house there is potential conflict with criteria (a) of Policy CFA1 of the Stathern NP. The primary purpose of ACV listing is to afford the community an opportunity to purchase and does not stop any planning application for the site coming forward, however it would place additional requirements on the owner (outside of the planning remit) if they chose to sell the site. The ACV status is considered to have material weight when determining a planning application. However, this weight is considered to be limited because an ACV listing is not in itself determinative in making a decision on a planning application.
- 8.2.20 This approach is consistent with appeal decisions on this matter, for example appeal refs: APP/Y5420/W/14/3001921, APP/L5240/C/16/3145967 & APP/L5240/W/16/3155172. In addition to this, in this particular circumstance it is considered that the ACV procedures have been satisfied and the opportunity to purchase the Public House for local and open market sale occurred, however a sale was not forthcoming. In addition, it is considered that the need or demand generated from the community could be met by the existing facilities within the village and therefore on balance, it is considered that criteria (a) of Policy CFA1 has been met. However, an additional protection mechanism outside of planning, of the second moratorium period would be required to be fulfilled prior to selling of the site, which enables the community to bid again for the site.
- 8.2.21 A statement was submitted by the applicant on 25th October 2024 detailing how the proposed development meets the criteria of Policy C7. It is considered that both 1 and 2 have been met as the statement sufficiently details. Through the ACV procedure the community has been given an opportunity to re-use the premises, however the applicant's statement has gone through a number of alternative community uses that the property could be redeveloped into, and stated a reason why this would be unviable. In addition, given the condition of the site, the capital investment needed as stated by the Independent Viability assessment would be substantial. Therefore, it is considered criteria (a) of Policy C7 has

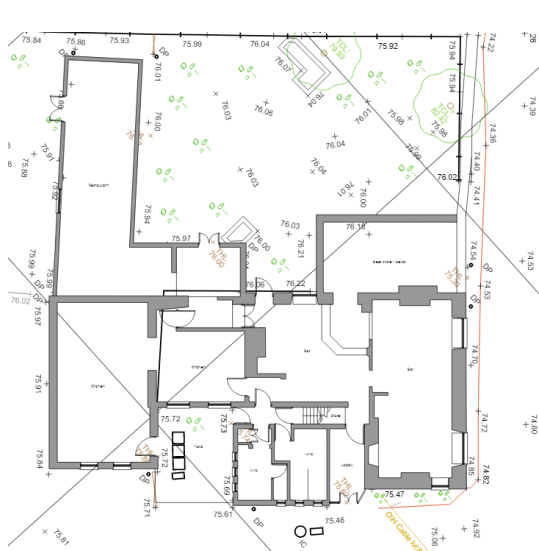
been met. It is acknowledged that the loss of the public house would have some impact on the community, however it has already been closed for 6 years and as detailed within 8.2.11 there is a second public house within the village alongside other community facilities. Therefore criteria (b) of Policy C7 is considered to be met.

- 8.2.22 Due to the consideration of the information above, along with input from independent assessments and engagement with Council Officers, it is considered that the criteria of both 1 and 2 and (a) and (b) of Policy C7 have been demonstrated by the applicant and criteria (a) and (b) have been met of Policy CFA1, there is no need for policy (c) to be met as criteria (a) states either (b) or (c).
- 8.2.23 Concerns have been raised by local residents about the loss employment opportunities created by the Red Lion Inn if it were to be redeveloped as residential. Although it is acknowledged that the use as a Public House provided an opportunity for local jobs, it is considered (as detailed within 8.2.10) that as the redevelopment as a Public House is not viable then the potential loss of employment opportunities is not considered to be given weight in the determination of this application. Therefore, the criteria of Policy BE1 of the Neighbourhood Plan is not considered to be relevant to the determination of this application.
- 8.2.24 Given the above considerations, specifically the conclusions of the independent viability assessment, an assessment of the existing services provided within the village and the limited weight that the ACV can be afforded as a material planning consideration, the principle of the change of use of the public house and associated outbuilding and car park to dwellings is acceptable and would be in accordance with Policy C7 of the Melton Local Plan, Policy and CFA1 of the Stathern Neighbourhood Plan subject to the material considerations detailed within the remainder of this report.
- 8.2.25 Therefore overall, it is considered the principle of the development as a whole is acceptable and would be in accordance with the planning policies detailed above subject to the material considerations detailed within the remainder of this report.

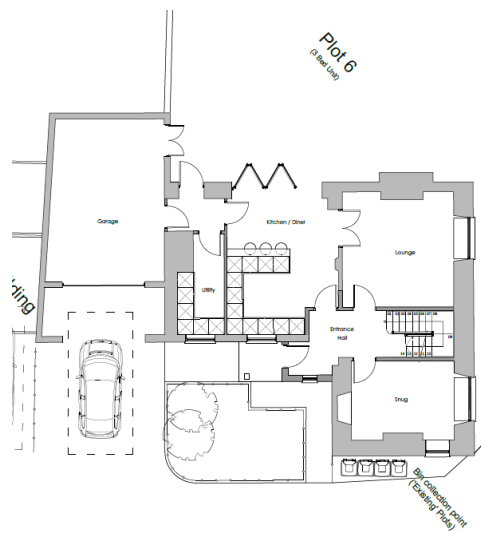
8.3 Design

- 8.3.1 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 Design of Development Supplementary Planning Document (SPD).
- 8.3.2 Policy H5 of the Stathern Neighbourhood Plan details specific design criteria that new housing developments should comply with. This is centred on not impacting upon the character of the area or Conservation Area, architectural detailing, materials etc. In addition, Policy H3 relating to windfall sites states development should be in keeping with the character of the area of surrounding buildings.
- 8.3.3 This proposal seeks the conversion of the Red Lion Inn and existing outbuildings to form 2 no. dwellings and the creation of 4 new build dwellings within the rear of the site. The conversion of the Red Lion Inn would see the removal of the modern elements of the building which are located to the front, rear and side of the existing building (see images below), external alterations would also include changes and additions to the fenestration of the building with the use of timber casement windows and oak doors. Existing architectural details would remain within the proposed development, specifically on the front elevation. A small rear/side extension would be added to extend the footprint of the garage, and a new porch area would be added to the south-east elevation.

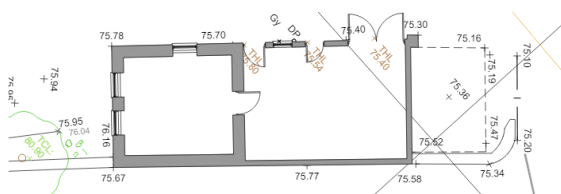
8.3.4 The proposed conversion of the existing outbuilding would see repairs to the existing walls and roof in the same materials as existing. It would also see the change in fenestration to the existing doors and windows. The key change would be the addition of a front/side extension added to the building which would use render to match the Red Lion Inn, this would replace an existing canopy.



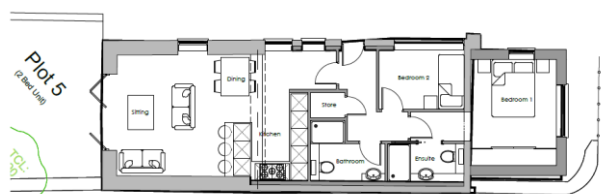
Existing Ground Floor Plan of Red Lion



Proposed Ground floor of Red Lion



Existing Floor Plan of Outbuilding



Proposed floor plan of outbuilding

8.3.5 The remainder of the proposal would see the creation of 4 new dwellings in a courtyard layout to the rear of the site within the existing Public House garden and car park. The proposed dwellings are designed to have varied roof line and a cottage style aesthetic with the use of 1.5 storey roof heights and dormer windows. There would be traditional architectural details used including chimney stacks, headers above the windows, timber shutters and brick detailing. There would be the inclusion of modern elements including flat roofed extensions on Plots 3 and 1.

8.3.6 Concerns have been raised by local residents and the Parish Council in regard to the design of the development, specifically that of the new dwellings. It is considered that design of the proposed new dwellings is acceptable, and are 1.5 storey cottage style in linear form. They use a varied roofline with gables running into taller gables. Overall, the design is considered to be traditional with elements of contemporary design such as flat roof extensions and dormers. In addition, the materials proposed are considered to be sympathetic to those of surrounding buildings and the Red Lion Inn, with the use of red Brick, render, slate roofs (which is supported by Policy H5), and the use of timber cladding in some areas. In addition, timber case windows and oak doors are proposed to further enhance the traditional aesthetic of the proposal.

8.3.7 Specific concerns have been raised on the use of dormer windows and its conflict with the Design of Development SPD, which states that “Dormer windows are not permitted unless

the building is a bungalow” (Page 38). The development would see the addition of 14 dormer windows within the 4 new build dwellings, which would be in conflict with the SPD. However, it is considered that there are other examples of dormer windows being used within the immediate vicinity at 35, 35A and 35B Main Street. In addition, the dormer windows would be set back from the street scene of Red Lion Street further reducing their prominence within the setting of the site. It should be noted that the Conservation Officer has not raised objections to the use of the dormer windows. Therefore taking a pragmatic approach given that the Design of Development SPD provides guidance to support policy D1, along with the existing examples found locally and support from the Conservation Officer, the use of dormer windows is not considered to warrant refusal of the application.

- 8.3.8 Concerns have been raised in regard to the scale and massing of the development and that it represents an overdevelopment of the site. The proposal would see the reuse of two existing buildings within the site, the demolition of some of the existing buildings/extensions and the creation of 4 new dwellings. It is considered that each dwelling would have a suitable size garden space, parking and open public realm within a courtyard layout. In addition, the proposed scale and size of the new dwellings, specifically the use of stepped roof-heights and the creation of a courtyard creates a varied massing which would appear subordinate to the Red Lion Inn. Therefore, it is considered that the scale and massing of the proposal is considered acceptable when assessed against both the Melton Local Plan and the Neighbourhood Plan.
- 8.3.9 Policy ENV9 states that development proposals should, whenever possible, respect and protect the important views listed within the Policy. Important viewpoints 18, 15 and predominantly 10 are the main viewpoints that have visibility of the site and the proposed development. It is considered that the redevelopment of the Red Lion Inn and the outbuilding would improve viewpoint 10 which looks down from Tofts Hill, especially, given the current condition of both buildings. The proposed extension to the outbuilding is considered to be subordinate to the existing building and the use of render would be in-keeping and appropriately reflect the Red Lion Inn. Officers are therefore of the opinion that the view would not be negatively impacted upon.
- 8.3.10 Viewpoint 15 looks down Red Lion Street towards Main Street. As stated above, it is considered that the redevelopment of the Red Lion Inn would be a betterment and not cause an undue negative impact upon the viewpoint. Viewpoint 18 is sited away from the development and focuses on the view down Water Lane. The new properties to the rear of the Red Lion Inn, with materials such as slate roof tiles and red brick are considered to be in-keeping with the surrounding buildings including the primary school which forms the principal predominant part of the viewpoint. In addition, the proposed landscaping scheme retains and plants new trees, which would provide some screening of the development from this viewpoint. Overall, it is considered that the design and scale of the development would not impact upon the important viewpoints listed within Policy ENV9.
- 8.3.11 The proposed landscaping and boundary treatment would see the addition of garden areas for each of the dwelling, which are considered to be an acceptable size for the type of property. The boundary treatment incorporates the existing natural boundaries to the South-West of the site, and the existing boundary walls to the South-East and North of the site. New boundary treatments would incorporate ironstone walls, picket fences, Galvanised Estate Fence, and feather Edge Fence. It is considered that the majority of the boundary treatment which would be visible from the street scene would be sympathetic to the character of the area and Conservation Area by being of traditional design. This view is supported by the Conservation Officer.

8.3.12 Overall it is considered that the proposed development would be of a traditional design through the sympathetic conversion of the existing Public House and the use of a material palette and roof lines that are found within surrounding properties. The proposal is considered to be in accordance with Policies D1, EN6 and EN13 of the Melton Local Plan and Policies H2, H5, ENV7 and ENV9 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.

8.4 **Conservation**

8.4.1 The site is located within the village Conservation Area, and The Red Lion Inn has been classified as a non-designated local heritage asset by Policy ENV7 (of the Neighbourhood Plan) under reference LHA 10. There are no other heritage assets within the site. In the wider area there are 4 listed buildings including the Parish Church of St. Guthlac (Grade II*), Old Rectory (Grade II), Church Cottage (Grade II) and Manor House (Grade II). In addition, Policy ENV7 designates Stathern Primary School and The Beeches 35 Main Street as non-designated local heritage assets.

8.4.2 Given the heritage assets associated with this development, due regard must be had to the Planning (Listed Buildings and Conservation Areas) Act 1990, which places a legal duty on the Local Planning Authority, when exercising its planning function, to 'pay special attention to the desirability of preserving or enhancing a Conservation Area' (Section 72) and, to 'have special regard for the desirability of preserving a listed building, or its setting' (Section 66).

8.4.3 Chapter 16 of the NPPF deals with conserving and enhancing the historic environment; for the determination of this application paragraphs 207-221 are most relevant. In addition, Policy EN13 of the Melton Local Plan and Policy ENV7 of the Stathern NP seek the protection of heritage assets and non-designated heritage assets and that new development does not cause an undue impact.

8.4.4 The applicant has submitted a detailed Heritage Statement (Marrons, October 2023), which details the direct and indirect impacts the development would have on the various heritage assets associated with the site. This includes on the setting of listed buildings, Conservation Area, and non-designated heritage assets.

8.4.5 Concerns have been raised by local residents and the Parish Council in regard to the impact the development would have on the heritage assets and Conservation Area. The Stathern Community Benefit Society have submitted a counter Heritage Statement (IHBC, May 2024) to the one submitted by the applicant and the Conservation Officer.

8.4.6 Concerns have been raised by local residents and the Parish Council that the applicant has caused deliberate neglect of the Red Lion Inn and therefore the deteriorated state of the heritage asset should not be taken into account in any decision as per paragraph 209 of the NPPF. A rebuttal to these concerns has been submitted by the applicant, which stated that when the premises were closed, they were secured, and security measures were implemented. However the property has been subject to vandalism and anti-social behaviour on a number of occasions, the roof over a particular part of the building collapsed due to weather, its condition and no heating. Bad weather has also been another cause of the general state of (dis)repair. The applicant has stated that every effort has been taken to secure the site and the test under para 209 is not therefore engaged as there has been no deliberate neglect or damage to the heritage asset.

8.4.7 From undertaking a site visit at the property and from assessing all the evidence submitted by the applicant and objectors, it is considered that no substantive evidence has been submitted to demonstrate deliberate neglect or damage caused to the Public House,

especially given the security measures taken at the property and the evidence of vandalism. In addition, the application does not propose to completely demolish the non-designated heritage asset, but rather seeks to redevelop it and repair elements of the building. Therefore, it is considered that the deteriorated state of the heritage asset should be taken into account and paragraph 209 of the National Planning Policy Framework should not be engaged in this particular circumstance.

8.4.8 The report will now take each of the heritage assets in turn and assess the harm/impact of the development proposed upon that asset and whether this would be considered acceptable.

8.4.9 The Red Lion Inn is classified as non-designated heritage asset. The proposal seeks to retain the majority of the building but would demolish the later added rear and side extensions to the Inn (see elevations below) which are considered not to add significant heritage value to the non-designated heritage asset. The proposal seeks to preserve and repair the historic features of the property including rendered elevations, pantile roof and timber sash windows, also modern fenestration would be replaced with timber windows and oak doors. It is considered and agreed with the Conservation Officer that the conversion of the Red Lion Inn would be less than substantial harm to the non-designated heritage asset, therefore as per paragraph 216 a balanced judgement is required on the scale of any harm or loss and the significance of the heritage asset. It is considered that the public benefits of retaining and preserving the Red Lion Inn would outweigh the harm caused to the non-designated heritage asset, specifically given the preserved historic features and detailing of the proposals, and the removal of the modern elements of the building, this is also agreed by the Conservation Officer.



8.4.10 The proposed conversion of the outbuilding would see the majority of the outbuilding retained and repaired and replacement of fenestration with new timber and oak doors (see elevations below). The new extension to the front of the outbuilding would be sympathetic to the Red Lion Inn using a similar material palette and would be subordinate through a lowered roofline, however the roof pitch would be in keeping. Therefore, it is considered that

proposed development of the outbuilding would retain its historical relationship with the Red Lion Inn and result in less than substantial harm to the non-designated heritage asset of the Red Lion Inn, specifically due to the design and material choices of the conversion being in-keeping with the site context.



8.4.11 The proposed 4 dwellings (Plots 1-4) to the rear of site would be built in a courtyard formation and be built to a 1.5 and 2 storey height (see street scenes below). It should be noted that a courtyard layout of outbuildings was seen to be used within the site as early as 1884. The proposed materials would be a mixture of Red Brick, render, slate roofs, and the use of timber cladding in some areas. In addition, timber case windows and oak doors are proposed to further enhance the traditional aesthetic of the proposal. It is considered that the scale of all newly built form is subordinate to the Red Lion Inn and that the materials chosen are sensitive to the historic setting of the Red Lion Inn. Therefore, it is considered the level of harm the new dwellings would have on the Red Lion Inn as a non-designated heritage asset would be less than substantial especially comparing this to a tarmacked car park and the modern additions to the Red Lion Inn.



Elevation A - North East
Scale 1:100 @ A1



Elevation B - North West
Scale: 1:100 @ A1

- 8.4.12 In the wider context of the site are two other non-designated heritage assets, Stathern Primary School and The Beeches at 35 Main Street. It is considered that the harm to the setting of Stathern Primary School would be neutral given the separation distance between the site and the school and the existing and proposed boundary treatments. The Beeches is positioned directly adjacent to the site and would share the northern boundary with the site; it is a large double-gabled stone house built in 1884. It is considered that The Beeches and Red Lion Inn, have not been designed to have a functional relationship, and currently have a large stone wall creating the northern boundary. It is considered that the proposed conversion of the Red Lion Inn and outbuilding would have a betterment on the setting of The Beeches specifically by removing the modern elements of the building.
- 8.4.13 Concerns have been raised in regard to the impact the proposed 4 new dwellings would have on the setting of The Beeches. From assessing the information submitted within both Heritage Statements it is considered that due to the proximity of the proposed dwellings to The Beeches the level of harm to the setting would be less than substantial but to a higher degree. The proposed development would conceal views of The Beeches from Water Lane through the conversion/loss of the open car park space. It should be noted however, that this would obscure the view of a gable end of the property, and not a principle elevation. However, the significance of the property has been assessed and weighed up within the planning balance. It is considered that as The Beeches is set back from the street scene and there have been a number of new dwellings built surrounding it (including modern additions to the front elevation), . It should be noted that this is a carefully balanced opinion; if The Beeches were a designated, listed building the harm would be greater, and may tip into substantial. However, The Beeches is not listed, and therefore the harm is considered less than substantial, at the higher end of the scale. However, the harm caused to the setting of The Beeches is not deemed to outweigh the benefits of the overgrown and disused carpark to provide 4no. dwellings.
- 8.4.14 The site is located within the Conservation Area and the Red Lion Inn is stated within the Conservation Area Appraisal as dominating the street scene of Red Lion Street. The Conservation Area as a whole contains properties of varying age, design, materials and topography. It is considered that the site is currently having a negative impact upon the Conservation Area given its condition. The proposed conversion of the Red Lion Inn and the outbuilding is considered to enhance the Conservation Area by repairing and preserving the front (primary) elevation of the Public House and the outbuilding. This elevation is prominent within the Conservation Area and important viewpoints, therefore the historical features that would be restored are considered to be an enhancement. Paragraph 219 of the NPPF 2024 states “Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably”. It is considered that the conversion and repair of the Red Lion Inn would provide a positive contribution compared to the current condition of the building.

- 8.4.15 Concerns have been raised over the impact of the proposed 4 dwellings upon the Conservation Area. It is acknowledged that the open area to the rear of the site has been consistent at the site from as early as 1884. However, a courtyard of outbuildings was also seen within the site at this time. The comments stated within the Stathern Community Benefit Society's heritage statement are disagreed with in regard to form, scale and density of dwellings not being found within the Conservation Area. Immediately adjacent to the site are two-storey 1950s brick-built houses in a semi-detached and terrace formation which provide a context that would be similar to the proposed new build dwellings, specifically Plots 2-4. In addition, the proposed materials of slate and red brick are consistent with the material palette of the Conservation Area in the immediate vicinity. In addition, the proposed boundary treatments would both be sympathetic to and repair the existing boundary treatment present at the site.
- 8.4.16 It is acknowledged that the removal of the open space to the rear of the Red Lion Inn within the Conservation Area would be harmful however given the reasons above and the current condition of the car park area, the level of harm caused to the Conservation Area is not deemed to outweigh the benefits of remediating and re-using it. This view is also shared by the Conservation Officer.
- 8.4.17 The four listed buildings in the wider area of the site are located at varying distances, these include: Parish Church of St. Guthlac (~60m), Old Rectory (~35m), Church Cottage (~32m), and Manor House (~38m). All four listed buildings are set at a higher topographic level than the site. Given the distances of the listed buildings from the site, the harm upon the setting of the listed buildings is mainly focused on the views to and from the site, and to and from these listed buildings. Given the boundary treatments and vegetation between the site and the Manor House it is considered that harm caused to the setting of the remaining aforementioned heritage assets is considered to be at the very lowest end of less than substantial harm.
- 8.4.18 The other listed buildings have a more direct relationship with the site, especially in terms of views to and from the site. The open nature of the existing site as a car park enables views from the listed buildings, specifically views from the Church and the Old Rectory of the Red Lion Inn and The Beeches, and vice versa. It is considered that the views to the listed buildings from the site would be impacted by the development of the 4 new dwellings, however the design, massing and scale along with the use of slate roof tiles is considered to cause a less than substantial impact upon the setting of the Parish Church of St. Guthlac, Old Rectory, Church Cottage as the proposed development is considered to be in-keeping with the character of the area and the Conservation Area. In addition, it is considered that there would be public benefits of redeveloping the site and improving the setting by removing the car park which is considered to have no historical value. Therefore, in accordance with paragraph 215 of the NPPF, it is considered that the public benefits of redeveloping the site, removing the car park, and preserving the Red Lion Inn would outweigh the harm to the setting of the listed buildings, and the Conservation Officer shares this opinion.
- 8.4.19 The Conservation Officer has recommended a number of design conditions to be attached to the permission if the proposal is permitted, it is considered that these are reasonable and necessary to ensure the development does not cause an undue amount of harm to heritage assets. In addition, the permitted development rights would be removed from all the proposed dwellings to ensure that further additions to the site are controlled by the Local Planning Authority to ensure that harm to heritage assets can be fully assessed on a case by case basis.

- 8.4.20 Due to the historic nature of the site, LCC Archaeology were consulted on the application. They have stated that the site and building has the potential to include heritage assets with an archaeological interest and therefore if the application is permitted they would recommend that the planning authority require the applicant to complete an appropriate level of building recording prior to alteration in accordance with paragraph 218 of the NPPF. In addition, they stated there is a likelihood that buried archaeological remains will be affected by the development, and therefore recommended the applicant provide professional archaeological attendance for inspection and recording during the groundworks for the proposed development via the submission of a written scheme of investigation and an initial phase of trial trenching to inform a final archaeological mitigation scheme. This would be conditioned if the application is permitted to ensure the development is in accordance with Policy EN13 of the Melton Local Plan and the NPPF 2024. They raised no other concerns or objections to the proposal.
- 8.4.21 It should be noted that local residents have referred to the relationship of the site with the execution warrant for King Charles I. No substantive evidence has been submitted to support these statements and therefore this is not considered to be a material planning consideration.
- 8.4.22 The impact upon of the development upon heritage assets is finely balanced and is intrinsically linked to the viability of re-opening a Public House on the site and the current condition of the site. The proposed development is considered to provide an enhancement to the Red Lion Inn (non-designated heritage asset) and the Conservation Area by redeveloping the site and preserving the original buildings. The proposal will also cause less than substantial harm via the creation of the 4 new build dwellings. It is acknowledged that the development would have less than substantial harm to the setting of The Beeches and the listed buildings in the immediate vicinity. Although the retention of the Red Lion Inn as a Public House would be the most beneficial for the site, as detailed within 8.2 of the report this has been evidenced to be unviable. Given the current state of the site and the proven lack of viable use as a Public House it is considered that the proposed development represents a lower degree of harm and a greater public benefit than the less than substantial harm that the development presents to the Red Lion Inn Public House (as a non-designated heritage asset), the Conservation Area and the setting of the adjacent listed buildings. The development would improve the condition of the site and reduce any further impact upon the heritage assets.
- 8.4.23 Therefore, it is considered that the proposal would be in accordance with Paragraphs 215-220 of the NPPF 2024, Policies SS3, D1, EN13 and EN6 of the Melton Local Plan, and Policies H2, H5 ENV7 and ENV9 of the Stathern Neighbourhood Plan. In addition, due regard has been had to the Planning (Listed Buildings and Conservation Areas) Act 1990 section 72 and 66.

8.5 Highways Safety and Parking

- 8.5.1 Policy IN2 of the Melton Local Plan states that all new development shall provide appropriate and effective parking provision and servicing arrangements. Policy TR1 states that the cumulative residual impact of new development on traffic flows should not be severe and Policy TR2 states that new development should not remove existing off-road parking spaces, improve site accesses, highway network and footpaths either directly or via financial contributions.
- 8.5.2 The development site is located within the sustainable Service Centre of Stathern, which has existing provision of public transport linking the settlement with Melton Mowbray,

Grantham, and Bottesford. In addition, the site is located within the centre of Stathern within walking distance of the local amenities.

- 8.5.3 Concerns have been raised by the Parish Council and local residents over highway safety in and around the site and to the existing highway network specifically at Red Lion Street, Water Lane, Church Lane and Tofts Hill due to existing road congestion and use of the roads by pedestrians especially during peak times of the day.
- 8.5.4 The site would be accessed from the existing access on Red Lion Street, there are no changes proposed to the existing vehicular access which has historically served the Public House and its customers. LCC Highways have stated that the required width of an access for a development of 6 dwellings which is bounded on both sides would be 5.8m. The existing access which would be retained by the development measures 5m in width which is substandard to the Leicestershire Highways Design Guide. However highways have stated that they consider that the vehicle movements of the proposed development are unlikely to result in a significant change compared to the extant use as a car park. Therefore there is no intensification of the use of a substandard access, and it would be unreasonable for the LHA to seek to resist such proposals. Therefore, LCC have raised no objections to the proposed access for the development.
- 8.5.5 It should be noted that in accordance with LCC Highways comments the proposal was amended to remove the pedestrian access onto Water Lane, as in the interests of highway safety the LHA generally seeks to keep the number of accesses and potential conflict points from the highway to a minimum.
- 8.5.6 The existing site contains a car park connected to the Public House. Concerns have been raised by the Parish Council and local residents over the loss of the car park for community use, i.e. parking for hikers and school pick-up and drop. The car park is currently within private ownership, and although the ACV is listed on the Public House, the car park is not listed as an ACV, and therefore the community do not have priority or ownership over its use as a public car park. Furthermore, due to the current security fences the car park cannot be accessed. It is acknowledged that Policy TR1 of the Neighbourhood Plan states that new development should not remove existing off-road parking spaces, however as this car park is under private ownership and is not considered to be a public car park this part of the policy is not relevant.
- 8.5.7 Concerns have been raised by the Parish Council and local residents in in regard to the amount and type of parking provided within the proposed development. The proposed development proposes 12 off-road parking spaces to be located within the site alongside a turning area. 8 out of the 12 parking spaces would be tandem parking. It is acknowledged that Policy H5 of the Neighbourhood Plan states, 'tandem parking should be avoided' and the Design of Development SPD also does not encourage the use of tandem parking and recommends only used for visitor parking.
- 8.5.8 LCC Highways have assessed the proposed site plans and the parking arrangements and have raised no concerns following an amendment to the plans which stated that the conversion of the Public House would be to a 3 bedroom property. They have considered that the off-road parking arrangements meet the standards set within the Leicestershire Highways Design Guide, which states that 2- & 3-bedroom properties require 2 off-road parking spaces. In addition, LCC Highways have not raised any concerns regarding the use of tandem parking spaces.

- 8.5.9 It should be noted that the Leicestershire Highways Design Guide only requires residential visitor parking for developments of more than 10 dwellings, and as the proposal is for 6 dwellings the development does not need to provide this additional parking.
- 8.5.10 The conflict of the proposed parking layout with Policy H5 and the Design SPD has been fully assessed. The NPPF paragraph 116 states the following;
- i) Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 8.5.11 As the LHA have not raised any objections and not all parking spaces would be tandem parking it is considered that such an incidence of cars parking on the adopted highway would be limited, given that the parking spaces would not back on directly onto the adopted highway. Therefore, on balance this is considered acceptable and would not unduly impact upon highway safety, and could not be considered 'severe' in terms of its impacts. It should also be noted that tandem parking has been used within other developments within Stathern on a larger scale.
- 8.5.12 The proposed bin storage for all the properties would not be considered to impact upon visibility splays or the turning area for refuse and emergency vehicles, this has been confirmed by LCC Highways.
- 8.5.13 Building Regulations now state that all new residential properties should provide an electric vehicle charging point. This has been confirmed by the applicant and therefore meets Policy TR3 of the Stathern Neighbourhood Plan.
- 8.5.14 Therefore, on balance it is considered that the proposed development accords with Policy D1 and IN2 of the Melton Local Plan and Policy TR1, TR2 and TR3 of Stathern Neighbourhood 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.
- 8.6 Residential amenity**
- 8.6.1 Policy D1 of the Melton Local Plan and Policies H2 and H5 of the Stathern Neighbourhood Plan seek to protect the amenity of neighbours and neighbouring properties. The site has neighbouring properties to north-east, south-east, south-west and north-west. Concerns have been raised by the Parish Council and local residents over the impact of the development on the residential amenity of neighbouring properties and of the adjacent open space and primary school. This is specifically in relation to the neighbouring properties to the north No.35 and 35A Main Street.
- 8.6.2 Firstly, the concerns raised in regard to the overlooking of the public open space to the south-west of the site and the primary are considered to be not impactful. These areas/buildings do not have residential amenity given they are not residential properties. In addition, the Design of Development SPD welcomes the use of natural surveillance whereby public spaces are overlooked from adjoining buildings. Secondly the southern boundary of the site is set 15m away from the school boundary and 24m away from the school building both of which have significant amount of vegetation boundary treatment to act as screening.
- 8.6.3 The neighbouring properties to the North-east 11 & 13 Red Lion Street, 1-7 The Green are located to the front of the property and are located at a higher ground level than the site. It is considered that the proposed external amendments to the Red Lion Inn would be limited

on the north-east elevation and therefore the change in impact on residential amenity from the existing would be neutral. The existing outbuilding would see the addition of an extension and a new window on the north-east elevation, it is considered due to the angle and topography there would be no impact upon residential amenity for the neighbouring properties to the north-east.

- 8.6.4 The neighbouring property to the south-east, 12 Water Lane, is located adjacent to the existing outbuilding which would be converted to a two-bedroom property. Two roof lights would be added to the south-east elevation of the outbuilding and the rest of the building would remain the same with no other windows added. The two roof lights would be added above head height and therefore would not cause an issue in regard to overlooking. The roof height of the existing outbuilding would not be amended, and the proposed extension would sit at a lower roof height than the existing building therefore the impact in terms of overbearing and loss of light is considered to be neutral from the existing building.
- 8.6.5 In addition, it is considered that Plot 4 is sited a sufficient distance away from 12 Water Lane that it would not impact upon their residential amenity specifically as there are no windows proposed on the south elevation.
- 8.6.6 Following concerns received by local residents on the impact the development would have on No.35 and 35A Main Street, the plans were amended to lower the roof heights of the carports for Plot 1 and Plot 2, to reduce the impact of overbearing and loss of light. From the submission of photos received by the residents of No.35 and 35A it is acknowledged that the site is at a higher topographic level than No.35 and 35A therefore this has been accounted for when assessing the impact of the development.
- 8.6.7 Plot 1 is set back from the boundary with No.35 and 35A by 5.7m. It is considered that this reduces the impact of overbearing and loss of light to a minimum given the roof heights and position within the development site. It is considered the car port for Plot 1 has been reduced to a sufficient level not to cause an unduly significant issue in terms of loss of light or overbearing. In regard to overlooking on the north-west elevation there would be a set of bi-fold doors on the ground floor. Following concerns raised by the Planning Officer the plans were amended to remove a window on the 1st floor. It is considered that due to the proposed boundary treatment the bi-fold doors would not cause an impact in terms of overlooking for No.35 and 35A.
- 8.6.8 The north-west elevations of Plot 2 do not include any windows within the 1st floor of the proposed dwelling, and here would be 4 windows installed on the ground floor. It is considered due to the proposed boundary treatment there would be minimal impact of overlooking from these windows into No.35 and 35A. It is acknowledged that Plot 2 is sited close to boundary between the site and No.35 and 35A, however given the positioning of the gable end and reduced height of the car ports it is considered that the impact of loss of light and overbearing is not significant enough to warrant a refusal, especially given that plot 2 is set away from the dwellings of No.35 and 35A and any impact would be limited to a small area of the residential garden.
- 8.6.9 It is considered that the proposed external amendments to the Red Lion would be a betterment to the residential amenity of No.35 and 35A Main Street, as the modern elements would be demolished reducing the impact of overbearing and loss of light. The 1st floor windows would remain as per the existing north-west elevation and therefore the impact of overlooking would be neutral.
- 8.6.10 The proposed boundary treatments are considered to be an acceptable height and type not to cause impact in regard to overbearing or loss of light to neighbouring properties.

8.6.11 Overall, 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 and Policies H2 and H5 of the Stathern Neighbourhood Plan.

8.7 Ecology

8.7.1 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 ENV5 seeks to protect the habitat connectivity provided by the wildlife corridors which the site is located within. In addition, Policy D1 of the Local Plan and Policy H5 of the neighbourhood plan encourage the use of existing trees and landscaping to support and enhance biodiversity within the site.

8.7.2 The majority of the existing site is considered to have a low ecological value as an existing tarmacked car park. There are a number of trees within the site and the site is overgrown. The proposed development would see the addition of private gardens and new trees planted within the site to enhance biodiversity habitats in accordance with paragraph 193 NPPF and Policy EN2 of the Melton Local Plan.

8.7.3 The application was submitted with an Ecological Appraisal and Phase II bat surveys which noted two bat roosts within the Red Lion Pub. Therefore, as stated by LCC Ecology, works may only commence with a granted EPS licence from Natural England. Due to the date the bat surveys were undertaken, an updated bat survey will be required to be undertaken prior to applying for the EPS licence. LCC Ecology recommends conditions be placed on any permission regarding mitigation measures, Biodiversity Enhancement Strategy, European Protected Species licence and nesting birds. This is considered reasonable and necessary.

8.7.4 The Biodiversity Enhancement Scheme (BJ Collins, November 2023) states that bat boxes, bird nest boxes and hedgehog gaps would be incorporated within the scheme as per Appendix 1 of the document. It is considered that the enhancements provided within the scheme are acceptable and would ensure that biodiversity habitats are enhanced from the existing site and would also enable biodiversity to move through the wildlife corridor as detailed by Policy ENV5 of the neighbourhood plan. LCC Ecology have not raised any concerns with the proposed landscaping scheme submitted.

8.7.5 It should be noted that the landscaping scheme is shown on a site plan which has been superseded. Therefore, if the application is approved, a condition will be required to submit a revised landscaping scheme which will be approved in writing - that scheme should be based on the currently landscaping plan.

8.7.6 The proposed landscaping plan has been accompanied by a formal Arboricultural Appraisal in accordance with BS5837:2012, a tree constraints plan, a tree protection plan, and a tree impact plan. The proposed tree protection scheme is considered to be acceptable and would include tree protection fencing and an assigned area of tarmac for onsite storage. As detailed in the documentation, 1 sycamore tree and smaller specimens within G6 would be removed as part of the proposal due to the proximity to plot 4 and the rest of the trees on site would be retained and pruned as part of the proposal.

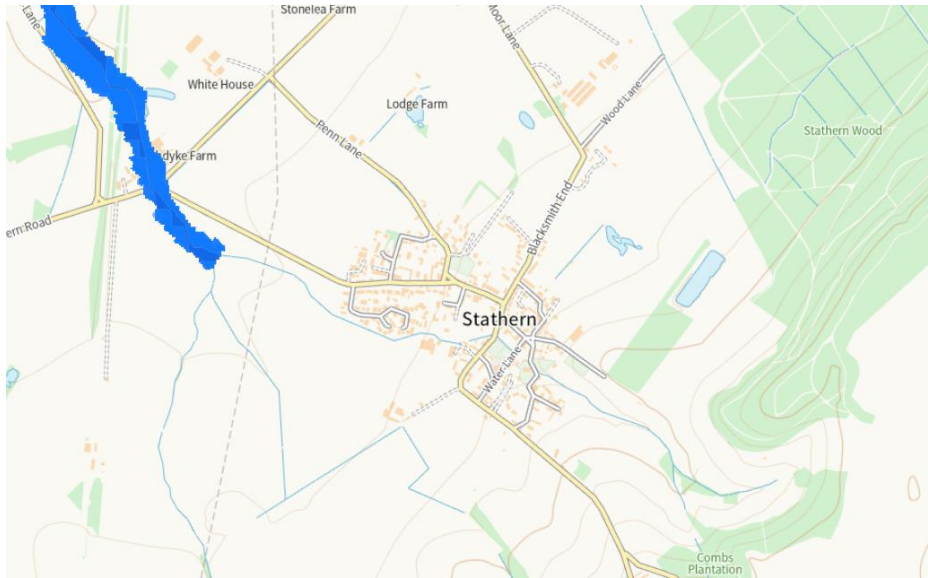
8.7.7 To account for the proposed felling of the sycamore tree, the landscaping plan shows that 10 additional trees would be planted within the site, and border hedges would be used to the front of plots 1-4. This is considered to meet the requirements of Policy H5 of the Neighbourhood Plan which states that where trees are removed new trees are planted on

a two-for-one basis. The number of trees planted within the site and use of bee friendly border hedges is considered to provide a biodiversity enhancement on the site.

- 8.7.8 LCC Forestry raised no objections to the removal of the trees, the tree protection plan and the proposed landscaping scheme and stated that conditions should be used to ensure all protective fencing is installed prior to the development commencing in accordance with the Tree Protection Plan.
- 8.7.9 Adjacent to the site to the South-west is a local play area and public open space. This site is designated as a Local Green Space within Policy EN5 of the Melton Local Plan. It is considered due to the reasons detailed above that the local green space would not be impacted negatively by the proposed development and the criteria set out within Policy EN3 of the Local Plan would be adhered to.
- 8.7.10 It should be noted that as the application it was made before the 2nd April 2024 the exemptions of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 apply.
- 8.7.11 As such it is considered that the proposal would not unduly impact upon existing biodiversity within the site due to the proposed mitigation scheme and through the landscaping and biodiversity enhancement strategy the proposal would ensure there is a net gain in biodiversity. Therefore, it is demonstrated that the proposed development meets the requirements of Policy EN2, EN3, EN5 and D1 of the Melton Local Plan, Policy ENV5 and H5 of the Stathern Neighbourhood Plan and the aims of chapter 15 of the NPPF 2024.

8.8 Flood and Drainage

- 8.8.1 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 low to high risk of surface water flooding in different areas of the site.
- 8.8.2 Concerns have been raised by the Parish Council and local residents that the site is in fact within Flood Zone 3B and is prone to surface water flooding. Following discussions with planning policy colleagues, it is considered that this information has been obtained from the Strategic Flood Risk Assessment (SFRA) produced in 2015/16. It is important to note that the adopted policies map flood zones are just a snapshot from 2015/16 when the SFRA was undertaken. In this case flood zones within the current Local Plan inform decisions to allocate sites in the Local Plan, but any planning applications would need their own evidence as submitted by the applicant.
- 8.8.3 A revised SFRA which was produced by the Council in November 2024 shows that the site is within Flood Zone 1 as shown by the map below, which was sourced from the [Interactive Policies Map](#) for the new SFRA. Therefore, using the latest, most up-to-date information it is confirmed that the site is within Flood Zone 1. In addition, both the Environment Agency and the LLFA have confirmed that the site is within Flood Zone 1.



- 8.8.4 It should be noted that an ordinary watercourse, the Rundle Beck, forms the South-western boundary of the site. The Risk of Flooding from Surface Water mapping suggests the proposed development site is partially at high risk of flooding from the Rundle Beck. The mapping also suggests a medium risk of surface water flooding adjacent to Red Lion Street.
- 8.8.5 The flood risk assessment has recommended a series of mitigation measures to reduce the risk of flooding and is considered to be in accordance with the requirements of the National Planning Policy Framework and accompanying Planning Practice Guidance. A drainage strategy has been submitted by the applicant produced by Keith Simpson Associates Ltd; it states that the proposed development would discharge via permeable paving to the existing 225Ø surface water sewer in Red Lion Street at 2 litres per second. The use of permeable paving would be used as part of the SUDS scheme which will restrict drainage to 2l/s with a vortex flow control unit, and excess surface water will be stored in the granular reservoir layer below the permeable paving. The drainage strategy also states that the proposed foul and surface water drainage systems on site will remain private and will be maintained by the owner and/or Management Company for the lifetime of the development.
- 8.8.6 It is acknowledged that the proposed gardens of Plots 2-4 are in close proximity to the existing watercourse of the Rundle Beck, however the proposed dwellings are set back from the watercourse and would be set at a higher ground level as per the recommendations set out within the Flood Risk Assessment and standing advice.
- 8.8.7 The Environment Agency have raised no objections, neither have the LLFA and have referred the LPA to the standing advice. The use of permeable paving, garden areas and a new drainage system within the site is considered to be a betterment to the existing non-permeable tarmacked site. The proposed drainage strategy is considered acceptable and in accordance with standing advice.
- 8.8.8 The proposed development is therefore considered to be in accordance with Policies D1 and EN11 of the Melton Local Plan and Policy H5 of the Stathern Neighbourhood Plan which seeks to ensure that development proposals do not increase the risk of flooding and use effective methods of drainage and is considered to be in accordance with paragraph 181 & 182 of the NPPF 2024.

8.9 Other Matters

- 8.9.1 As the site is a brownfield site, the applicant has submitted Phase 1 Land Contamination Risk Assessment, which has detailed a number of recommendations and findings for the

development moving forward. An MBC Environmental Health Officer has assessed the application and the Phase 1 assessment, they have confirmed that recommendations outlined in the Phase 1 report are appropriate and necessary to manage potential contamination risks on site. They have stated that a Phase 2 intrusive investigation and an asbestos survey is required to be undertaken and submitted to the LPA prior to commencement of the development, this would be conditioned. Therefore, it is considered that subject to appropriate conditions the development would not cause an impact in regard to contamination and public health.

- 8.9.2 In accordance with Policy IN4 of the Melton Local Plan and Policy BE6 of the Stathern Neighbourhood Plan (which takes precedence as it was adopted at a later date) a condition would be placed on the permission requiring each dwelling created as part of the development to be provided with the ducting and other infrastructure to enable a telecommunication provider to provide high speed broadband.

9 Conclusion & Reason for Recommendation

- 9.1 The proposal for housing in this location is considered acceptable in principle given the number and type of housing proposed to meet the local needs and the location with the centre of a service centre with access to local amenities. Therefore it is considered that the application is in accordance with Policies SS1, SS2, SS3, C3 of the Melton Local Plan, and Policies H1, H2, H3 of the Stathern Neighbourhood Plan.
- 9.2 The proposal would see the loss of a community facility through the conversion of the Red Lion Inn to a residential dwelling, however an independent viability assessment has stated that the use of the site as a Public House is unviable. There are other community facilities within Stathern including a second Public House, and the regulations of the ACV are considered to have been met by the applicant. Therefore, it is considered that the proposal to change the use of community facility to a residential is acceptable and would be in accordance with the criteria of Policy C7 of the Melton Local Plan and Policy CFA1 of the Stathern Neighbourhood Plan.
- 9.3 It is considered that the proposed design of the development would be acceptable. The development represents a traditional design through the sympathetic conversion of the existing Public House, and the new build dwellings are in a sympathetic material palette, with roof lines that respect those of surrounding properties. Therefore it is considered that the proposals is in accordance with Policies D1, EN6 and EN13 of the Melton Local Plan and Policies H2, H5, ENV7 and ENV9 of the Stathern Neighbourhood Plan, and the overall aims of the NPPF 2024.
- 9.4 As stated within the report the impact upon of the development upon heritage assets is finely balanced given the number of heritage assets associated with the site. However, given the current state of the site and its long term viability as a Public House it is considered that the proposed development represents a lower degree of harm and a greater public benefit. There will be less than substantial harm to the Red Lion Pub (as a non-designated heritage asset), the street scene of the Conservation Area and the setting of the adjacent listed buildings, as the proposal would improve the condition of the site and reduce any further impact upon the heritage assets. Relevant conditions would be attached to any decision to ensure the design of the proposed development would not cause undue harm to heritage assets. Therefore, it is considered that the proposal would be in accordance with Paragraphs 215-220 of the NPPF 2024 and Policies SS3, D1, EN13 and EN6 of the Melton Local Plan, Policies H2, H5 ENV7 and ENV9 of the Stathern Neighbourhood Plan.

- 9.5 Following amendments to the proposal it is considered that the amenity of the residents of neighbouring properties to the proposed development would not be unduly compromised such as to warrant refusal of the application. The development is therefore in accordance with Policy D1 of the Melton Local Plan and Policies H2 and H5 of the Stathern Neighbourhood Plan.
- 9.6 It is considered that the proposal would not unduly impact upon existing biodiversity within the site due to the proposed mitigation scheme. Through the landscaping and biodiversity enhancement strategy the proposal would ensure there is a net gain in biodiversity. Therefore, it is demonstrated that the proposed development meets the requirements of Policy EN2, EN3, EN5 and D1 of the Melton Local Plan, Policy ENV5 and H5 of the Stathern Neighbourhood Plan and the aims of chapter 15 of the NPPF 2024.
- 9.7 The proposed development is considered to not result in a significant impact upon highway safety, although tandem parking is used within the development, LCC Highways have raised no objections and the parking, access and turning area within the proposed development is not considered to impact upon highway safety. Relevant conditions would be attached to any decision to ensure highway safety. Therefore, it is considered that Policy D1 and IN2 of the Melton Local Plan and Policy TR1, TR2 and TR3 of Stathern Neighbourhood Plan and the guidance of the Local Highway Authority.
- 9.8 Through the use of a drainage scheme and proposed landscaping the proposed development is considered not to increase the risk of flooding within a Flood Zone 1 area and is therefore considered to be in accordance with Policies D1 and EN11 of the Melton Local Plan and Policy H5 of the Stathern Neighbourhood Plan and is considered to be in accordance with paragraph 181 & 182 of the NPPF 2024.
- 9.9 It should also be noted that there are no objections from statutory consultees.
- 9.10 Therefore, given the above the application is recommended for approval subject to the condition detailed within section 10 of the report.

10 Planning Conditions

- 10.1 The development shall be begun before the expiration of three years from the date of this permission.

Reason: 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.

- 10.2 The development hereby permitted shall be carried out in accordance with following approved drawings and documents:

Application Form

Phase II Bat Emergence and Activity Surveys of Red Lion

Phase 1 Land Contamination Risk Assessment

Arboricultural Impact Assessment

Transport Technical Note 4251 1-1

Location / Block Plan 23018 DSA ZZ XX DR A 001

Topographical Survey 23018 DSA ZZ XX DR A 102

Tree Constraints Plan

Tree Impact Plan

Tree Protection Plan

Landscaping Plan

Received by the Local Planning Authority on the 27th October 2023

Biodiversity Enhancement Strategy

Received by the Local Planning Authority on the 6th December 2023

Drainage Strategy 6493-R02-A

Flood Risk Assessment 6493-R01-B

Proposed Plot 2 Plans and Elevations 23018 DSA ZZ XX DR A 012 P03

Proposed Plot 3 - Plans and Elevations 23018 DSA ZZ XX DR A 013 P02

Existing Outbuilding - Proposed Plans and Elevations 23018 DSA ZZ XX DR A 015 P02

Existing Public House - Proposed Plans and Elevations 23018 DSA ZZ XX DR A 016 P01

Proposed Street Elevations 23018 DSA ZZ XX DR A 017 P02

Proposed Site Section 23018 DSA ZZ XX DR A 018 P02

Swept Path Analysis - Fire Appliance DWG/4251/004 REV B

Received by the Local Planning Authority on the 21st May 2024

Proposed Site Plan 23018 DSA ZZ XX DR A 010 P03

Proposed Plot 1 - Plans and Elevations 23018 DSA ZZ XX DR A 011 P03

Proposed Plot 4 - Plans and Elevations 23018 DSA ZZ XX DR A 014 P03

Received by the Local Planning Authority on the 20th February 2025

Proposed Boundary Treatments 23018 DSA ZZ XX DR A 021 P03

Received by the Local Planning Authority on the 28th February 2025

Reason: For the avoidance of doubt and to ensure that the development is in accordance with Policies SS3, D1, EN6 and EN13 of the Melton Local Plan, Policies H2, H5, ENV7 and ENV9 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.

10.3 Notwithstanding the details shown on the approved plans and documents, details and manufacturers specifications of the materials listed below shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of any works hereby permitted is carried out. The development shall be carried out in strict accordance with the approved details.

- Full details of all facing materials to the converted and new dwellings
- All new windows, if UPVC windows are proposed, they must be heritage style; this includes flush fitted windows (not stormproofed) and they cannot feature visible trickle vents.
- New rainwater goods which must be cast metal or cast metal effect, half round in profile.
- All new roofs which must be natural slate or natural clay tile as shown on the submitted plans.

REASON: To enable the Local Planning Authority to retain control over the external appearance and to preserve the character and appearance of the Conservation Area, as well as the setting of adjacent listed buildings as limited details have been submitted and to

ensure the development would be in accordance with Policies D1, EN6 and EN13 of the Melton Local Plan and Policies H2, H5, ENV7 and ENV9 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.

- 10.4 The brickwork on the hereby permitted new dwellings must incorporate an imitation brick bond using snapped headers, either Flemish bond or English bond. The use of stretcher bond is not permitted.

REASON: To preserve the character and appearance of the Conservation Area, as well as the setting of adjacent listed buildings in accordance with Policies D1, EN6 and EN13 of the Melton Local Plan and Policies H2, H5, ENV7 and ENV9 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.

- 10.5 Mortar joints of the new brickwork must be buff / yellow tone. Cement grey is not permitted, and Mortar joints must be recessed or flush finished – bucket handle joints are not permitted.

REASON: To preserve the character and appearance of the Conservation Area, as well as the setting of adjacent listed buildings in accordance with Policies D1, EN6 and EN13 of the Melton Local Plan and Policies H2, H5, ENV7 and ENV9 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.

- 10.6 There must be no extraction vents or boiler flue extracts installed on the front elevation of the hereby permitted new and converted dwellings.

REASON: To preserve the character and appearance of the Conservation Area, as well as the setting of adjacent listed buildings in accordance with Policies D1, EN6 and EN13 of the Melton Local Plan and Policies H2, H5, ENV7 and ENV9 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.

- 10.7 A drawing at no larger than 1:20 of the dormer windows for the hereby permitted new dwellings (Plot 1 to 4) must be submitted prior to commencement of works. Drawing to include finish of the dormer cheeks, fascia, flat roof, and flashing details.

REASON: To preserve the character and appearance of the Conservation Area, as well as the setting of adjacent listed buildings in accordance with Policies D1, EN6 and EN13 of the Melton Local Plan and Policies H2, H5, ENV7 and ENV9 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.

- 10.8 All chimneys adjoining the hereby permitted new dwellings must be flashed using stepped lead flashing.

REASON: To preserve the character and appearance of the Conservation Area, as well as the setting of adjacent listed buildings in accordance with Policies D1, EN6 and EN13 of the Melton Local Plan and Policies H2, H5, ENV7 and ENV9 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.

- 10.9 There must be no cloaking of the verges and eaves of the hereby permitted new dwellings (Plots 1 to 4), and roofs are to over sail the eaves as drawn and shown on the following plans;

Proposed Plot 2 Plans and Elevations 23018 DSA ZZ XX DR A 012 P03

Proposed Plot 3 - Plans and Elevations 23018 DSA ZZ XX DR A 013 P02

Received by the Local Planning Authority on the 21st May 2024

Proposed Plot 1 - Plans and Elevations 23018 DSA ZZ XX DR A 011 P03

Proposed Plot 4 - Plans and Elevations 23018 DSA ZZ XX DR A 014 P03

Received by the Local Planning Authority on the 20th February 2025

REASON: To preserve the character and appearance of the Conservation Area, as well as the setting of adjacent listed buildings in accordance with Policies D1, EN6 and EN13 of the Melton Local Plan and Policies H2, H5, ENV7 and ENV9 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.

- 10.10 There must be no roof vents installed on the front elevation roof planes of the hereby permitted new and converted properties.

REASON: To preserve the character and appearance of the Conservation Area, as well as the setting of adjacent listed buildings in accordance with Policies D1, EN6 and EN13 of the Melton Local Plan and Policies H2, H5, ENV7 and ENV9 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.

- 10.11 The hereby permitted new ironstone boundary wall must be laid in accordance with the plan Proposed Boundary Treatments (23018 DSA ZZ XX DR A 021 P03) received on the 28th February 2025 with random coursed ironstone. There must be no expansion joints used. The new ironstone wall must be pointed with lime mortar.

REASON: To preserve the character and appearance of the Conservation Area, as well as the setting of adjacent listed buildings in accordance with Policies D1, EN6 and EN13 of the Melton Local Plan and Policies H2, H5, ENV7 and ENV9 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.

- 10.12 Notwithstanding the details shown on the approved plans and documents, a full schedule of works for the internal and external refurbishment of the Red Lion Pub, details to include all materials proposed in the refurbishment and removal of any items of historic fabric shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of any works hereby permitted is carried out. The development shall be carried out in strict accordance with the approved details.

REASON: To preserve the character and appearance of the Conservation Area, as well as the setting of adjacent listed buildings in accordance with Policies D1, EN6 and EN13 of the Melton Local Plan and Policies H2, H5, ENV7 and ENV9 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.

- 10.13 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no development within all of Part 1 and Part 2 Class A shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

- 10.14 **Reason:** To ensure control over future extensions, alterations, or other development to protect the character and appearance of the property, and to safeguard residential amenity and the visual quality of the area to enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policies D1, IN2, EN6 and EN13 of the Melton Local Plan and Policies H2, H5, TR1, TR2, ENV7 and ENV9 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.

- 10.15 Prior to commencement of development, a Phase 2 site investigation report shall be submitted to and approved by the LPA. If contamination is identified, a remediation strategy shall also be submitted and approved.

Reason: To ensure that risks from land contamination to future users of the land and its suitability for use, adjacent land, and the wider environment are identified, assessed, and mitigated in the interest of public health and safety in accordance with Environmental Protection Act 1990, Part 2A and the aims of the NPPF 2024.

10.16 Prior to the occupation of any dwellings, a validation report confirming that remediation has been completed in accordance with the approved strategy shall be submitted to the LPA.

Reason: To ensure that risks from land contamination to future users of the land and its suitability for use, adjacent land, and the wider environment are identified, assessed, and mitigated in the interest of public health and safety in accordance with Environmental Protection Act 1990, Part 2A and the aims of the NPPF 2024.

10.17 No demolition works shall commence until an asbestos survey and subsequent management/removal plan, if required, has been submitted to, and approved by the LPA.

Reason: To ensure that risks from land contamination to future users of the land and its suitability for use, adjacent land, and the wider environment are identified, assessed, and mitigated in the interest of public health and safety in accordance with Environmental Protection Act 1990, Part 2A and the aims of the NPPF 2024.

10.18 No works or development shall commence on site until the measures detailed within the Tree Protection Plan (received 27th October 2023) have been implemented. The trees shall be protected for the duration of the site preparation and building works in accordance with the approved details and barriers and/or temporary ground protection measures not removed until work is entirely complete.

10.19 **Reason:** To ensure protection during construction works of trees on or near the site in order to ensure that the character and amenity of the area is not impaired and to comply with the objectives of Policies D1, EN2 and EN6 of the Melton Local Plan and Policies H2, H5 and ENV5 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.

10.20 No development shall start on site until a revised landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The revised scheme should be based on the submitted Landscaping Plan received 27th October 2023. Hard and soft landscaping works shall be fully carried out in accordance with the approved details, including the approved timetable, and to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice. A revised landscaping management scheme shall be submitted alongside the landscape scheme and future management of the site shall be carried out in accordance with those details.

Any trees or plants which, within a period of five years after planting are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of similar species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment, and maintenance of landscaping to a reasonable standard in accordance with Policies D1, EN2 and EN6 of the Melton Local Plan and Policies H2, H5 and ENV5 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.

- 10.21 The development hereby approved shall be implemented in strict accordance with the measures stated in section 6 (Bat Mitigation Strategy) of the Phase II Bat Emergence and Activity Surveys (BJ Collins, August 2023), unless otherwise agreed in writing by the LPA.
- Reason:** To ensure the development does not cause undue impact to local biodiversity of the site and wider area in accordance with Policies D1, EN2, EN3 of the Melton Local Plan and Policies H2, H5 and ENV5 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.
- 10.22 The development hereby approved shall be implemented in strict accordance with the enhancement measures as shown in Appendix 1 (Plan Showing the Location of Enhancement Features) of the Biodiversity Enhancement Strategy (BJ Collins, November 2023), unless otherwise agreed in writing by the LPA.
- Reason:** To ensure the development creates an enhancement in local biodiversity in accordance with Policies D1, EN2, EN3 of the Melton Local Plan and Policies H2, H5 and ENV5 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.
- 10.23 Prior to the commencement on site a Building recording (photographic survey) of The Red Lion Inn and surrounding site shall be submitted to and approved by the Local Planning Authority in accordance with guidance produced by Historic England (Understanding Historic Buildings: A guide to good recording practice, HE 2016).
- 10.24 **Reason:** To record and advance the understanding of the significance of and heritage assets to be lost (wholly or in part) in a manner proportionate to their importance in accordance with NPPF 2024 paragraph 218 and Policy EN13 of the Melton Local Plan and Policy ENV7 of the Stathern Neighbourhood Plan.
- 10.25 No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and the following.
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- 10.26 **Reason:** To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with NPPF 2024 paragraph 218 and Policy EN13 of the Melton Local Plan and Policy ENV7 of the Stathern Neighbourhood Plan.
- 10.27 No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing Proposed Boundary Treatments (23018 DSA ZZ XX DR A 021 P03) received on the 28th February 2025 have been implemented in full.
- Reason:** 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 Policies D1 and IN2 of the Melton Local Plan, Policies H2, H5, TR1, TR2 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.

- 10.28 No part of the development hereby permitted shall be occupied until such time as 1m by 1m pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance Policies D1 and IN2 of the Melton Local Plan, Policies H2, H5, TR1, TR2 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.

- 10.29 The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Boundary Treatments (23018 DSA ZZ XX DR A 021 P03) received on the 28th February 2025. Thereafter the onsite parking and turning provision shall be kept available for such use(s) in perpetuity.

Reason: 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 Policies D1 and IN2 of the Melton Local Plan, Policies H2, H5, TR1, TR2 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.

- 10.30 No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

- 10.31 The development shall be carried out in accordance with the Drainage Strategy 6493-R02-A and Flood Risk Assessment 6493-R01-B received on the 21st May 2024 and the following mitigation measures set out therein:

- Plots 1 to 4 have a finished floor level of 600mm above the existing ground level to provide a 300mm freeboard
- The conversion of both the Red Lion Inn and associated outbuilding are constructed using flood resilient construction where possible to a height of 1.2m

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the strategy's timing/phasing arrangements. The measures detailed above, and Drainage Strategy shall be retained and maintained thereafter throughout the lifetime of the development.

- 10.32 **Reason:** To prevent increasing the risk of flooding within and outside of the site and to ensure effective drainage of the site in accordance with Policy EN11 of the Melton Local Plan and Policies H2, H5 of the Stathern Neighbourhood Plan and the aims of the NPPF 2024.

- 10.33 Prior to the occupation of any of the hereby permitted dwellings each dwelling shall be provided with the ducting and other infrastructure to enable a telecommunication provider to provide high speed broadband.

Reason: To ensure that future occupants of the development have sufficient capabilities of accessing the internet and communication systems, in accordance with Policy IN4 of the Melton Local Plan and Policy BE6 of the Stathern Neighbourhood Plan.

Informatives

- 10.34 Please be advised that you may require Building Regulations approval before work can commence. Please contact Building Control either via the online enquiry form found at www.lbcpl.co.uk or by email Building.control@blaby.gov.uk or by telephone; 0116 272 7533.
- 10.35 This decision has been reached taking into account the requirements of paragraph 39 of the National Planning Policy Framework 2024 in approaching decisions on proposed development in a positive and creative way. The Local Planning Authority has endeavoured to use the full range of planning tools available to work proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area seeking to approve applications for sustainable development where possible.
- 10.36 Trees may support roosting bats, which are protected by law from harm. As a precaution, the applicant should ensure that tree works are undertaken by a competent tree surgeon who is aware of the possibility of encountering bats and their protected status, as works must cease if bats are found during the course of the works whilst expert advice from a bat ecologist is obtained. In addition, all birds, their nests, and eggs are protected by the Wildlife and Countryside Act. We recommend that work to trees is done outside the bird-nesting season - i.e. between the end of August and the beginning of March - or within 24 hours of the 'all-clear' from an appropriately qualified ecologist following a negative bird-nesting survey. Netting to prevent bird nesting may only be done with prior approval of the LPA.
- 10.37 Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
- 10.38 The Written Scheme of Investigation (WSI/s) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation/s has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
- 10.39 The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

11 Financial Implications

- 11.1 Not applicable

Financial Implications reviewed by: N/A

12 Legal and Governance Implications

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

Legal Implications reviewed by: Deputy Monitoring Officer

13 Background Papers

- 13.1 None