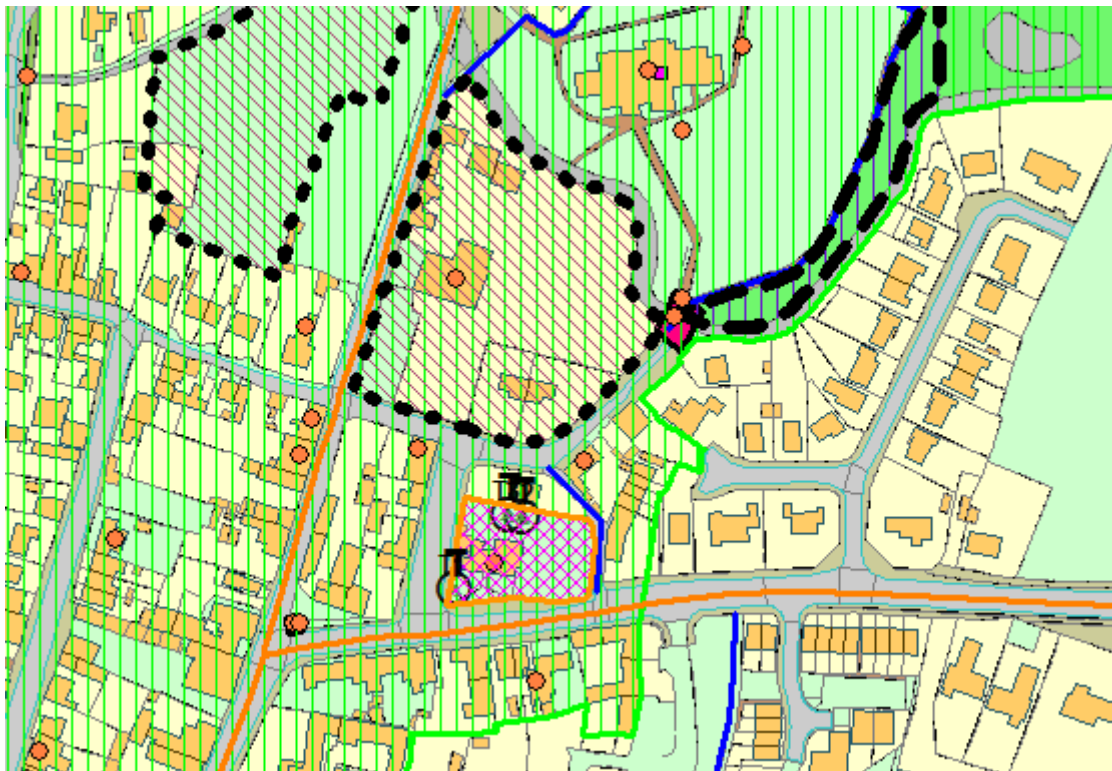


**Reference:** 17/01042/FUL  
**Date Submitted:** 21<sup>st</sup> August 2017  
**Applicant:** Mr M Mitchell  
**Location:** The Red Lion, Grantham Road, Bottesford, NG13 0DF  
**Proposal:** Change of use and alterations (including demolition of rear extension and erection of new single storey rear extension) of existing public house building to form 2 dwellings, and erection of 1(No.) 3- bedroom dwelling.



**Introduction:-**

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

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

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

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

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

**Relevant History:-** 13/00652/FUL - Installation of a timber framed pergola with glazed roof, relocation of existing smoking solution and extension of childrens play area.(Granted 25/11/2013)

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

#### Asset of Community Value

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

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

##### **Melton Local Plan (1999)**

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

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy CF4 states that planning permission will not be granted for development which would result in the loss of local community facilities unless there is no local need or replacement sites or buildings can be made available.

Policy H6 states that planning permission for residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

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

The revised NPPF was published on 24th July 2018. Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. In doing so, the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

- An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- An environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Plan and decisions should apply a presumption in favour of sustainable development. For decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. At paragraph 48, Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

**Other relevant policies in the NPPF relevant to this application include:**

**Delivering a sufficient supply of homes**

- To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)
- Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:
  - c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes

### **Promoting healthy and safe communities**

- To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
  - a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
  - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
  - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
  - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
  - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

### **Promoting sustainable transport**

- The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- When assessing applications, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 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 would be severe.
  - Within this context, applications for development should:
    - a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
    - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
    - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
    - d) allow for the efficient delivery of goods, and access by service and emergency vehicles.

### **Achieving well-designed places**

- The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.
- Planning policies and decisions should ensure that developments:
  - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

### **Meeting the challenge of climate change, flooding and coastal change**

- The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

### **Conserving and enhancing the natural environment**

- When determining planning applications, local planning authorities should apply the following principles:
  - a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
  - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;
- The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

### **Conserving and Enhancing the Historic Environment**

- Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their

contribution to the quality of life of existing and future generations.

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- In determining applications, local planning authorities should take account of:
  - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
  - a) the nature of the heritage asset prevents all reasonable uses of the site; and
  - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the

proposal including, where appropriate, securing its optimum viable use.

- Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. 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.

### Listed Buildings and Conservation Area Act 1990

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

### Consultations:-

Consultation Reply	Assessment of Assistant Director of Strategic Planning and Regulatory Services
<p><b>Bottesford Parish Council</b></p> <p>The Parish Council requests that the application is deferred until the Asset of Community Value (ACV) application is decided and a fair chance to put together a Business Case for a pub is allowed.</p> <p><b>Updated comments:</b> The Red Lion has been agreed as an Asset of Community Value and that now the team should also be given a fair chance to put together a Business Case for a pub before it goes through planning approval again.</p>	<p>Noted.</p> <p>No business case for the pub from the Friends of the Red Lion has been forthcoming.</p> <p>Under ACV regulations the moratorium period (i.e between being made available for sale and actual sale) would only be relevant if the property was for sale. However as it is not for sale, this would not be applicable.</p>
<p><b>Leicestershire County Council Highways</b></p> <p>The Local Highway Authority (LHA) advice is that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with the National Planning Policy Framework 2018 (NPPF), subject to the Conditions and Contributions.</p> <p><b>Site Access</b> The proposed access is an existing access drive serving the public house car park; <b>it is likely that the existing use of the site could generate the same, if not more, traffic to that of the proposal.</b> The existing access located to the east of the car park, adjacent to public footway F74B will need to be reinstated in the interest of pedestrian safety.</p> <p><b>Personal Injury Collisions</b></p>	<p>It is not considered that the change of use to two dwellings and erection of one dwelling would significantly increase the amount of vehicular movements to and from the site that the use of the building as a public house. It is considered that sufficient parking is proposed for the development so to avoid on street parking.</p>



<p>There have been no recorded personal injury accidents in the vicinity of the site access within the last five years or the current year to date. Therefore the LHA has no pre-existing concerns regarding highway safety at this location.</p> <p><b>Internal Layout</b> The amended site plan, drawing no. 1784.A.3 dated June 2017 shows that units 1 and 2 are to be provided with 'Open fronted garages'. However, no other plans and details have been submitted showing the design and layout of these 'garages'. The above site plan shows the garage dimensions to be 5m x 5m which falls short of the 6m x 6m stipulated in the Leicestershire Highway Design Guide (LHDG), however, as there appears to be sufficient space for parking within the curtilage of the site, there will be no severe impact on the adopted highway, and as such the LHA would not seek to resist the application on this basis.</p> <p><b>Recommended Conditions</b></p> <ol style="list-style-type: none"> <li>1. No occupation until the access arrangements have been implemented in full.</li> <li>2. No occupation until the parking and turning facilities have been implemented and the parking provision shall be maintained in perpetuity.</li> <li>3. No occupation until the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be maintained in perpetuity.</li> <li>4. The new vehicular access shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access on St Mary's Lane that become redundant as a result of this proposal have been closed permanently and reinstated.</li> </ol> <p>Notes to applicant also included.</p>	
<p><b>Lead Local Flood Authority</b></p> <p>The above detailed planning application is not considered to be major, as such the Lead Local Flood Authority (LLFA) are not a statutory consultee and have no comment in relation to this application.</p>	Noted.
<p><b>Leicestershire County Council Rights of Way</b></p> <p>I have no objection to the application in principle as it need not affect the public's use and enjoyment of the Right of Way; however concern</p>	Noted. The requested condition can be included in the decision notice.

<p>that only a general arrangement of the boundaries has been given. Changes to the existing boundary treatment between the site and the footpath i.e. to the low brick wall on the eastern side of the site, would have a significant impact on the enjoyment of the footpath. A solid high boundary wall/fence, close planting of a hedge to the edge of the path or disturbance to the existing tarmac surface or grass verges are undesirable. The Design and Access Statement invites conditioning the boundary treatment and therefore suggest the following Condition:</p> <p><i>Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no walls, fences or other means of enclosure shall be erected within one metre of the Public Footpath F74B unless in accordance with details first submitted to and agreed in writing by the Local Planning Authority.</i></p> <p>Notes to applicant included.</p>	
<p><b>MBC Conservation Officer</b></p> <p>With regards to the proposal for one new 3 bedroom dwelling in the former car park of the Red Lion, the impact on the setting of the listed building and the nearby church are not considered grounds to warrant refusal.</p> <p>The new dwelling will be located in place of a car park which made a marginally negative contribution to the character of the conservation area and surrounding heritage assets. Planning conditions will be placed on any subsequent approval to the new dwelling to ensure the materials respond sensitively to the local context, at a prominent junction within the Bottesford Conservation Area.</p> <p>The applicant has responded to the issues raised by the LPA to ensure the new house follows a natural and cohesive form of development along Grantham Road. It is suitably scaled to ensure the ridge height does not interrupt views towards the church spire, and is subordinate to the Red Lion, the adjacent listed building.</p> <p>As such the new dwelling is considered to maintain the present neutral contribution to the setting of the adjacent heritage assets, established by the car park that will no longer be required to</p>	<p>The design of the proposed development has changed during the application process to take into account the historic nature of the site in the centre of the village and surrounding listed buildings, including The Red Lion and the Church, which can be viewed at the rear of the site.</p> <p>Appropriate conditions relating to materials and removal of permitted development rights will be included.</p>

serve the public house. Therefore the application is considered to adhere to Paragraph 192 of the NPPF which states that in determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

**Representations:-**

One comment in support, one neutral comment and objections from 40 separate addresses have been received in relation to the application. These have been summarised below.

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

<b>Representation Received (Objections)</b>	<b>Assessment of Assistant Director of Strategic Planning and Regulatory Services</b>
<p><b>Highways</b></p> <ul style="list-style-type: none"> <li>• Village has chronic parking problems.</li> </ul>	<p>LCC Highways have provided comments in</p>

<p>Red Lion car park is sizeable, within 2 minute walk of villages main facilities, available 24/7 and meets important community need.</p> <ul style="list-style-type: none"> <li>• Loss of car park will be detrimental to the Conservation Area by increasing on street parking, increasing congestion and health and safety risks to pedestrians.</li> <li>• Extra vehicles will park on the road.</li> </ul>	<p>relation to the application (above) and raise no objection to the proposed development.</p> <p>Whilst the development would result in the loss of the car park, this is private land and there is no requirement for the owner to provide parking to members of the public.</p>
<p><b>Loss of Community Facility/ Impact on Community</b></p> <ul style="list-style-type: none"> <li>• Far greater value continuing as a pub, as has been for last 200 years.</li> <li>• Village is getting bigger but losing amenities.</li> <li>• Only public house with grassed area and play facilities.</li> <li>• Was popular for Sunday dinners and fish and chips.</li> <li>• Family friendly pub and only one that did proper food.</li> <li>• Pubs are important to communities and we should support them.</li> <li>• Lost of community facility – promote social well being and social interests of the community, support the local economy (employment) and buying local produce.</li> <li>• Red Lion is a valued facility and has met the needs of the local community and can continue to do so.</li> <li>• No reason why cannot be commercially viable in right hands – test against CAMRA viability test.</li> <li>• Has extensive marketing taken place?</li> <li>• Closing the Red Lion has been detrimental to community needs.</li> <li>• Other two pubs have different offerings – Red Lion for families to socialise together. Each pub meets a different need. Different in appearance and environment.</li> <li>• Approximately 350 new dwellings proposed – increase in population will result in an increased demand for services and increased likelihood of the pub being viable.</li> <li>• Need family friendly pub in expanding village with more families.</li> <li>• The Red Lion has only been shut since Easter 2017 – irregular opening in 2016/17 due to inadequate stock levels.</li> <li>• Decline since Greene King took over,</li> </ul>	<p><b>Noted.</b></p> <p>There are two other pubs in Bottesford and other community facilities and services.</p> <p>The supporting information which has been provided by the applicant in relation to the loss of the facility is assessed in full below.</p> <p>There are a number of community facilities within Bottesford village.</p> <p>The assessment undertaken by the applicant has followed the guidance of the CAMRA public house viability test.</p> <p>The way in which the pub has been managed historically is not a material consideration. Additionally it is not possible to raise the question with the previous licensee/ landlord as</p>

<p>who failed to invest and imposed punitive terms on tenants resulting in regular management turn over and problems attracting replacements.</p> <ul style="list-style-type: none"> <li>• Most recent holding company didn't provide adequate stock – mismanaged rather than lack of demand.</li> <li>• Community group willing to explore feasibility of acquiring and running the pub.</li> <li>• Contrary to National planning policy regarding community facilities, as well as Local Plan policies CF4 and C7.</li> <li>• Pub served as a meeting place for community groups.</li> <li>• Building offers community space – little space in the village for groups to socialise/meetings.</li> <li>• First pub noticed in the village and commented by visitors.</li> <li>• Only pub with external green space without 21<sup>st</sup> Century trappings.</li> <li>• Need houses but also need a village pub.</li> <li>• Iconic, picturesque building – should be preserved as a community resource.</li> <li>• Demand for type of pub in the village – need a choice of types of pub.</li> <li>• Long been the focal point of village life.</li> <li>• Base for charity bike runs.</li> <li>• Only way stopping pub being of great social and economic value has been the manner in which it has been managed.</li> <li>• Brewery has a corporate history of letting pubs fall into decline nationally.</li> <li>• Loss of pub no less harmful than the loss of a church.</li> </ul>	<p>to whether the decline in business was due to the operation of the pub or a lack of trade.</p> <p>No business plan or other indication of intention by a community group to take over the business has been submitted to the Council.</p> <p>There are other facilities in the village which would be capable of providing space for groups to meeting, including the two public houses, village hall, Parish Rooms, church and primary and schools. There is no evidence to demonstrate loss of the pub will also lead to the inability of these organisations to function.</p>
<p><b>Impact on Heritage</b></p> <ul style="list-style-type: none"> <li>• Something needs to be done as the building is falling into disrepair and this could be a good course of action.</li> <li>• The Red Lion is a historic Listed Building.</li> <li>• Redevelopment needs to be in a manner that respects and protects importance of landmark building in conservation Area.</li> <li>• Building is part of the historic character and strong feature enhancing Bottesford as a place to live with a good sense of community and identity.</li> <li>• Refurbishment should be under the direction of the Conservation Officer, including methods of working and retain features.</li> </ul>	<p>The proposed development has addressed heritage issues through the change in the proposed design. As the site is in the Conservation Area and The Red Lion is listed, there is a statutory duty for the Council to preserve/ enhance the Listed Building and Conservation Area. Should the development not take place, there is a likelihood that the Listed Building would fall into further disrepair.</p> <p>It is considered that the proposed design of the development reflects the historic characteristic of the area and building.</p> <p>Appropriate conditions can be included to ensure that the works carried out to the public house and</p>

<ul style="list-style-type: none"> <li>• Need to use local bricks.</li> <li>• The Red Lion is in an attractive setting, alterations and development would substantially detract, contrary to Local planning policy.</li> <li>• Heritage statement clearly indicates various degrees of harm.</li> <li>• Heritage suffers for the sake of someone's pocket.</li> <li>• Red Lion has been seen in historic photos.</li> <li>• To knock down would be a sad loss.</li> <li>•</li> <li>• Attractive building and could be an attractive centre piece for the village.</li> <li>• Concerned that the developer will deliberately allow the building to fall into irredeemable state of repair, requiring demolition of the GII Listed Building.</li> <li>• Obstruct views of the Listed Building.</li> <li>• Construction of houses in the car park will detract from the setting of the Listed Building.</li> <li>• In prominent location in centre of village in Conservation Area.</li> <li>• Integral part of the village with other historic buildings.</li> <li>• Historical landmark, only rivalled by Grade I Listed Church.</li> <li>• Generation must not be responsible for the demise of the look, feel and heritage of the village for the sake of a few houses.</li> <li>• If need further housing, there is plenty of scope on other sites without ruining existing historical structure with cultural value.</li> <li>• Must stand up to maintain history for generations to come and reject short term monetary gains.</li> <li>• Irish Yew – nature conservation feature provides important habitat for nesting birds and adds to aesthetics of the village.</li> <li>• Heritage statement acknowledges cultural value.</li> <li>• Change of use will harm special character.</li> </ul>	<p>the new build are in a manner which are sympathetic to the location.</p> <p>The proposed development would not involve the demolition of the Listed Building.</p> <p>The development has been designed to ensure that the setting of the Listed Building (and others locally) is not compromised.</p>
<p><b>Design/ Impact on Residential Amenity</b></p> <ul style="list-style-type: none"> <li>• Overlooking and loss of privacy – property and garden not currently overlooked and would like obscure glazing or trees/hedges on the boundary.</li> <li>• New houses shouldn't be larger than</li> </ul>	<p>It is proposed that permitted development rights would be removed to prevent further extensions</p>

<p>specified on plans so not to obstruct light and viewpoints.</p> <ul style="list-style-type: none"> <li>• Substantial alteration and new dwellings contrary to Local Plan policy C7.</li> <li>• More dwellings at heart of already crowded village.</li> <li>• Much potential.</li> <li>• Parking at the front of unit two would be detrimental – also requires removal and/or alteration of traditional “hair pin” fencing.</li> <li>• Additional structures ruin Conservation Area.</li> <li>• Rear garden and small garden at the front provide much needed green space.</li> </ul>	<p>to the new dwelling proposed.</p> <p>Parking is proposed to the rear of units 1 and 2.</p>
<p><b>Other</b></p> <ul style="list-style-type: none"> <li>• Contrary to National Planning Policy.</li> <li>• Red Lion should not be left empty and derelict but residential development would be lost opportunity to re-use.</li> <li>• Application should be deferred so that more imaginative used can be encouraged.</li> <li>• Maple tree is in need of maintenance.</li> <li>• Loss of Irish Yew contrary to Policy OS1.</li> <li>• Existing covenant relating to The Red Lion.</li> <li>• Existing trees should be preserved.</li> <li>• Design and Access Statement is incorrect.</li> <li>• Current consideration of the Asset of Community Value.</li> <li>• Pub is an ACV which can be considered as a material matter for planning.</li> <li>• With the right people and investment, The Red Lion could be a thriving village pub.</li> <li>• Pub was understocked and this is why they lost business.</li> <li>• ACV gateway for community group to explore feasibility of running as a community pub – more appropriate use and benefit to wider community.</li> <li>• Plan for Friends of the Red Lion have support.</li> <li>• Friends of the red lion feel it is viable to run a public house and community facility.</li> <li>• Need a care home – number of potential providers interested in the site.</li> <li>• Change of use to homes will make no material difference to housing.</li> </ul>	<p>An application for the change of use and construction of new dwelling has been submitted and needs to be determined. No application has been made for any other use of the building.</p> <p>It is proposed that the trees on site will be retained.</p> <p>The covenant is not a material consideration, and is not overridden /removed by planning decisions.</p> <p>The Asset of Community Value is a material consideration and it is for the committee to determine the weight to be afforded to this.</p> <p>No community group has provided evidence of any feasibility study in relation to running the property as a community pub.</p> <p>The application is not for a care home.</p>

<ul style="list-style-type: none"> <li>• Failure to invest in the fabric of the building.</li> <li>• Infrastructure is not there for the extra houses.</li> <li>• Has been systematic running down of the premises to smooth the way for a planning application.</li> <li>• No online presence.</li> <li>• Lacked real ale and cider and the food went downhill.</li> <li>• When last looked, marketed as a public house, not a development site.</li> <li>• May be worth more financially as a development site but no reason to market the pub for over the odds and claim not viable as no takers.</li> <li>• Failed to improve or maintain accommodation – decoration became tired and the fabric of the building fell into disrepair. Central heating leak went unrepaired for over 6 months, causing health and safety risk. Problems with ventilation meant that the cooker could not be used (and Sunday lunches abandoned).</li> <li>• Residential accommodation for tenants in appalling state.</li> <li>• Greene King prevented a good licensee with funding.</li> <li>• Holding company previously in charge of Moot House pub in Bingham prior to demolition and housing development and The Griffin in Plumtree which is closed and subject to a change of use application and redevelopment applications – strong history of mismanagement.</li> </ul>	<p>These pubs mentioned are located within the Borough of Rushcliffe. The Moot House was demolished and planning permission granted for 13 dwellings on the site in 2014. In relation to The Griffin, planning permission was granted for two dwellings in the car park and extensions to the pub building with the proposal to re-open the pub with a new food offering.</p>
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**Other Material Considerations Not Raised In Representations:-**

<b>Other Material Considerations</b>	<b>Assessment of Assistant Director of Strategic Planning and Regulatory Services</b>
<p><b>The (new) Melton Local Plan</b></p> <p><b>Paragraph 47 of the NPPF states that:</b></p> <p>Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in</p>	<p><b>The Local Plan has progressed through examination stage and the Main Modifications consultation has concluded.</b></p> <p><b>The relatively minimal amount of work required to complete the local plan modifications that do not impact upon the main policies of the plan means the plan can be afforded significant weight.</b></p>



writing

**It is stated in paragraph 48 that:**

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

**Policy SS1 –Presumption in favour of Sustainable Development:** when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

**Policy D1 – Raising the Standard of Design**  
All new developments should be of high quality design. All development proposals will be assessed against all the following criteria:

- a) Siting and layout must be sympathetic to the character of the area;
- b) New development should meet basic urban design principles outlined in this plan and any accompanying Supplementary Planning Documents (SPD);
- c) Buildings and development should be designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design;
- d) Amenity of neighbours and neighbouring properties should not be compromised;
- e) Appropriate provision should be made for the sustainable management of waste, including

Bottesford is considered to be a sustainable location for development, with facilities easily available to its residents and good public transport links.

- collection and storage facilities for recyclable and other waste;
- f) Sustainable means of communication and transportation should be used where appropriate;
- g) Development should be designed to reduce crime and the perception of crime.
- h) Existing trees and hedges should be utilised, together with new landscaping, to negate the effects of development;
- i) Proposals include appropriate, safe connection to the existing highway network;
- j) Performs well against Building for Life 12 or any subsequent guidance and seeks to develop the principles of 'Active Design' for housing developments;
- k) Makes adequate provision for car parking; and
- l) Development should be managed so as to control disruption caused by construction for reasons of safeguarding and improving health well-being for all.

**EN13 - Policy EN13 states that:**

The Council will take a positive approach to the conservation of heritage assets and the wider historic environment through:

- A) seeking to ensure the protection and enhancement of Heritage Assets including non-designated heritage assets when considering proposals for development affecting their significance and setting. Proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.
- B) seeking new developments to make a positive contribution to the character and distinctiveness of the local area.
- C) ensuring that new developments in conservation areas are consistent with the identified special character of those areas, and seeking to identify new conservation areas, where appropriate;
- D) seeking to secure the viable and sustainable future of heritage assets through uses that are consistent with the heritage asset and its conservation;
- E) allowing sustainable tourism opportunities in Heritage Assets in the Borough where the uses are appropriate and would not undermine the integrity or significance of the heritage asset: and
- F) the use of Article 4 directions where appropriate

**Policy C7** of the emerging Local Plan states that support will be given to proposals and activities

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

As part of the application, a viability assessment has been submitted, considering the economic

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

**1. there are alternative facilities available and active in the same village which would fulfil the role of the existing use/building, or**  
**2. the existing use is no longer viable (supported by documentary evidence), and there is no realistic prospect of the premises being re-used for alternative business or community facility use.**

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

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

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

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

In the case of public houses and shops, it must be demonstrated that all reasonable efforts have been made to sell or let (without restrictive covenant) the property as a public house or shop and that it is not economically viable. (5.11.6)

viability of the site and also the impact the proposed development would have on the community (social viability). This assessment has taken guidance from the CAMRA Public House Viability test, and has been assessed below.

## Viability Assessment

This has stated that the works required to bring the property back into use as a public house, would cost approximately £800,000, with a refurbishment cost plan submitted to the Council.

The agent has stated that it would not be economically viable to refurbish the pub and that the development would not deliver an acceptable rate of return.

In the supporting document, it is stated that the consumer environment has changed over the past couple of years. This has included:

- Fall in sales
- Changes in drinking habits – anti drink-drive
- Smoking ban
- Increase in more leisure outlets
- Decline of heavy industry
- Increase in health lifestyles (e.g. gyms)
- Economic downturn, and
- Less disposable income.

In the report it is also stated that it is more difficult to borrow money in the licensed trade, especially if the licensee has no previous experience, the pub has been closed, there is no up to date accounting information or the licensee has less than 50-60% deposit.

The number of pubs closing is increasing nationally, with breweries disposing of their non-core pubs, there is a wide sell of approach by many large companies. They note that there is only substantive growth in “value offerings” e.g. Wetherspoons, Hungry Horse, chain/ family offerings.

Additionally, there are two other pubs within 150m of The Red Lion. Within 1.5 miles of the site, there are three public houses and two licensed premises. Within a 5 mile radius, there are 16 public houses (not including the two in Bottesford).

The building has a traditional pub layout, with a kitchen (not high quality), toilets (in a poor condition), limited scope for pool/darts and a general poor internal condition. It is stated that it is evident that there has been a lack of investment.

There is limited scope to carry out alterations due

These are commonly given reasons for the decline/ failure of a public house, and has been raised as an issue across the country.

It is considered that despite the loss of the pub, there would remain that there is sufficient alternative offer for the local community and as such this element of Policy C7 is satisfied. Similarly, detailed viability evidence has been submitted to demonstrate the pub would not be viable, which addresses the second element of Policy C7. However there is little evidence that efforts have been made towards the re-use of the premises for an alternative community business or facility, and as such it is deficient in this aspect of the policy.

A site visit included the internal inspection of the building. At this point, many of the fixtures and fittings had been removed, however it was evident that the internal condition of the building was in a poor condition.

Whilst there are public transport links, the buses do not run in the evenings (no buses after 3.40pm on a Saturday) or on a Sunday, when it is considered that most patrons would require public transport.

It is acknowledged that there are a number of services and facilities within Bottesford. It is not considered that in this case that the loss of the public house would have a significantly detrimental impact on the local community to such a degree to warrant the refusal of the application. Whilst it has been argued above that the two other pubs are characteristically different, it should be noted that should the pub re-open, there is no guarantee that this would be in the same format as the pub has previously operated or that re-opening the pub would be successful, due to the overall decline in patronage to public houses. It is considered that there are other sufficient facilities for community/ social groups to meet in the village.

to the listed status of the building. Additionally, extensions would be at the expense of the limited beer garden and subject to Listed Building Consent. Any extension to the east is considered to affect the Listed Building and impinge on the parking area.

External and internal works are required to the building. Internal works include works to the gas and electric, which do not meet current regulations and are in a poor condition throughout. The external walls are poorly insulated. Additionally it is stated that the toilets have no hot water, there is no disabled toilet/ baby change facilities, the cellar is of limited size (able to contain 6-8 small barrels only and no soft drinks). Externally, there is no allocated bin storage or area for used barrels and upstairs the living quarters are in poor condition and need modernising.

In the statement, it is stated that there is no taxi company in Bottesford, however it is acknowledged that there is good public transport links.

The report has listed many available facilities in the village, including:

- Primary school
- Post Office
- General Store (there are in fact 2).
- Medical Practice
- Pharmacy
- Community and leisure facilities
- Employment facilities
- 6-day a week bus services
- Community Library
- 2 public houses
- 2 restaurants
- 1 pizza takeaway / restaurant
- 1 Chinese takeaway
- 1 fish and chip shop
- Speciality retail
- Train station
- Civic amenity site

Marketing had been carried out (since June 2016 for freehold) and it is stated that there was no interest in running the property as a public house. The statement from the estate agent stated that the main issue raised was the condition of the building. At the time of the disposal of the property, it is stated that the tenant was on a £0 rent agreement but still unable to successfully

<p>operate.</p> <p>The estate agent has noted that the decline of beer volumes has made the business unsustainable and that due to the number of facilities in the village and small local population density, viability will always be an issue as there is not enough trade to be viable, but also with other competition in the Vale of Belvoir with the “gastro” pubs.</p>	
<p><b>Proposed Design</b></p> <p>It is proposed that the development will result in the construction of one new dwelling and alterations to the existing public house to create two dwellings.</p> <p>Works would be required to the Listed Building to convert the building and carry out alterations as proposed.</p>	<p>It is proposed that the development would result in three, three bedroomed dwellings in a sustainable location. Sufficient parking provision has been proposed for the development.</p> <p>The proposed design of the development has been amended during the application process to take into account the character of the area and the setting of the Red Lion. This has included ensuring that the development allows views to the Church from Grantham Road and that the new building does not compete with the listed building, by ensuring that the new development is in a linear formation and does not compete in the street scene with The Red Lion or adjacent buildings.</p>

## Conclusion

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

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

It is considered that adopted Local Plan policy CF4 is in general conformity with the NPPF (2018) and so is emerging Local Plan policy (C7), when considering the loss of a community facility. The information supplied with the application shows general (but not full) compliance with these policies.

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

**Recommendation:- Permit, subject to the following conditions:**

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

one metre of the Public Footpath F74B unless in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

16. Construction work, demolition work and deliveries associated with the construction work for the development shall only take place between the following hours:

07:00 - 19:00 Monday to Friday

08:00 - 13:00 Saturdays

No works to be undertaken on Sundays or bank holidays.

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

17. No development shall commence on site until all existing trees that are to be retained have been securely fenced off by the erection of post and rail fencing to coincide with the canopy of the tree(s), or other fencing as may be agreed with the Local Planning Authority, to comply with BS5837. In addition all hedgerows that are to be retained shall be protected similarly by fencing erected at least 1m from the hedgerow. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left unsevered.
18. Notwithstanding the provisions of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 as amended (or any Order revoking and re-enacting that Order) in respect of the replacement dwelling hereby permitted no development as specified in Class A (gate, fence, wall or other means of enclosure), shall be carried out unless planning permission has first been granted by the Local Planning Authority.
19. The new build dwelling hereby permitted shall not be occupied until the works to the Listed Building (The Red Lion) have been completed.

**Reasons:**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building.
4. To preserve the special architectural and historic interest of the listed building.
5. To preserve the special architectural and historic interest of the listed building.
6. To preserve the special architectural and historic interest of the listed building
7. To preserve the special architectural and historic interest of the listed building
8. To preserve the special architectural and historic interest of the listed building.
9. Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building.
10. To enable the Local Planning Authority to retain control over future development in view of the location of the development.
11. To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework 2018.
12. To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles



to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework 2018.

13. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework 2018.
14. In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework 2018.
15. In the interests of amenity, safety and security of users of the Public Right of Way in accordance with Paragraph 98 of the National Planning Policy Framework 2018.
16. In the interests of the amenity of nearby residential occupiers.
17. To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.
18. To enable the Local Planning Authority to retain control over future development in view of the location of the development.
19. To ensure that works to the Listed Building are completed.

**Officer to contact: Mrs J Lunn**

**Date: 24<sup>th</sup> August 2018**