

PARISH Eckington Parish

APPLICATION Application for the conversion of existing public house and manager's residence to 5 no. two bed apartments (Conservation Area) (affecting the setting of a Listed Building)
LOCATION 37 Market Street, Eckington, Sheffield, S21 4EG
APPLICANT Mr Chris Laver
APPLICATION NO. 21/00016/FL **FILE NO.** PP-09386923
CASE OFFICER Mr Colin Wilson
DATE RECEIVED 6th January 2021

REFERRED TO COMMITTEE BY: CLLR Kenyon

REASON: Loss of community facilities and employment opportunities contrary to the objectives of the Eckington Framework SPD.

1.0 SITE DESCRIPTION

- 1.1 The application site comprises land at 37, Market Street, Eckington, which is also known as the “Duke of York” public house. The application building comprises a substantial 2 storey building, fronting Market Street. To the rear of the main element of the public house are a range of single storey additions set around a yard/beer garden. The application site is situated within the Settlement Development Limits of and Town Centre for Eckington.
- 1.2 The site is located within the Eckington & Renishaw Park Conservation Area. The site is also positioned within the vicinity of Listed Buildings: To the north of the site, on the opposite side of Royale Close, are numbers 13 -19 Market Street, a Grade II Listed row of four, three storey terraced houses. To the west of the site, on the opposite side of Market Street, is a terrace of shops identified as 24 – 28 Market Street, which are also Grade II Listed.
- 1.3 Adjoining the site to the south-west is a building identified as 37 and 39 Market Street, which comprises a residential use. The properties were formed following a conversion of the building from offices (B1 use) to flats subsequent to planning permission being granted for such a change of use under application reference number 11/00082/FL. To the south of the site is a public carpark, which serves the town centre of Eckington.
- 1.4 The premises benefits from an existing vehicular access, taken from Royale Close.

2.0 PROPOSAL

- 2.1 Full planning permission is sought for the change of use and conversion of the existing public house and manager's residence to form a total of five, two bedroom apartments.
- 2.2 The proposals seek to create 4 apartments within the main elements of the public house. This would result in two apartments at ground floor level and two on the first floor. These apartments would be accessed via a communal hallway and stairway at the main entrance to the existing public house, from Market Street.

- 2.3 In addition to the above, a further single storey apartment would be created by removing the existing range of extensions to the rear (south) of the main building and rebuilding a single storey addition to accommodate the proposed apartment.
- 2.4 In terms of the material alterations to the existing building's exterior, it is proposed that, with the exception of the removal of some of the signage, the principal elevation (fronting Market Street) would remain unchanged. Signage would be removed from the gable elevation facing Royale Close and a new first floor window would be installed in its place. In addition, an external staircase and first floor access door would be removed from this elevation, with the personnel door being replaced by a window.
- 2.5 It is proposed that the majority of the existing hardstanding associated with the premises would be allocated for the parking and manoeuvring of residents' vehicles. It is set out in the submission that some soft landscaping would be accommodated at the front of the building.

3.0 AMENDMENTS

- 3.1 An amended site layout plan was submitted to be read in conjunction with the application. The site plan illustrates that a total of 5 car parking spaces would be provided within the application site for the use by residents. In addition, it is proposed that the existing vehicular access from Royale Close would be utilised as part of the proposals.

4.0 PLANNING HISTORY

- 4.1 The recorded planning history for the site can be summarised as follows:

79/00690/AD – Non-illuminated inn sign – Conditionally Approved.

86/00409/AD – Externally illuminated signs – Conditionally Approved.

88/00566/FL – General refurbishment and extension to games room – Withdrawn (No Decision).

88/00567/FL – To erect fire escape, new wall to yard area and to install new windows in side elevation – Conditionally Approved.

5.0 PLANNING POLICY CONSIDERATIONS

North East Derbyshire District Local Plan

- 5.1 The North East Derbyshire Local Plan (adopted November 2005) forms the Development Plan for the area.
- 5.2 The Local Plan policies most relevant to the proposals are set out below:
- GS1 Sustainable Development
 - GS5 Settlement Development Limits
 - GS7 Change of Use and Conversions
 - BE1 General Design Principles
 - BE9 Development in the Vicinity of a Listed Building

- BE11 Development Within and Adjoining Conservation Areas
- SH8 Loss of Local Facilities
- T2 Highway Access and the Impact of New Development
- T9 Car Parking Provision
- CSU4 Foul and Surface Water Drainage
- NE6 Development Affecting Nationally Rare Species

5.3 The new Local Plan (PDLP) was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Consultation on Main Modifications was undertaken in 2020 ending on 31st January 2021. All comments/representations received have now been forwarded to the Inspector and it is expected that the plan will be adopted in early summer 2021.

The PDLP is therefore at an advanced stage and should be attributed appropriate weight in decision making.

5.4 The following PDLP policies are relevant to this application and are a material consideration:

- SS1 Sustainable Development
- SS7 Development on Unallocated Land within Defined Settlement Development Limits.
- SP3 Eckington
- SDC4 Biodiversity and Geodiversity
- SDC5 Development within Conservation Areas
- SDC6 Development Affecting Listed Buildings
- ID3 Sustainable Travel
- ID5 Loss of Social Infrastructure

National Planning Policy Framework

5.5 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application.

Successful Places

5.6 North East Derbyshire District Council's 'Successful Places' Interim Planning Guidance is applicable in the assessment of this application.

Other

5.7 The adopted Eckington Town Centre Development Framework Supplementary Planning Document is relevant and has been considered in the assessment of this application.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The application was publicised by way of neighbour letters, display of a site notice, and a press notice published in the Derbyshire Times. 1 representation letter has been received (from the applicant) and can be summarised as follows:

- The public house in question has been on the market for some time, which is indicative of it not being a viable business.
- There have been no public objections to date.
- There are no highway safety issues, given the existing use and nearby carpark.
- There is no requirement for a bat and bird survey given the scope of the work proposed.

6.2 The **Ward Member** and **Parish Council** were consulted on the application:

- The Ward Member raised concerns regarding the loss of community facilities and employment opportunities and the consequent negative impacts of the town centre, contrary to the objectives of the Eckington Framework SPD.
- The Parish Council raised objections to the proposed change of use on the basis that it will significantly reduce the retail offering in the town centre, by removing the only daytime food and drink offering. There have been no attempts to re-open the public house since its acquisition. Furthermore, objections were raised on the basis that the consequential reduction in footfall will impact negatively on the viability of other local businesses. In addition, concerns were expressed that the loss of the public house will result in a further loss of employment in Eckington.

6.3 **Derbyshire County Council Highways Officers** were consulted on the application, raising comments. See Assessment below for details.

6.4 **NEDDC Environmental Health Officers** were consulted on the application, no comments were received.

6.5 **Yorkshire Water** were consulted on the application, no comments were received

6.6 **Derbyshire Wildlife Trust (DWT)** were consulted on the application, raising comments. See Assessment below for details.

7.0 PLANNING CONSIDERATIONS

7.1 The main considerations for this application are the suitability of the proposal in this location in policy terms, its effect on the character of the site and the surrounding area, impact on heritage assets, the privacy and amenity of neighbours, and highway safety issues.

8.0 PLANNING ASSESSMENT

Principle of Development

8.1 Local Plan Policy GS7 relates to changes of use and conversions and is therefore of relevance in the assessment of this application. The Policy states that planning permission for change of use will be permitted provided that the use, scale or type of operation will not have an adverse effect upon the character of the area or neighbouring land uses. Planning permission for the conversion or change of use of an existing building will be granted provided that:

- (a) the building is of a permanent and substantial construction;
- (b) where a building is situated outside a Settlement Development Limit it is capable of conversion without the need for major rebuilding or extension;
- (c) the form, scale, massing, materials, general design and appearance of the development respects the character and appearance of the original building, the site and its surroundings with particular regard to local distinctiveness in design; and
- (d) the proposed use of the curtilage of the building does not have an adverse effect upon the character of the area or neighbouring land uses.

8.2 In this instance, it is apparent that the building is of a permanent and substantial construction and is situated within the defined Settlement Development Limits for Eckington. The works required to make the premises habitable as a dwelling(s) are not considered to detract significantly from the character and appearance of the original building or the surrounding area. It is considered that the proposed conversion could be undertaken in a manner that would not adversely impact on the amenity levels currently enjoyed by the occupiers of adjoining sites. Consequently, the proposed development is considered to accord with tests set out in Local Plan Policy GS7.

Loss of Community Facilities

8.3 Paragraph 83 of the National Planning Policy Framework sets out that planning policies and decisions should enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

8.4 Policy SH8 of the North East Derbyshire Local Plan relates to the loss of local facilities. The policy states that the change of use or demolition of existing shopping facilities or public houses, which serve the local community, will not be permitted unless:

- (a) there are adequate alternative facilities elsewhere within the vicinity of the site; or
- (b) it can be demonstrated that there is no demand for such a facility in the area within which it is located.

8.5 In this case, Officers are of the view that the proposed change of use would accord with the requirements SH8(a), as a consequence of there being alternative facilities within the vicinity of the site, most notably The George Inn, which by virtue of its location on Southgate, is generally considered to serve the same community as the premises subject of this application. The George Inn, is positioned approximately 200m walk from the application premises, and is situated within the Town Centre (as defined on the Local Plan Proposals Maps). In addition, the Rose and Crown is situated approximately 800m to the west of the application site. Whilst just outside the built framework, the Moss Brook Inn is situated around 700m from the application site.

8.6 In light of the alternative facilities identified above, Officers are of the view that the community will continue to be served by public houses in comparatively accessible locations. Therefore, the loss of the Duke of York as a community

facility is considered to be satisfactorily mitigated, in accordance with Policy SH8 of the North East Derbyshire Local Plan.

- 8.7 Policy ID5 of the Council's Emerging Local Plan (Publication Draft) (PDLP) relates to the loss of existing social infrastructure. Whilst the Policy is generally in conformity with saved Policy SH8 of the Development Plan, the policy sets out that 'Development proposals which would result in the loss of social infrastructure facilities will not be permitted unless: it can be shown that the facility is no longer needed, or that the service could be adequately provided in an alternative way, or elsewhere in an alternative location that is equally accessible by public transport, walking or cycling...'
- 8.8 PDLP Policy ID5 is consistent with the aims of the NPPF and should therefore be afforded weight in the assessment of this application. In this instance, given their position within the built framework of Eckington, the alternative facilities referred to above are considered to be as equally accessible by sustainable modes of transport as the application premises is.
- 8.9 An Asset of Community Value application for the application premises was recently refused – The decision-taker was not satisfied that the asset had provided community value currently or in the recent past. This adds weight to the Officer conclusion on this issue.

Town Centre Policy Considerations

- 8.10 Paragraph 85 of the NPPF sets out that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies and decisions should, inter alia, recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
- 8.11 The Eckington Town Centre Framework SPD is also of particular relevance. The document sets out a number of objectives for the regeneration of Eckington Town Centre. Amongst other things, the objectives of the SPD seek to encourage the revitalisation of Eckington Town Centre with a distinctive and robust retail core and to increase activity throughout the day within the town centre.
- 8.12 Whilst it is acknowledged that the loss of the public house would have some impacts on the vitality of the town centre, the creation of 5 new households is likely to contribute to the vibrancy and vitality of the town centre in its own way, going some way to supporting the existing services within the town. As set out above, Officers are of the view that the proposed change of use would accord with the relevant policies relating to the loss of community facilities. In addition, it is not considered by Officers that the proposals would result in any unacceptable harm to the overall vitality of the town centre. As mentioned above, the NPPF sets out that residential development often plays an important role in ensuring the vitality of centres.

Heritage Considerations

- 8.13 Policy BE9 of the North East Derbyshire Local Plan is relevant as it relates to development within the vicinity of a Listed Building. In addition, Local Plan Policy BE11 relates to development within and adjacent to Conservation

Areas and is therefore relevant in the assessment of this application. The above Policies require that new development must preserve or enhance the setting of Listed Buildings and character and appearance of Conservation Areas respectively. PDLP policy SDC5 likewise seeks appropriate development within Conservation Areas.

- 8.15 Local Plan Policies BE9 and BE11 are not considered to be entirely consistent with the NPPF. This is because Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. However, the Development Plan policies are considered to seek the same overall objectives as the NPPF.
- 8.16 In this case, the material alterations to the existing building are considered to be comparatively limited, not harmful and ultimately acceptable from a visual perspective. The proposals are considered to satisfactorily preserve the character and appearance of the existing building and the Eckington & Renishaw Park Conservation Area in this location. Moreover, any impacts of the scheme on the setting of Listed Buildings in the vicinity of the site are considered to be neutral.

Neighbouring Amenity

- 8.17 Officers are satisfied that the scheme has been designed in a manner that would provide satisfactory living conditions for future occupiers of the proposed residences. Whilst it is considered that some potential harmful overlooking of the private amenity space for the existing flats to the south-west of the site could occur (from 3 existing windows that would be utilised in the conversion), it is the view of Officers that this matter could be satisfactorily controlled by way of a planning condition to ensure that said windows are fitted with obscure glazing and are of a non-opening design.

Highway Safety

- 8.18 Paragraph 109 of the National Planning Policy Framework (NPPF) states that 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.
- 8.19 Derbyshire County Council as Highway Authority was consulted on the application, advising that it was satisfied that no vehicles would be required to reverse on the pedestrianised Market Street. Highways Officers requested details of visitor parking, given that spaces had been reduced from 8 down to 5 during the processing of the application. In addition, a request was made for the provision of secure cycle storage within the application site.
- 8.20 Officers are satisfied with the proposed levels of allocated parking. One space per apartment is considered to be acceptable, particularly given the town centre location of the site. It is considered that the site is accessible by sustainable modes of transport. In addition, free public car parks within the vicinity of the site mean that visitor parking is unlikely to be an issue that would lead to unacceptable impacts on highway safety.

- 8.21 Whilst the applicant has not provided details of cycle storage within the application site, Officers do not believe that the omission of cycle storage from the scheme would give rise to any unacceptable highway safety impacts in this case.

Ecology Considerations

- 8.22 Derbyshire Wildlife Trust (DWT) were consulted on the application, advising that if works to these features will be required e.g. re-roofing, conversion of the loft space, removal of soffits and fascias etc. then a Preliminary Bat Roost Assessment should be undertaken prior to determination. This would determine the potential of the building to support bats and whether nocturnal bat surveys are necessary. However, if works are limited to new windows, removal of signage and internal remodelling (excluding the loft space) then risks to bats are low and no further assessment or survey is recommended.
- 8.23 DWT added that enhancements should be provided to achieve a net biodiversity gain where possible and advised that bat and/or bird boxes should be attached to the building and secured through a condition.
- 8.24 The applicant has confirmed in writing that no works would take place within the roof space of the existing building. On this basis and guided by the comments of DWT, Officers are satisfied that the proposed development would be acceptable in biodiversity terms, subject to the imposition of a planning condition requiring the submission and agreement of biodiversity enhancement measures.

9.0 Conclusion

- 9.1 In conclusion Officers note that the site occupies a sensitive location within the town centre of Eckington and a Conservation Area.
- 9.2 However, there are a number of other similar facilities within proximity of the site and so the conversion of the building, in an otherwise acceptable and sensitive form, is not considered to adversely impact on the overall viability of the town centre or harm the heritage asset.
- 9.3 There are not considered any technical reasons to resist the application.
- 9.4 As such, it is considered the application accords with the policies of the Development Plan and no other matters outweigh that consideration.

10.0 Recommendation

Grant permission subject to the following conditions with the final wording of conditions delegated to the Planning Manager (DM):

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:

- Proposed Ground Floor Plan (PL04) uploaded to the Council's website on 06.01.2021
 - Proposed First Floor Plan (PL05) uploaded to the Council's website on 06.01.2021
 - Proposed Elevations (PL06A) uploaded to the Council's website on 19.01.2021
 - Revised Site Plan (PL01) uploaded to the Council's website on 11.03.2021
- 3 The proposed windows on the south-west facing side elevation of the building shall be of a non-opening design and shall be fitted with obscure glazing prior to the change of use hereby approved being first brought into use and shall be maintained as such thereafter at all times.
 - 4 Before above ground works start, a plan to show the positions, design, materials, height and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the occupation of the dwelling hereby approved and shall be retained as approved thereafter.
 - 5 Before above ground works start, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
 - 6 Before above ground works commence, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
 - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - c) a schedule of proposed plant species, size and density and planting locations and
 - d) an implementation programme
 - 7 All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
 - 8 Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan, including a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall then be implemented in full as agreed and maintained as such thereafter.

