

North East Derbyshire District Council

Planning Committee

1 October 2019

Development Management Applications

Report No PM/11/19-20/AK of the Planning Manager – Development Management

This report is public

Schedule of Planning and Other Applications under the Town and Country Planning (General Development Procedure) Order 2015, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012

FOR THE INFORMATION OF MEMBERS

Legal and Financial Implications

Members are advised that there may be legal and financial implications arising from determination of planning and other applications and the authorisation of enforcement action.

There is a right of appeal against a refusal of planning permission or the imposition of conditions on a planning approval, which may attract an award of costs against the Council. Preparation of the District Council's case in such appeals may necessitate expenditure on legal advice or Counsel.

Breaches of planning control, such as unauthorised development or the unauthorised use of buildings and land, or failure to comply with conditions may be redressed by the District Council's powers to take enforcement action. Such action may lead to possible further action in the Magistrates' or Crown Courts which may involve expenditure on legal advice and costs.

There is a right of appeal against the service of an enforcement notice. If any appeal is upheld it may attract costs against the Council.

Human Rights Act 1998

The reports consider decisions by the Council which may affect property rights of the owner (Article 8 and Article 1 may be relevant). Under the Human Rights Act 1998 the Council must be in a position to show:

- its action is in accordance with clearly established law
- the objective is sufficiently important to justify the action taken
- the decisions taken are objective and not irrational or arbitrary
- the methods used are no more than are necessary to accomplish the legitimate objective
- the interference impairs as little as possible the right or freedom

All action taken in considering applications, consents, and enforcement is the lawful duty of this Authority as Local Planning Authority. Decisions are objective and proportional being based on consideration of the National Planning Policy Framework and the policies contained in the North East Derbyshire Local Plan and all other material considerations.

There is a right of appeal against all decisions made by the Council.

Environmental Considerations

There are environmental implications arising from the determination of planning applications and the authorisation of enforcement action. The consideration of the development of any site seeks to take into account the need to safeguard the environment, and the relevant issues are dealt with in each case in the Planning Assessment and Summary.

Community Safety Implications

Members are advised that there are Community Safety Implications arising from the determination of planning applications.

Crime prevention is capable of being a material consideration in the determination of planning applications as set out in the National Planning Policy Framework. Where relevant these matters are addressed in each case in the Planning Assessment and Summary.

The safety of development sites is the responsibility of the site's operative and enforced by specialist agencies.

Issues with regard to highway safety are relevant to the determination of planning applications. These issues where relevant are addressed in each case in the Planning Assessment and Summary with the relevant advice of the Highway Authority incorporated in the report.

Background Papers

The background papers relating to each application are the application forms, plans, representations received and replies to consultations, contained in the application file, the reference of which is given at the head of each report.

With reference to applications made for works to Protected Trees

Financial Implications

The prescribed format when a Tree Preservation Order is made includes a section which makes provision for the payment by the Local Planning Authority, subject to such exceptions and conditions as may be specified in the Order, of compensation in respect of loss or damage caused or incurred in consequence of:-

- (a) the refusal of any consent required under the Order; or
- (b) the grant of any such consent subject to conditions.

Liability for compensation may be avoided by the Local Planning Authority in relation to trees which are subject to a Tree Preservation Order made prior to 2nd August 1999, and incorporating the appropriate wording, where in refusing consent or imposing conditions on

an approval the Local Planning Authority are satisfied that their decision is in the interest of good forestry or that the tree(s) has/have an “outstanding” or “special” amenity value, unless the Council’s assessment of the amenity value of the Tree(s) is successfully challenged.

Legal Aspects

Once an Order is made, applications for consent are required in respect of any proposed cutting down, topping, lopping or uprooting of any trees. There is a right of appeal to the Secretary of State against the decision of the Council to either refuse consent or grant permission for works subject to condition.

Environmental Considerations

The making of a Tree Preservation Order, and the subsequent control of works to trees covered by Orders are likely to benefit the local environment through the contribution of the protected tree(s) to visual amenity and the retention of their ecological value. The assessment of all applications for consent for works balances this with the need for the works proposed.

Trees (Community Safety Implications)

The health of a protected tree and its safety remain the responsibility of the tree’s owner, even where the tree is covered by a Tree Preservation Order. If a tree is dead, dying or dangerous, works to rectify the danger may be undertaken without the consent of the District Council.

The safety and health of a tree covered by a Tree Preservation Order is a material consideration in the determination of any application to undertake work to a protected tree. However, this has to be balanced against all other material factors when considering any particular submission.

DEVELOPMENT MANAGEMENT APPLICATIONS INDEX

PARISH	APPLICATION NUMBER	TITLE	PAGE NUMBER
HOLMESFIELD	NED/18/01195/FL	Demolition of existing house, attached barn, and outbuildings to the north and south and the erection of one replacement house (Amended Plans)(Amended Title) at Grange Farm, Cowley Lane, Holmesfield, Dronfield for Mr & Mrs Oates.	5 - 16
ASHOVER	NED/18/00858/FL	Demolition of current dwelling, replacement with a new two storey dwelling with improvements to access at Peglant Cottage, Matlock Road, Ashover, Chesterfield for Mr & Mrs Sandhu.	17 - 24
SHIRLAND & HIGHAM	NED/19/00647/FL	Application to remove condition 13 of planning application 10/00571/FL to remove restrictions regarding person or persons who may occupy the dwelling (Conservation Area/Affecting the setting of a Listed Building) at Crown Inn, Main Road, Higham, Alfreton DE55 6EH for Rita Williams.	25 - 32
SHIRLAND & HIGHAM	NED/19/00648/FL	Proposed pair of semi-detached dwellings (Conservation Area/Affecting the setting of a Listed Building)(Amended Plans) at Crown Inn, Main Road, Higham, Alfreton DE55 6EH for Rita Williams.	33 - 50
SHIRLAND & HIGHAM	NED/19/00649/FL	Proposed change of use of public house to 3 dwellings including demolition of extensions to rear of Crown Inn, Main Road, Higham, Alfreton DE55 6EH for Rita Williams.	51 - 65
SHIRLAND & HIGHAM	NED/19/00651/LB	Listed Building consent for change of use of public house to 3 dwellings including demolition of extensions to rear (Conservation Area) at Crown Inn, Main Road, Higham, Alfreton DE55 6EH for Rita Williams.	51 - 65

APPLICATION Demolition of existing house, attached barn, and outbuildings to the north and south and the erection of one replacement house (Amended Plans) (Amended Title)
LOCATION Grange Farm, Cowley Lane, Holmesfield, Dronfield
APPLICANT Mr & Mrs Oates c/o agent
APPLICATION NO. 18/01195/FL **FILE NO.** PP-07435435
DATE RECEIVED 1st December 2018

REFERRED TO COMMITTEE BY: Planning Manager (Development Management)

REASON: To allow for a full consideration of all the relevant policy issues bearing in mind the comments made by the Parish Council.

Introduction

Members may recall this item being considered initially at the Planning Committee held in September. The application was deferred due to concerns Members had about the scale of the proposed replacement dwelling and its compatibility with Green Belt policy requirements.

The applicant has submitted further revised plans following that deferral and the application is brought back to Committee with a revised, amended report for consideration and determination.

Note

The Site Inspection Group is to visit the site to assess the impact of the development on the Green Belt and its impact on neighbouring amenity and highway safety.

1.0 SITE DESCRIPTION

- 1.1 The application site, Grange Farm, comprises a detached dwelling along with an attached barn and various ancillary, associated single storey outbuildings, situated on the southern side of Cowley Lane, Holmesfield.
- 1.2 The dwelling itself comprises a stone built property of a traditional appearance and proportion. The attached barn also comprises a stone built building, positioned facing the former farmyard to the north-west of the existing dwelling. The domestic curtilage of the dwelling appears to comprise a strip of garden land approximately corresponding with the width of the existing dwelling extending forward towards the road with an additional small area to the rear. The domestic garden is contained by stone walls, delineating it from the adjacent yard and paddock. The yard and paddock to the west of the property are occupied by a number of former single storey agricultural buildings in varying states of repair.

- 1.3 To the north of the application site, on the opposite side of Cowley Lane, is a domestic property of a traditional appearance, known as Cowley Farm. To the south-east, south and south-west of the site are open fields bisected by a designated Public Right of Way (Holmesfield Footpath 16).
- 1.4 The site is situated within a countryside location designated as Green Belt. The site is also situated within a designated Coal Mining Development High Risk Area.
- 1.5 The site benefits from an existing vehicular access from Cowley Lane.

2.0 PROPOSAL

- 2.1 Planning permission is sought to demolish the existing dwelling, attached barn and some of the existing outbuildings within the site, and construct a replacement dwelling. The proposals seek to retain the existing buildings positioned towards the extreme western edge of the site.
- 2.2 The proposed replacement dwelling would comprise a stone built dwelling. On its principal north facing elevation, the dwelling would have a comparatively traditional appearance, including a further element at the western side of the dwelling, set down from the ridge level and back from the principal elevation of the main element of the proposed dwelling. The rear elevation of the dwelling would take on a modern aspect with significant amounts of glazing and incorporating a balcony. Detailed drawings will be available to view by the Committee at the relevant meeting but they are also available on line.
- 2.3 The proposals seek to utilise the existing vehicular access to the site from Cowley Lane.

3.0 AMENDMENTS

- 3.1 The proposals have been amended throughout the processing of the application. Particularly, following the deferral of this application at the September 3rd Planning Committee, further amendments to the proposed replacement dwelling have been submitted for the Council's consideration. The most discernible amendments comprise the omission of the originally proposed attached garage from the scheme. Further, more modest amendments comprise alterations and consequent reductions in the overall proportions of the proposed dwelling.
- 3.2 Officers consider that, as amended, the proposed dwelling would remain materially larger than the existing building being replaced (that being the existing dwelling and attached barn).
- 3.3 It is considered by Officers that the proposed replacement building would represent a 20 – 25% increase in volume (as opposed to the approximate 30% increase previously reported to Committee). The applicant disputes this figure and considers that the increase in the volume is 17.9% which, if the south garages are taken into account, reduces further to a 2.7 % increase.

- 3.4 Notwithstanding this, the planning issues remain unaltered. Consideration needs to be given as to whether or not the proposal represents appropriate development in the Green Belt (i.e. whether the replacement building is in the same use and not materially larger than the one it replaces). If the conclusion is that the building is appropriate development it would comply with planning policy but if it does not the new dwelling would represent inappropriate development and require very special circumstances to be shown to justify the harm caused to the Green Belt.
- 3.5 For clarity and the avoidance of doubt, the application is being assessed on the basis of the amended plans received at this office on 06.09.2019.

4.0 PLANNING HISTORY

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

78/00762/OL – House and garage on land adjacent (outline) – Refused.

03/01374/FL – Removal of existing porch and replace with white UPVC porch on existing stone base – 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 this application are:
- GS2 Development in the Green Belt
 - GS6 New Development in the Countryside
 - H3 New Housing Outside Settlement Development Limits
 - H12 Design and Layout of New Housing
 - NE1 Landscape Character
 - NE6 – Development Affecting Nationally Rare Species
 - BE1 General Design Principles
 - T2 Highway Access and the Impact of New Development
 - T9 Car Parking Provision
 - CSU4 - Foul and Surface Water Drainage
 - CSU6 – Contaminated land
- 5.3 The Council is now at an advanced stage in the production of a new Local Plan. The Plan was submitted to the Secretary of State for examination at the end of May 2018. This document has been subject to extensive consultation and sets out clearly the Council's strategy for sustainable development and should be afforded weight in decision making.
- 5.4 The evolving Local Plan policies most relevant to this application are:
- SS10 North Derbyshire Green Belt
 - SS9 Development in the Countryside
 - SDC3 Landscape Character
 - SDC12 High Quality Design and Place Making
 - SDC4 Biodiversity and Geodiversity
 - SDC13 Environmental Quality

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.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The application was publicised by way of neighbour letters and the display of a site notice. One letter of representation was submitted. However, the letter was subsequently withdrawn.

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

The **Ward Member** raised no comments.

The **Parish Council** raised concerns that similar applications have been refused in the Green Belt and conservation area and that, if approved, this would point towards inconsistencies in the decision-making process. [N.B. This site is not located within a Conservation Area.]

No comments have been received to the amended plans.

6.3 **Derbyshire County Council Highways Officers** were consulted on the application, raising no objections to the application from a highway safety perspective, subject to condition.

6.4 **NEDDC Environmental Health Officers** were consulted on the application, advising that conditions pertaining to land contamination mitigation measures be included in any granted permission.

6.5 **The Water Authority (Yorkshire Water)** were consulted on the application raising no objections to the proposed development, advising that additional consultations should be undertaken in regard to the proposed means of foul sewage disposal.

6.6 Relevant **Footpath Societies** were consulted on the application – no comments were received.

6.7 **The Coal Authority** were consulted on the application, initially requesting that the applicant submit a Coal Mining Risk Assessment, or equivalent. The applicant submitted a Coal Mining Risk Assessment accordingly. Subsequently, the Coal Authority raised additional comments withdrawing their objections to the proposed development, subject to the imposition of planning conditions requiring a scheme of intrusive site investigations.

6.8 **Derbyshire Wildlife Trust (DWT)** were consulted on the application, initially requesting the submission of a preliminary ecological assessment to be read in conjunction with the application.

The agent subsequently submitted a preliminary ecological survey. DWT were re-consulted accordingly, advising that in light of the survey's findings, three nocturnal bat surveys would be required on the buildings identified as 1 and 2 (existing dwelling and attached barn), with a report and a mitigation strategy (if necessary), prior to determination of the application.

Further surveys were provided by the applicant. DWT subsequently provided additional consultation comments, advising that they are satisfied that the survey work undertaken is compliant with current good practice guidelines and that sufficient information has been provided to determine the application. DWT advised the imposition of various planning conditions, should the Council be minded to grant planning permission.

7.0 PLANNING CONSIDERATIONS

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

8.0 PLANNING ASSESSMENT

Principle of Development (Green Belt)

- 8.1 The policy contained in the Local Plan in respect of Green Belt development (Policy GS2) allows for the replacement of an **existing dwelling** providing it is of a design, size, character and materials in keeping with the local environment and it is not materially larger than the dwelling it replaces.
- 8.2 This policy is considered consistent with the general intent of the National Planning Policy Framework (NPPF) and so should be afforded weight in decision making.
- 8.3 Paragraph 145 of the NPPF states that a local planning authority should regard the construction of **new buildings** as inappropriate in the Green Belt and substantial weight should be given to any harm to the Green Belt. It also identifies that very special circumstances which might lead to the approval of otherwise inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness (and any other harm) is clearly outweighed by other circumstances.
- 8.4 That being said, paragraphs 145 and 146 of the NPPF go on to identify a number of defined exceptions to inappropriate development in the Green Belt which include the replacement of a building providing the new building is in the same use and not materially larger than the one it replaces and material changes in the use of land providing the openness of the Green Belt is preserved.
- 8.5 By way of clarification, Paragraph 133 of the NPPF sets out that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence.

8.6 Therefore, as set out above, the planning issues considered in September, remain unaltered. Consideration needs to be given as to whether or not the proposal represents appropriate development in the Green Belt (i.e. whether the replacement building is in the same use and not materially larger than the one it replaces). If the conclusion is that the building is appropriate development, it would comply with planning policy and so should be granted consent unless other considerations outweigh that initial finding. If it is concluded the new dwelling is materially larger, the new dwelling would represent inappropriate development and should only then be permitted if very special circumstances are shown to justify the harm caused to the Green Belt. If, in such a scenario, no very special circumstances are shown to exist then permission should be refused. Conversely, if very special circumstances are found then permission should be granted.

8.7 The applicant has sought to provide evidence that the barn attached to the dwellinghouse was last used for domestic purposes, it is part of the dwelling house in terms of its use, and it should properly be considered as part of the dwelling and so be taken into consideration in respect of the size of any replacement building.

Whilst clearly not designed as a domestic building, on balance, and on the basis of the information submitted in conjunction with the application, Officers consider that the attached barn comprises a subsisting domestic use. The applicant states that the last use of the barn was for the storage of domestic paraphernalia, with agricultural operations having ceased a number of years ago. Officers are not aware of any definitive evidence to dispute this claim. Consequently, they are satisfied that the existing dwelling and attached barn comprise a building forming a domestic use.

8.8 As set out above, the construction of a new dwelling in the Green Belt is considered generally to be inappropriate development. However and as set out above, one of the defined exceptions to inappropriate new built development in the Green Belt, paragraph 145(d) [of the NPPF], comprises the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. In this instance, Officers accept that, on the basis of the information available and set out above, the proposed building would be in the same use as the building, including the attached barn like structure that it would replace.

8.9 Further to the deferment in September the applicant has submitted [amended] plans that show that the proposed dwelling would be approximately 20 - 25% larger than the existing building(s) (dwelling and barn) which it would replace. The applicant considers that the increase in volume is 17.9%. [Although it is suggested that if the southern garage is included this reduces to 2.27%].

Officers consider that such an increase in scale, whether 18% or upwards of 20% is material.

The applicant suggests that the "southern garage" should also be considered in the arithmetic assessment of "materially larger". It is accepted that a garage structure is located close to the primary buildings on the site and was possibly used for domestic purposes. Even if it is considered this structure should be properly considered as a part of the arithmetic calculation, Officers still conclude that the massing of the new dwelling when compared to all the buildings taken into account make it materially larger by reason of its massing and prominence when compared

to the existing structure(s).

Consequently, Officers conclude that the proposed new dwelling would still represent inappropriate development in the Green Belt. In such circumstances paragraph 143 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- 8.10 The applicant has set out that in this case a number of former agricultural and other buildings would also be removed as part of the application and this would add to the wider environmental benefits of the scheme, as would the design of an energy efficient dwelling house in replacement of the existing. Officers have carefully considered this and accept that the removal of the various single storey buildings scattered across the site would bring some environmental benefits to the area and that in this case this represents the very special circumstances to justify overriding the other harm that would be caused by the proposed development. As such, it is considered that the principle of the new dwelling in these circumstances is acceptable.
- 8.11 The applicant also seeks consent to create a significantly sized curtilage surrounding the new dwelling. Officers consider that the introduction of such a large garden would introduce into this rural environment a domesticated area that would be at odds with the overall character of the area. Such a significant domestic area would, in the view of Officers, fail to preserve the countryside from encroachment and so be inappropriate development in its own right.

However, subject to a condition that limits the curtilage to that area directly in front of the proposed dwelling towards the road and incorporating the area to the rear that is already garden, Officers consider this would be acceptable. This could be limited by condition.

Impact on Neighbouring Amenity

- 8.12 The nearest residential properties lie across Cowley Lane to the north of the application site and some distance across fields to the east.
- 8.13 Such is the distance from the proposed dwelling to these properties the amenity of their occupiers would not be impacted on by the proposed development.

Other Material factors

- 8.14 It is noted that none of the technical consultees have objected to the proposal subject, as appropriate, to conditions. Therefore, subject to conditions as necessary there are no technical objections to the scheme.
- 8.15 In particular, the Derbyshire Wildlife Trust (DWT) made comment on the impact of the development ecological interest and the applicant supplied further information which satisfied DWT in that respect.

8.16 It should be noted that the Highway Authority raised no objections to the scheme.

Conclusion

8.17 Whilst representing inappropriate development, Officers contend that there are very special circumstances why, in this case, a replacement dwelling of the size proposed would be acceptable. As such, the application is recommended for approval.

9.0 SUMMARY OF CONSULTATIONS

9.1 Ward Member: No comments
Parish Council: Objections
County Highways: No objections, subject to conditions
Environmental Health: No objections subject to conditions
Local Plans: No comments
Yorkshire Water: Comments
Derbyshire Wildlife Trust: No objections subject to conditions.
Footpaths Societies: No comments
The Coal Authority: No objections subject to conditions.

10.0 RECOMMENDATION

10.1 That Planning Permission is **APPROVED** subject conditions, the final wording of which is delegated to the Planning Manager (Development Management).

Conditions:

- 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 approved amended plans listed below, which were received at this office on 06.09.2019, 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:
 - 847 001 (Location Plan)
 - 847 002D (Proposed Site Comparison Plan)
 - 847 100D (Proposed Floor Plans)
 - 847 101D (Elevations as Proposed)
 - 847 102D (Site Plan as Proposed)
 - 847 103D (Proposed 3D Views)
- 3 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.
- 4 Before development starts details of the existing ground levels, proposed finished floor levels of the proposed dwelling and the proposed finished ground levels of the site, 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.

- 5 Before above ground works start, a plan shall be submitted to and approved in writing by the Local Planning Authority to show the proposed boundary treatments throughout the site. The scheme shall be implemented in full in accordance with the approved scheme and shall be retained as such thereafter.
- 6 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no extensions (Part 1, Class A); dormer windows (Part 1, Class B); alterations to the roof (Part 1, Class C); porches (Part 1, Class D); curtilage buildings (Part 1, Class E); hard surfaces (Part 1, Class F); oil storage tanks (Part 1, Class H); means of enclosure (Part 2, Class A) shall be erected/constructed without first obtaining planning permission.
- 7 Before any above ground works are commenced, 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
- 8 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.
- 9 Before development starts, a scheme for the provision of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be retained as such thereafter.
- 10 Before development starts, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use, and shall be retained as such thereafter.
- 11 Notwithstanding the submitted details, before first occupation of the dwelling hereby approved, details of the residential curtilage for the dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The extent of the residential curtilage shall remain as approved thereafter.

- 12 The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking of at least 2 vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
- 13 Prior to first occupation of the dwelling hereby approved, details of nesting opportunities for barn swallow and house sparrow shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to the first occupation of the dwelling hereby approved and shall be retained as such thereafter.
- 14 The development shall be undertaken in accordance with the bat mitigation measures identified within Paragraph 4.17 of the Bat Survey issued by Armstrong Ecology and Mountains Ltd on 17.07.2019.
- 15 Prior to the commencement of the development hereby approved, a scheme of intrusive site investigations, which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity, shall be undertaken. A report of findings arising from the intrusive site investigations and a scheme of remedial works shall then be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved remedial works shall be implemented in full.
- 16 Before the commencement of the development hereby approved:
 - a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
 - b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:
 - the likely presence of potentially hazardous materials and substances,
 - their likely nature, extent and scale,
 - whether or not they originated from the site,
 - a conceptual model of pollutant-receptor linkages,
 - an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
 - details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

17 Before the commencement of the development hereby approved:

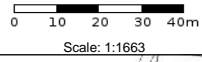
Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

18 The dwelling hereby approved shall not be occupied until:

a) The approved remediation works required by 16 above have been carried out in full in compliance with the approved methodology and best practice.

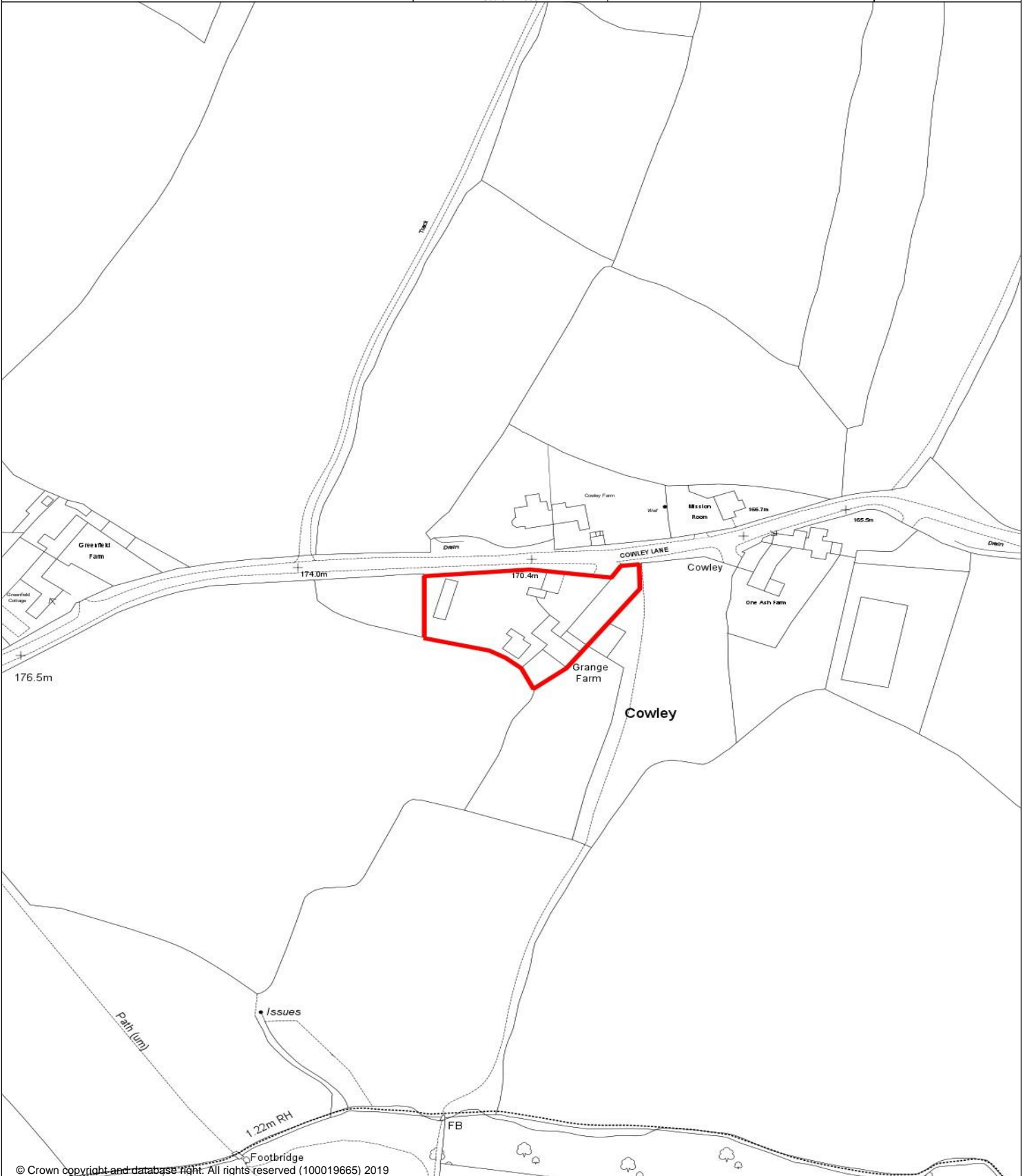
b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 16b to 17 above and satisfy 18a above.

c) Upon completion of the remediation works required by 17 and 18a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.



Author: K. Spelman

Date: 19/08/2019 15:41:58



APPLICATION NO. 18/00858/FL

APPLICATION Demolition of current dwelling, replacing with a new two storey dwelling with improvements to access

LOCATION Peglant Cottage, Matlock Road, Ashover, Chesterfield

APPLICANT Mr & Mrs Sandhu

CASE OFFICER Ms Susan Wraith

DATE RECEIVED 23rd August 2018

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Armitage

REASON: In order that Planning Committee can consider the impact of the proposal on the surrounding countryside.

The Site Inspection Group will visit the site to assess the full impact of the proposal on the character of the area.

1.0 SITE DESCRIPTION

- 1.1 The site comprises a rectangular parcel of land positioned alongside Matlock Road approximately 600m to the north of Kelstedge. It slopes gently downwards from north to south. The site is outside the settlement development limit and, thus, in countryside for planning policy purposes. The site is also within a Special Landscape Area.
- 1.2 The site presently accommodates a stone bungalow (Peglant Cottage) which has accommodation in the roof space in part. Whilst the bungalow at its eastern elevation appears diminutive in fact it is quite elongated extending a significant way across the depth of the plot. Being positioned at the highest part of the site, close to the exposed northern boundary, the bungalow is clearly seen in views from land parcels and a public footpath to the north and from Matlock Road when approaching from the north. The bungalow has been altered and extended over the years, including the addition of a flat roof extension to its northern boundary and fenestration of modern style and materials. The bungalow has been unoccupied for some time and, together with the wider land, is of somewhat unkempt appearance.
- 1.3 The surrounding landscape is of gently sloping pastoral character and appearance, field boundaries defined by dry stone walls interspersed with trees and hedgerows, with some expansive views across the valley. Within the landscape are some scattered farmsteads and isolated countryside dwellings of various design. The prevailing local vernacular is of coursed natural stone with natural slate roofs, dwellings typically being two storey and of simple design with modest gable widths.

2.0 PROPOSAL

- 2.1 The proposal comprises demolition of the existing 5/6 bedroom bungalow (Peglant Cottage) and its replacement by a two storey, 5 bedroom dwelling. The proposed dwelling takes the form of two parts, the front wing being attached to the main block by a glazed link. A double garage is also proposed

to the north west of the dwelling. The proposal also includes landscaping to the northern boundary, visibility improvements to the existing access and repair and retention of the existing drystone boundary walls.

3.0 AMENDMENTS

3.1 The proposal as originally submitted was considered by officers to be too large and monolithic in appearance, having a harmful effect upon the surrounding countryside and Special Landscape Area. Following protracted negotiations the following amendments have been made:

- Reduction in volume.
- Reduction in footprint.
- Splitting into two blocks to break up the form and lessen the impact.
- Re-positioning of the front wing towards the western end (away from Matlock Road).
- Lowering the level of the front wing.

4.0 PLANNING HISTORY

16/00694/FL Replacement two storey dwelling and widening of access.
Refused 10/04/2017.

89/00808/FL Single storey extension to form conservatory, hobby room, bedroom, bathroom and bed-sitting room. Granted conditionally 26/06/89.

5.0 DEVELOPMENT PLAN AND OTHER POLICIES

5.1 The Development Plan comprises the extant Local Plan and the made Ashover Neighbourhood Plan. The policies considered those most relevant to the determination of the application are considered as follows:

North East Derbyshire District Local Plan

GS1: Sustainable Development

GS6: New Development in the Countryside

NE1: Landscape Character

NE2: Special Landscape Areas

NE3: Protecting and Managing Features of Importance to wild Flora and Fauna

H3: New Housing Outside Settlement Development Limits

H12: Design and Layout of New Housing

Ashover Neighbourhood Plan

AP2: Development Proposals Outside the Limits to Development

AP11: Design

AP13: Landscape Character

AP16: Dry Stone Walls

5.2 The Council is in the process of preparing a new Local Plan which is currently the subject of examination. Weight should be attributed to it as appropriate and the policies considered most relevant to the determination of the application are considered as follows:

SS9: Development in the Countryside
SDC3: Landscape Character
SDC4: Biodiversity and Geodiversity
SDC12: High Quality Design and Place Making

- 5.3 The National Planning Policy Framework is relevant to the determination of the application and the most pertinent elements of it are considered to be as follows:

Chapter 12: Achieving well-designed places
Chapter 15: Conserving and enhancing the natural environment

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1

NEDDC Forward Planning: No comments received.
NEDDC Environmental: No comments received.
Health:
DCC Highways: No objections. Recommends conditions and advisory notes.
Severn Trent Water: No comments received.
Derbyshire Wildlife Trust: Any comments received will be reported at Committee
Ashover Parish Council: Is concerned by the impact of the proposal on the surrounding countryside. The proposal is significantly larger than the existing footprint and should be treated as new development in the countryside outside the Settlement Development Limit.
Ward Councillor: Is concerned by the impact of the proposal on the surrounding countryside. Has "called in" the application for determination by Planning Committee.

- 6.2 A Site Notice was posted on 07/09/2018. 6 neighbours were notified by letter on 03/09/2018.

- 6.3 In respect of the proposal as originally submitted 1 objection letter was received making the following points:

- The dwelling would be more than 50% bigger than the existing bungalow;
- The raised roof height would have a greater impact;
- The modern fenestration is incompatible;
- Privacy issues would arise from north facing windows;
- Balcony terrace is out of character;
- Indian paving is out of character.

4 letters of support were received making the following points:

- The current dwelling is in disrepair and doesn't contribute positively;
- The new dwelling would be sympathetic to the location;
- The development would bring a dilapidated site back into use;

- The proposed dwelling would create no greater impact;
- The landscaping proposals would contribute positively;
- The access would be improved.

6.4 This latest amendment (the subject of this report) was published on the Council's web site. No further objections or letters of support have been received.

7.0 PLANNING CONSIDERATIONS

7.1 The main issue is the effect of the development upon the character and appearance of the countryside and Special Landscape Area when compared to the existing situation.

8.0 PLANNING ASSESSMENT AND SUMMARY

8.1 The proposed dwelling has been designed such that it would be positioned further down the site than the existing bungalow, being some 10m from the northern boundary whereas the existing dwelling, at its closest point, is only some 2m from the northern boundary. Significant additional landscaping is proposed to the northern boundary which will effectively soften and screen the development in views from the land and footpath to the north and when approaching from the north along Matlock Road whereas the existing dwelling, presently, can be clearly seen in these views.

8.2 The new dwelling would also be built into the site contours, the ground floor level of the main block being approximately 0.7m lower than the ground floor level of the existing bungalow. The ground floor level of the front wing will step down further, utilising the contours of the land. This use of contours helps to lessen the visual impact of the proposal and results in a building sitting comfortably in the plot.

8.3 The dwelling will also have a broken form, appearing as two blocks plus the garage block, each reflecting the scale and proportions of local vernacular buildings. This design approach avoids a monolithic building that would appear of greater singular scale and mass.

8.4 It is accepted that the building, being two storey in height, has taller elevations when compared to the existing bungalow. However, because it is positioned at a lower level, utilising the site contours, at its highest point (the ridge of the main block) the new dwelling will in fact be no higher than the chimney of the existing bungalow.

8.5 The width of the proposed dwelling will be less than that of the existing bungalow as will the depth of the main block. The east elevation, when seen obliquely from Matlock Road, will appear as a narrow ended gable (narrower than the existing bungalow) to a two storey coursed stone dwelling with dual pitched roof and simple fenestration, all reflective of the local vernacular. The front wing is positioned towards the western end of the dwelling, some distance from Matlock Road, and at a lower level stepping down the contours. It will be seen as a receding and secondary element (probably perceived as a separate block) in these views.

- 8.6 To its west, east and southern boundaries the site is already well screened. Supplementary planting is proposed. In views from Matlock Road when approaching from the south, and from the footpath to the south, the new dwelling will only be glimpsed through foliage and, it is considered, will be no more visually obvious than the existing bungalow.
- 8.7 There are some longer distance views of the site (from Bathhouse Lane and Wirestone Lane for example) from where the new dwelling may be seen. However, at these distances, and when also taking into account the softening effect of foliage, Officers contend that the new dwelling will have no more of a visual effect upon the appearance of the countryside and Special Landscape Area than the existing bungalow.
- 8.8 Policy H3 of the adopted Local Plan provides for replacement dwellings in the countryside provided that the resulting dwelling “would not be materially larger” or “have a greater impact upon its setting”. In this case the replacement dwelling (at some 30% larger in volume) is considered to be “materially” larger. However, for the above reasons, it is considered that the proposed dwelling would not have any “greater impact” upon its setting. Thus, in the view of officers, the proposal accords with policy H3 and the other cited policies of the development plan.
- 8.9 The emerging local plan policy SS9 provides for a replacement building that is not “significantly larger”. The impacts of the larger dwelling, in this case, for the reasons explained are not considered to be significant. The proposal is therefore also considered to accord with SS9.
- 8.10 The existing dwelling is of unremarkable design and, in its existing deteriorating condition, is not considered to contribute positively to the character and appearance of the area. Together with bringing a vacant site back into use the proposal provides an opportunity for enhancement. The acceptability of the development, nonetheless, will be dependent upon a sensitive landscaping scheme, removal of permitted development rights, sensitive use of materials, rebuilding/repair of dry stone walls and access improvements. These are all matters that can be dealt with by the imposition of planning conditions.
- 8.11 An ecological and bat survey has been undertaken which has revealed no evidence of bats emerging or re-entering the existing building with the only bat activity in the site vicinity being from commuting bats. Neither is there any evidence of nesting birds or barn owl. Derbyshire Wildlife Trust has been consulted on the ecological and bat survey report. Any comments received will be reported at Committee. On the evidence presently before the Council it is not considered that the development will give rise to any unreasonable effects upon ecology. Control over any external lighting and ecological enhancement measures are recommended and can be secured by planning conditions.
- 8.12 For all these reasons it is considered that the development will have a satisfactory and acceptable effect upon the character and appearance of the countryside and Special Landscape Area when compared to the existing situation. As such it is concluded, on balance, that permission should be granted.

9.0 SUMMARY OF CONSULTATIONS

County Highways:	No objection
Environmental Health:	No comments
Derbyshire Wildlife Trust:	To be reported
Neighbour:	1no. objection 4no. support letters
Parish Council:	Objects
Ward Member:	Concerns raised.

10.0 RECOMMENDATION

10.1 It is recommended that permission is **GRANTED** subject to conditions the final wording of which is delegated to the Planning Manager (Development Management):

1. The development hereby permitted shall begin not later than 3 years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

1969-001	Site Location Plan
1969-003 B	Site Block Plan as Proposed
1969-004 B	Plans as Proposed
1969-005 B	Elevation and Section as Proposed
1969-006 B	Elevations as Proposed

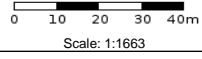
3. Notwithstanding the details shown on the approved plans, the dwelling shall not be built above damp proof course level until the following details have been submitted to and approved in writing by the Local Planning Authority:

- i. Type of stone for the external elevations and coursing;
- ii. Roofing materials;
- iii. Doors, door surrounds, garage door and windows (including heads and cills);
- iv. Eaves and verges;
- v. Materials for all hard surfaces;
- vi. Any other external materials.

The dwelling shall then be constructed in accord with the agreed details

4. No works shall be undertaken above damp proof course level until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for new planting including to the northern boundary of the site; and shall include details of all existing trees and hedgerows on the land, identifying those to be retained. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling; and any trees, shrubs and plants which, within a period of 5 years from the implementation of the scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species.

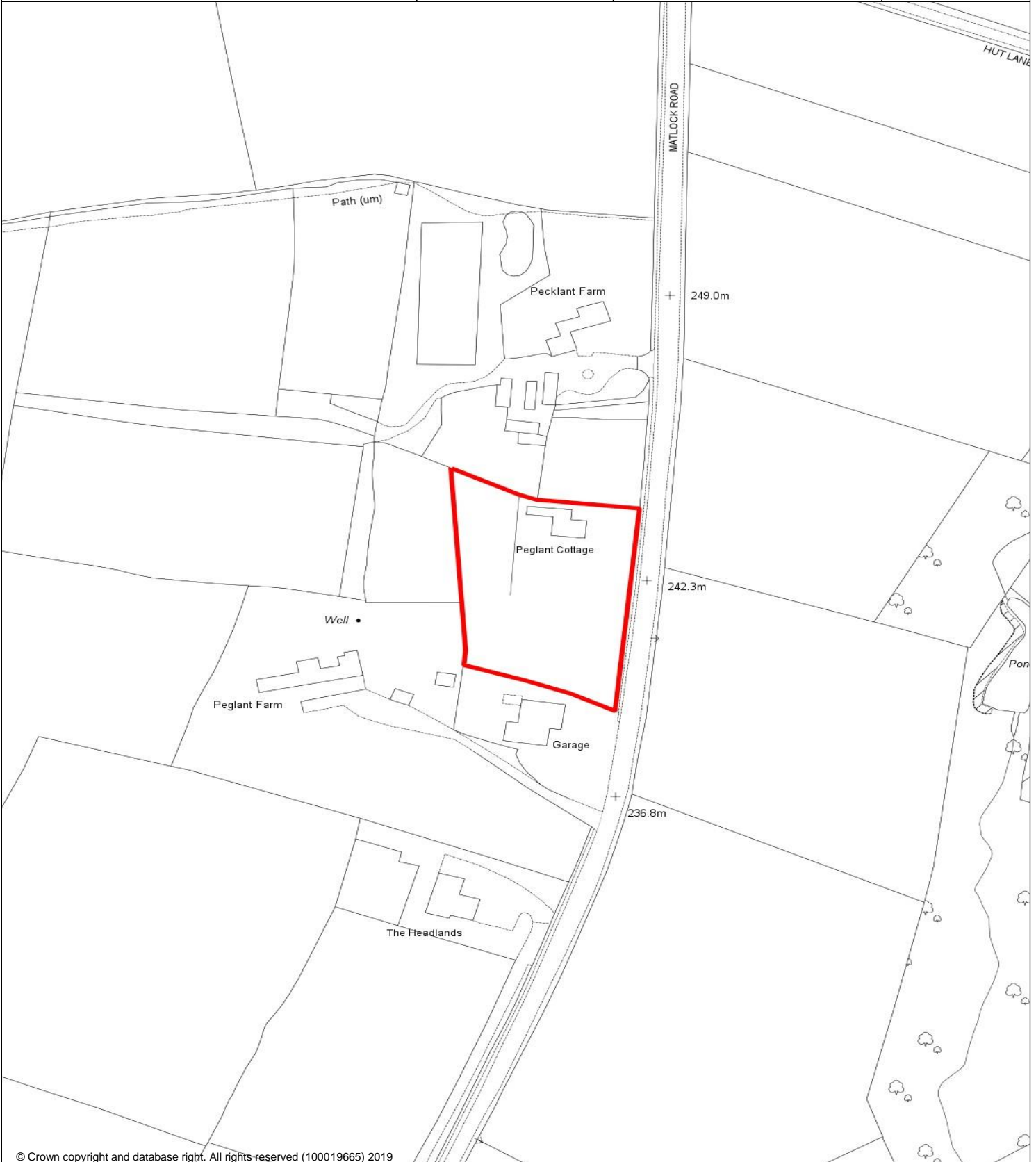
5. No site clearance, preparatory work or development shall take place until tree and hedgerow protection measures have been put in place in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The tree and hedgerow protection measures shall remain in place for the duration of the carrying out of development.
6. The dry stone walls to the site boundaries shall be rebuilt and/or repaired prior to the first occupation of the dwelling. Thereafter the dry stone boundary walls shall be retained.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification, no enlargement, improvement or other alteration of the dwellinghouse [within Classes A, B, C and D of Schedule 2 Part 1] shall be undertaken. Neither shall any building etc incidental to the enjoyment of the dwellinghouse [within Class E of Schedule 2 Part 1] be erected or provided other than as expressly authorised by this permission.
8. Before the first occupation of the dwelling, the existing access to Matlock Road shall be modified in accordance with the application drawings, laid out, constructed in a hard bound material and provided with visibility splays extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in both directions. The area in advance of the sightlines shall be maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.
9. Space shall be laid out, surfaced and provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents' vehicles prior to the dwelling being first occupied. Thereafter the space shall be retained and maintained free from any impediment to its designated use.
10. There shall be no gates or other barriers within 6m of the nearside highway boundary and any gates shall open inwards only.
11. Before the first occupation of the dwelling ecological enhancement measures shall have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The implemented measures shall then be retained as agreed.



Author: K. Spelman



Date: 09/09/2019 13:20:13



APPLICATION NO. 19/00647/FL

APPLICATION Application to remove condition 13 of planning application 10/00571/FL to remove restrictions regarding person or persons who may occupy the dwelling (Conservation Area/Affecting the setting of a Listed Building)

LOCATION Crown Inn Main Road Higham Alfreton DE55 6EH

APPLICANT Rita Williams

CASE OFFICER Aspbury Planning

DATE RECEIVED 20/06/19

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Liggett

REASON: To consider the impact upon the Conservation Area

The Site Inspection Group is to visit the site to view the relationship of the site with neighbouring properties and the impact of the development on the character of the Conservation Area and Listed Building and access arrangements. Site Inspection Group visit requested

1.0 SITE DESCRIPTION

- 1.1 The Crown Inn is located on the eastern side of Main Road in the centre of Higham and lies within the Settlement Development Limits and the Conservation Area.
- 1.2 The Listed Building runs parallel the Main Road, with access to the car park between the neighbouring dwelling; Lilycoft and the public house. To the east of the pub is a tarmac surfaced car park and a small beer garden.
- 1.3 The site of the approved managers dwelling (10/00571/FL), subject of this application, lies at the far eastern extent of the car park and is framed by hedgerows and mature trees on three sides. Whilst the site is overgrown, planning permission is extant as a commencement on site has been confirmed.
- 1.4 The surrounding area is predominantly residential, comprising of natural stone constructed dwellings mainly set on the back edge of the highway. On the opposite side of Main Road is Santos Higham Farm Hotel and Restaurant. Along the A61 further to the north of the village is The Greyhound, Tavern Table Pub and Restaurant.
- 1.5 To the south of the site is a modern dormer bungalow. There is an open field to the east of the site. To the west are properties fronting Main Road with the main pub building sitting to the south west.

2.0 PROPOSAL

- 2.1 The application proposes the removal of condition 13 which restricts the occupation of the dwelling to a manager associated with the running of The Crown Inn Public House.
- 2.2 The Crown Inn is currently vacant and there are a further three planning applications to be considered by the Planning Committee which this application is linked. These involve the conversion of the public house (19/00649/FL and 19/00651/LB) to form three dwellings and for the construction of a pair of cottages on the former pub car park (19/00648/FL).

3.0 PLANNING HISTORY

- 3.1 08/00713/FL | Erection of one dwelling to form managers living accommodation in connection with existing hotel and public house (revised scheme of 06/00454/FL) (Conservation Area) (Affecting the Setting of a Listed Building): Refused
- 3.2 10/00571/FL | Erection of one dwelling to form manager's accommodation (Revised Scheme of 08/00713/FL) (Conservation Area) (Affecting Setting of Listed Building) (Amended Plan/Additional Information): Conditionally Approved/P.D. Removed
- 3.3 13/00769/DISCON | Application to discharge conditions 2 (landscaping), 4 (boundary treatments), 5 (materials), 6 (levels), 7 (rainwater goods), 8 (mortar mix and pointing) and 11 (pedestrian footpath) of planning permission 10/00571/FL for one dwelling for managers accommodation: Conditions Discharged
- 3.4 19/00648/FL | Proposed pair of semi-detached dwellings (Conservation Area/Affecting the setting of a Listed Building)(Amended Plans): Pending Consideration
- 3.5 19/00649/FL | Proposed change of use of public house to 3 dwellings including demolition of extensions to rear (Listed Building/Conservation Area): Pending Consideration
- 3.6 19/00651/LB | Proposed change of use of the Crown Inn and internal reconfiguration to form 3 dwellings (Listed Building/Conservation Area Status: Pending Consideration

4.0 PLANNING POLICY CONSIDERATIONS

- 4.1 The development comprises the North East Derbyshire Local Plan. The most relevant policies of the Local Plan are:

GS1:	Sustainable Development
GS5:	Settlement Development Limits
GS12:	Access for All
BE1:	General Design Principles
BE9:	Development within the Vicinity of a Listed Building
BE11:	Development Within and Adjoining Conservation Areas

H2:	Housing Development on Other Sites Within Settlement Development Limits
H12:	Design and Layout of New Housing
T2:	Highway Access and the Impact of New Development
T9:	Car parking provision
CSU4:	Surface and Foul Water Drainage
CSU6:	Contaminated Land

4.2 The Council is now at an advanced stage in the production of a new Local Plan (Publication Draft) (LPPD) which reflects national guidance in the NPPF and would provide for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State at the end of May 2018 and undertook examination earlier this year. The document sets out the Council's strategy for sustainable development and should be afforded weight in decision making.

4.3 The most relevant policies contained in the Local Plan (Publication Draft) include:

SS1:	Sustainable Development
SS7:	Development on Unallocated Land within Settlement with defined Settlement Development Limits
SDC5:	Development within Conservation Areas
SDC12:	High quality Design and Place-Making
ID5:	Loss of Existing Social Infrastructure

4.4 National Planning Policy Framework

The revised National Planning Policy Framework was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. Section 16 (paragraphs 184 – 202) relates to Conserving and Enhancing the Historic Environment. The NPPF states that Heritage 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.

4.5 Other:

- Successful Places Design Guidance (SPG)
- Sustainable Buildings SPG

5.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

5.1 The Full Planning application was validated on the 20 June 2019. An extension of time has been mutually agreed until the 4 October 2019 to allow consideration by the Planning Committee.

5.2 A site notice was posted to the front of the building on 3 July 2019 advertising the Full Planning application by the applicant.

5.3 **Ward Councillors:** Councillor Liggett has requested that the applications be considered by the Planning Committee, raising concerns on impact upon the character of the Conservation Area.

- 5.4 **Shirland and Higham Parish Council:** Strongly object to this application after considering the archaeological report and the affect the proposal would have on the setting of a listed building
- 5.5 **Highway Authority:** The submission of three separate applications presents potential issues with the suitability of the site access to serve each of the proposals on the site. Currently the site access has substandard width; however, in the case of a Public House conversion, it would be usual to assess the potential vehicle trips generated by the former use against those potentially generated by the conversion e.g. residential. If the proposed development was considered to generate similar or less vehicle trips to those generated by the former use, the Highways Authority would have little or no grounds for objection to the proposal, based on the substandard access width.
- 5.6 In this case, if the application for conversion of the Public House to residential was approved and implemented before the application for two dwellings in the rear car park was approved and implemented, the suitability of the access would have to be assessed by considering the likely increase in vehicle movements generated by the two units to the rear against those generated by the converted Public House i.e. 3 dwellings. This would be a significant increase and likely to result in a Highway Authority objection to the two rear dwellings. In addition, the removal of the restrictive condition on the rear dwelling would also increase vehicle trips through the access and likely to receive a Highway Authority objection.
- 5.7 Another scenario: If the application for the two dwellings in the Public House car park was approved and implemented before the application for the conversion of the Public House to residential, meaning the Public House could be reopened and operated as a Public House, the Public House would have no parking provision. This scenario is also likely to receive a Highway Authority objection.
- 5.8 Unless there is some means of controlling the phasing of these applications, such that none of the developments resulted in either an increase in vehicle movements through the site access, as compared to the extant use(s) on the site, or the total loss of parking provision associated with the Public House, it would seem sensible for all of the proposals to be included in one application which would then control the overall operations within the site.
- 5.9 **Environment Health:** No objection to the removal of the condition.
- 5.10 **Interested Third Party comments:** Two objections have been received objecting on grounds that the dwelling was only approved for support of the pub which is now closed. It is not considered that a dwelling is justified without the pub use and planning permission should be nullified as the dwelling impacts upon the listed building.

6.0 PLANNING CONSIDERATIONS

- 6.1 The planning considerations for the Full Planning application is whether the condition still has a function in order to make the development acceptable. Consideration needs to be given to its reasonableness, its necessity to control development, relevance and enforceability.
- 6.2 Matters relating to impact upon designated Heritage Assets, character of the area and residential amenity are not considerations requiring revisiting given the condition was imposed to make the development acceptable on highway matters.

7.0 PLANNING ASSESSMENT

Principles of Development

- 7.1 The only matter for consideration is whether the condition still performs a function and whether it should be retained or not. Having regard to the test set out in the National Planning Policy Framework at paragraph 55.
- 7.2 The principle of development in this location has been accepted with the grant of planning permission which has been confirmed to be extant with a commencement on site having been recorded.
- 7.3 With the closing of the pub; and there being no clear intention to reopen as a Public House, there would be no need for a Manger's house. The Applicants have applied to convert the pub into three dwellings and that application is linked to this application and should only succeed if the principle of the conversion and loss of facility is accepted.
- 7.4 The occupancy condition was imposed on grounds of highway safety following an Appeal decision where the conflict in uses was considered to be unacceptable. With the closing of the pub and its conversion, the commercial use would cease and therefore no conflict on highway safety would materialise.
- 7.5 The Highways Authority have raised concerns in relation to the linked applications as each one if not tied together has potential to cause highway issues due to the substandard access. It is acknowledged that the operations as a public house attracts a number of coming and goings and this former use is therefore a material consideration.
- 7.6 With the removal of the commercial use and replacement of 6 dwellings, one already having an extant permission, it is considered that it is appropriate to condition each application so that a phased approach to redevelopment of the site takes place without prejudicing the highway impacts. This can be dealt with by way of condition on any decision and a S106 is not required in this instance.
- 7.7 In view of the above, it is considered that the conversion of the public house is pivotal to the determination of the three applications on site which are linked even though applied for separately.

Conclusion

- 7.8 The acceptability of the removal of this condition relies on the principle of the conversion of the Public House being accepted. Without the commercial use there would be no requirement for a Manager's house and the condition would be unnecessary and would fail the test set out in the NPPF at paragraph 55.

8.0 SUMMARY OF CONSULTATIONS

<u>County Highways:</u>	No objection subject to linking the applications
<u>County Planning:</u>	Not applicable
<u>Environmental Health:</u>	No objection
<u>Drainage:</u>	Not applicable
<u>Access Officer:</u>	Not applicable
<u>Footpath:</u>	Not applicable
<u>Neighbour:</u>	2 objections
<u>Ward Member:</u>	No comments received
<u>Parish Council:</u>	Objection

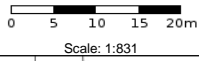
9.0 RECOMMENDATION

That Planning Permission is **APPROVED** subject to conditions, the final wording of which is delegated to the Planning Manager (Development Management):

Conditions

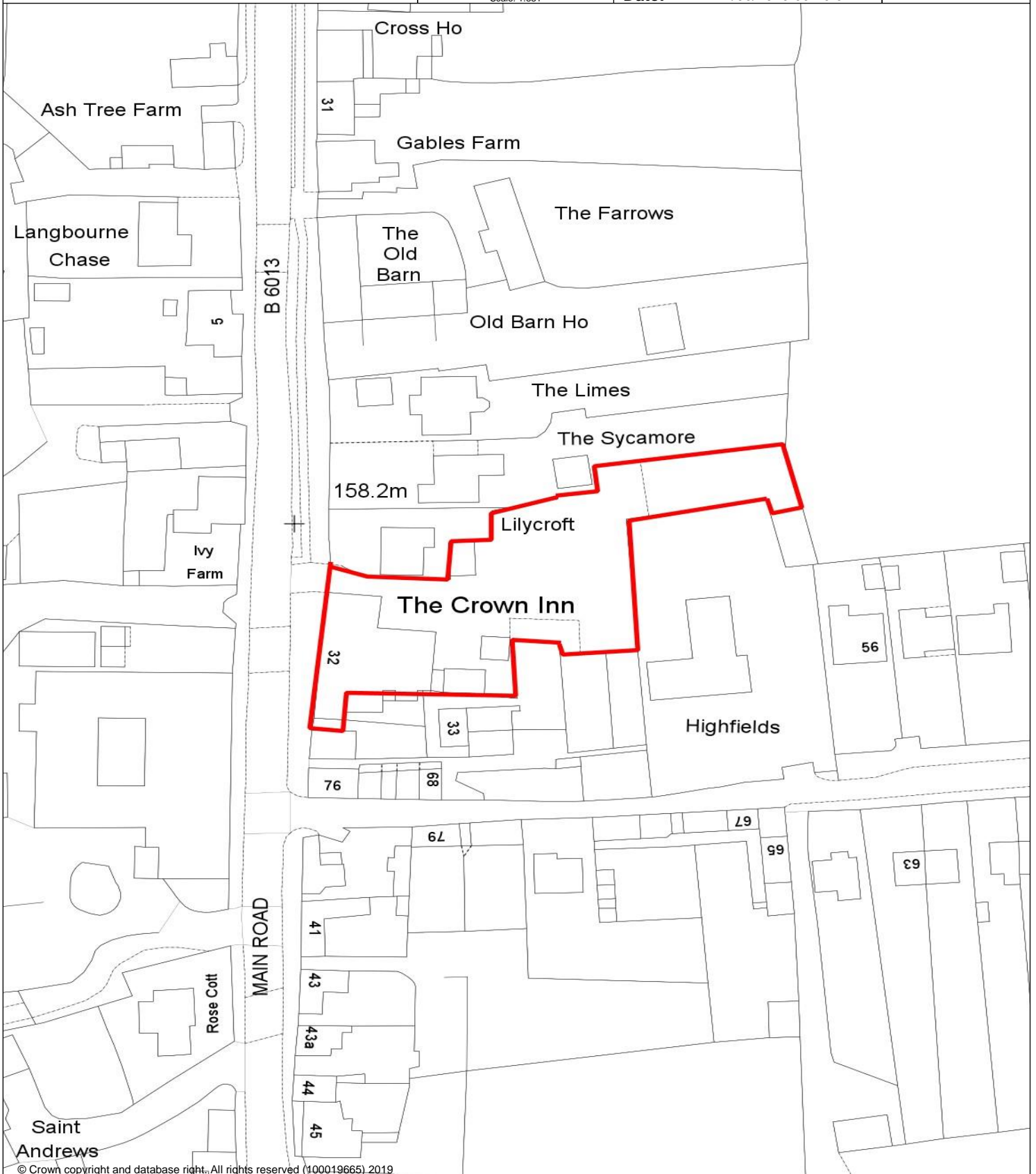
1. The dwelling hereby approved shall not be occupied until it has been demonstrated that the public house use has ceased through the implementation of the conversion works approved under planning reference 19/00649/FL and in accordance with a timetable phasing the redevelopment of the whole site.
2. The landscaping scheme as approved under 13/00769/DISCON shall be carried out in the first planting and seeding season following the occupation of the dwelling 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 other of similar size and species, unless the Local Planning authority gives written consent to any variation.
3. All hedgerows to the north, east and south shall be retained in accordance with details agreed under 13/00769/DISCON.
4. Space shall be provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
5. The stone and slate materials to be used in the construction of the dwelling shall be in accordance with those approved under 13/00769/DISCON.

6. The finished floor levels of the dwelling shall strictly be in accordance with the details approved under 13/00769/DISCON.
7. The rainwater goods are to be cast iron/timber of a traditional profile and supported by brackets. The work shall then be carried out and retained in accordance with the details approved under 13/00769/DISCON.
8. The mortar used shall be a lime mortar and the pointing shall be in accordance with the details as submitted and approved under 13/00769/DISCON. The mortar mix shall be 1 part lime to 3 parts sand.
9. Notwithstanding the provision for Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no extension (Part 1, Class A); dormer windows (Part 1, Class B); alterations to the roof (Part 1, Class C); curtilage buildings (Par 1, Class E); shall be erected/constructed without first obtaining planning permission.
10. Other than those shown on the approved plans and notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order), no further windows or doors shall be installed in the building.
11. Prior to the first occupation of the dwelling hereby approved a new pedestrian footpath from the public highway to the new dwelling shall be provided in accordance with the details approved under 13/00769/DISCON and retained as such for the lifetime of the development.



Author: K. Spelman

Date: 12/09/2019 09:49:04



APPLICATION NO. 19/00648/FL

APPLICATION Proposed pair of semi-detached dwellings (Conservation Area/Affecting the setting of a Listed Building)(Amended Plans)

LOCATION Crown Inn Main Road Higham Alfreton DE55 6EH

APPLICANT Rita Williams

CASE OFFICER Aspbury Planning

DATE RECEIVED 20/06/19

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Liggett

REASON: To consider the impact upon the Conservation Area

The Site Inspection Group is to visit the site to view the relationship of the site with neighbouring properties and the impact of the development on the character of the Conservation Area and Listed Building and access arrangements.

1.0 SITE DESCRIPTION

- 1.1 The application site relates to the car parking area to the rear of The Crown Inn.
- 1.2 The Crown Inn is located on the eastern side of Main Street in the centre of Higham and lies within the Settlement Development Limits and the Higham Conservation Area.
- 1.3 The Crown Inn is a Grade II listed building constructed from stone with a plain tile roof. Its former use as a public house has ceased and the property is vacant.
- 1.4 The Listed Building runs parallel to Main Road with access to the car park between the neighbouring dwelling; Lilycoft and the pub building. To the east of the pub is a tarmac surfaced car park and a small beer garden. The site of the approved managers dwelling (10/00571/FL) lies at the far eastern extent of the car park and is bordered by hedgerows and mature trees on three sides. Whilst the site is overgrown planning permission is extant as a commencement on site has been confirmed.
- 1.5 The surrounding area is predominantly residential, comprising of stone dwellings mainly sitting on the back edge of the highway. To the east of the site is a modern dormer bungalow, its garden runs along the rear boundary of the site.
- 1.6 Number 33 Main road lies to the south of the carpark and is accessed from Strettea Lane. This property, together with a number of other properties backs onto the site.

2.0 PROPOSAL

- 2.1 The application proposes the construction of a pair of cottages on the former car parking area to the east of the site.
- 2.2 The Crown Inn is currently vacant and there are a further two planning applications to be considered by the Planning Committee which are linked to this application. These involve the removal of the occupancy condition (19/00647/FL) to the extant permission for a Manager's dwelling and for the conversion of the Public House to three residential units (19/00649/FL).

3.0 AMENDMENTS

- 3.1 Following Officers concerns regarding the impact of the proposal upon the setting of the listed building and on the character and appearance of the Higham Conservation Area, amended plans were requested.
- 3.2 The siting and design of the dwellings has been amended and seeks to turn the pair of cottages 45 degrees so that the gable end is would be viewed from Main Road.
- 3.3 The design of the dwellings has been modified. The front projecting gable and mono pitched front projecting porches have been removed in favour of a more simplistic principle elevation to better reflect the historic environment. A single chimney stack, centrally located on the roof replaces the chimney stacks on the gable ends. The dwellings will contain three bedrooms, bathroom and open plan kitchen and lounge.
- 3.4 For the avoidance of doubt the application drawings considered for this proposal are as follow:

19-747-10D Site Plan
19-747-05A Proposed dwellings

4.0 PLANNING HISTORY

- 4.1 03/01270/FL | Change of use and alterations to rear storage building including increasing height of roof to provide managers flat (Listed Building/Conservation Area)(Amended Plan/Amended Title): Conditionally Approved
- 4.2 03/01273/LB | Listed building consent for alterations to rear storage building including raising height of roof to provide managers flat (Listed Building/Conservation Area) (Amended Plan): Conditionally Approved
- 4.3 06/00119/FL | Change of use of single room for use as a Post Office (Conservation Area/Listed Building): Conditionally Approved
- 4.4 06/00454/FL | Erection of one dwelling to form Managers Living Accommodation in connection with existing hotel and public house (Conservation Area)(Affecting the Setting of a Listed building): Refused

- 4.5 08/00149/LB | Application for Listed Building Consent for retention of a smoking shelter (Conservation Area/Listed Building): Refused
- 4.6 08/00150/FL | Retention of a smoking shelter (Conservation Area/Listed Building): Refused
- 4.7 08/00713/FL | Erection of one dwelling to form managers living accommodation in connection with existing hotel and public house (revised scheme of 06/00454/FL) (Conservation Area) (Affecting the Setting of a Listed Building): Refused
- 4.8 10/00571/FL | Erection of one dwelling to form manager's accommodation (Revised Scheme of 08/00713/FL) (Conservation Area) (Affecting Setting of Listed Building) (Amended Plan/Additional Information): Conditionally Approved/P.D. Removed
- 4.9 13/00769/DISCON | Application to discharge conditions 2 (landscaping), 4 (boundary treatments), 5 (materials), 6 (levels), 7 (rainwater goods), 8 (mortar mix and pointing) and 11 (pedestrian footpath) of planning permission 10/00571/FL for one dwelling for managers accommodation: Conditions Discharged
- 4.10 19/00647/FL | Application to remove condition 13 of planning application 10/00571/FL to remove restrictions regarding person or persons who may occupy the dwelling (Conservation Area/Affecting the setting of a Listed Building): Pending Consideration
- 4.11 19/00649/FL | Proposed change of use of public house to 3 dwellings including demolition of extensions to rear (Listed Building/Conservation Area): Pending Consideration
- 4.12 19/00651/LB | Listed Building consent for change of use of public house to 3 dwellings including demolition of extensions to rear (Conservation Area): Pending Consideration

5.0 PLANNING POLICY CONSIDERATIONS

- 5.1 The development comprises the North East Derbyshire Local Plan. The most relevant policies of the Local Plan are:

GS1:	Sustainable Development
GS5:	Settlement Development Limits
GS12:	Access for All
BE1:	General Design Principles
BE9:	Setting of Listed Buildings
BE11:	Development Within and Adjoining Conservation Areas
H2:	Housing Development on Other Sites Within Settlement Development Limits
H12:	Design and Layout of New Housing
T2:	Highway Access and the Impact of New Development
T9:	Car parking provision
CSU4:	Surface and Foul Water Drainage
CSU6:	Contaminated Land

5.2 The Council is now at an advanced stage in the production of a new Local Plan (Publication Draft) (LPPD) which reflects national guidance in the NPPF and would provide for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State at the end of May 2018 and undertook examination earlier this year. The document sets out the Council's strategy for sustainable development and should be afforded weight in decision making.

5.3 The most relevant policies contained in the Local Plan (Publication Draft) include:

SS1:	Sustainable Development
SS7:	Development on Unallocated Land within Settlement with defined Settlement Development Limits
SDC5:	Development within Conservation Areas
SDC12:	High quality Design and Place-Making
ID5:	Loss of Existing Social Infrastructure

5.4 National Planning Policy Framework

The revised National Planning Policy Framework was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. Section 16 (paragraphs 184 – 202) relates to Conserving and Enhancing the Historic Environment. The NPPF states that Heritage 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.

5.5 Material Considerations

Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

5.6 Other

- Successful Places Design Guidance (SPG)
- Sustainable Buildings SPG

6.0 **PUBLICITY, CONSULTATIONS AND REPRESENTATIONS**

6.1 The Full Planning application was valid on the 20 June 2019. An extension of time has been mutually agreed until the 4 October 2019 to allow consideration by the Planning Committee.

6.2 A site notice was posted to the front of the building on 3 July 2019 advertising the Full Planning applications by the applicant.

6.3 **Ward Councillors:** Councillor Liggett has requested that the applications be considered by the Planning Committee, raising concerns on impact upon the character of the Conservation Area.

- 6.4 **Shirland and Higham Parish Council:** Strongly object to this application after considering the archaeological report and the affect the proposal would have on the setting of a listed building. The Parish Council are concerned about the loss of the Public House which is a valuable asset to the community. Concerned that there will be little, if any outdoor amenity space for any of the properties and no room for car parking which may result in cars being parked on the highway.
- 6.5 **Highway Authority (HA):** The HA have commented that the submission of three separate applications presents potential issues with the suitability of the site access to serve each of the proposals on the site. Currently the site access has substandard width; however, in the case of a Public House conversion, it would be usual to assess the potential vehicle trips generated by the former use against those potentially generated by the conversion e.g. residential. If the proposed development was considered to generate similar or less vehicle trips to those generated by the former use, the Highways Authority would have little or no grounds for objection to the proposal, based on the substandard access width.
- 6.6 In this case, if the application for conversion of the Public House to residential was approved and implemented before the application for two dwellings in the rear car park was approved and implemented, the suitability of the access would have to be assessed by assessing the likely increase in vehicle movements generated by the two units to the rear against those generated by the converted Public House i.e. 3 dwellings. This would be a significant increase and likely to result in a Highway Authority objection to the two rear dwellings. In addition, the removal of the restrictive condition on the rear dwelling would also increase vehicle trips through the access and likely to receive a Highway Authority objection.
- 6.7 Another scenario: If the application for the two dwellings in the Public House car park was approved and implemented before the application for the conversion of the Public House to residential, meaning the Public House could be reopened and operated as a Public House, the Public House would have no parking provision. This scenario is also likely to receive a Highway Authority objection.
- 6.8 Unless there is some means of controlling the phasing of these applications, such that none of the developments resulted in either an increase in vehicle movements through the site access, as compared to the extant use(s) on the site, or the total loss of parking provision associated with the Public House, it would seem sensible for all of the proposals to be included in one application which would then control the overall operations within the site.
- 6.9 The site access off Main Street can only accommodate one way vehicle flows; however, this application and the proposals in application references 19/00647 and 19/00649 are likely to reduce vehicle movements through the access compared to the potential vehicle movements which could be generated by the current use of the site as a public house. Therefore it would be difficult for the Highway Authority to sustain an objection to both this application and to the other applications based on the site being served by a substandard access.

- 6.10 The proposed layout indicates four parking spaces and a turning area. Whilst the number of parking spaces is considered to be suitable, the turning area is somewhat restricted, especially considering the need for delivery vehicles to manoeuvre. There does appear to be sufficient space to increase the turning area, but this will utilise some of the land within application reference 19/00647; however as all of the land is controlled by the same applicant, there seems to be no reason why the turning area cannot be increased in size and appropriately conditioned to remain clear at all times.. This would be useful to all of the users of the whole site, not just those accessing the two new dwellings.
- 6.11 The proposed layout indicates no area for bin storage within an acceptable distance from the public highway and due to the confines of the site, it does appear difficult to provide such a facility. The only option seems to be to set back the boundary feature to the rear garden of plot 1 in application 19/00649, which is controlled land, by 1m to allow for a bin dwell area for all of the dwellings proposed under the three applications. Regardless, the provision of a bin dwell area should be conditioned accordingly.
- 6.12 **County Archaeologist:** No objection subject to conditions. The proposals are accompanied by a Heritage Statement which explores the relevant heritage issues around the Conservation Area and the Listed Building but does not consider potential for below-ground archaeological remains. In relation to the Conservation Area and Listed Building the local planning authority should be guided by its conservation advice, with reference to the Conservation Area Character Statement for Higham.
- 6.13 Consideration should be given to whether the open space behind the Crown Inn makes a contribution to the significance of the Conservation Area or Listed Building via its setting. Higham village has a medieval ribbon planform with former toft and croft plots running back to a common rear boundary. The current proposal site falls within one of these plots and therefore has potential for below-ground archaeology of medieval date, particular as it does not appear to have been substantially developed over the last 200 years.
- 6.14 Should the proposals gain consent this archaeological interest should be addressed through archaeological monitoring of the development groundworks, with recording as appropriate, secured by a planning condition in line with NPPF para 199.
- 6.15 **Environment Health:** Potential Land Contamination - Historical mapping indicates the site is located in an area with a coal mining legacy which can be a potential source of land contamination. In addition, it would appear from the plan the garden space for the proposed dwellings will be located in the area where demolition of the extensions to the rear will be undertaken therefore there is the potential for Made Ground to be present which can also be a source of land contamination. Environment Health are aware this part of the district is considered to be a radon affected area and we would advise the applicant obtains a Radon Risk report for the site.
- 6.16 The installation of radon protection measures (where required) is generally dealt with by Building Control. As no supporting information has been submitted with the application in relation to potential land contamination Environment Health are requesting pre-commencement conditions to ensure

the site is suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework (NPPF) 2019. The applicant's attention to the requirements of the NPPF in relation to the provision of adequate site investigation information, prepared by a competent person. Paragraph 179 of the NPPF is clear in that responsibility for securing a safe development for a site affected by contamination rests with the developer and/or landowner..

- 6.17 **Interest Third Party:** Two objections have been received. One objection relates to the original submission whereas the 2nd objection is as a result of the amended plan. Both are summarised below:
- Impacts upon the setting of the listed building.
 - Toft and Crofts are an important element of the Conservation Area and should remain undeveloped.
 - Parking dominates and impacts upon the setting of an important building.
 - Over looking and loss of privacy.
 - The submitted Heritage Assessment only relates to the conversion not buried archaeology remains.
 - The building as a public house has a social historic link to the village and is the last remaining pub and should be preserved.
 - Amenity space does not conform to the standards set out in the Successful Places SPG.
 - Cramped from of development representing an overdevelopment of the site.

7.0 PLANNING CONSIDERATIONS

- 7.1 The planning considerations for the Full Planning application is the impact upon the character of the Conservation Area and Listed Building, the amenity of neighbouring uses and highway safety.
- 7.2 The main issue when considering a proposal affecting a listed building is the impact the proposal will have on the special architectural and historic interest of the building and its setting.

8.0 PLANNING ASSESSMENT

Principle of Development

- 8.1 The Application Site is situated within the settlement development limits of Higham. Policies GS1 and GS5 of the North East Derbyshire Local Plan (2005) and Policies SS1 and SS7 of the North East Derbyshire Local Plan: Publication Draft (2014-34) supports proposals within the Settlement Development Limits, providing that they would not result in a detrimental impact on the character and appearance of the site and the surrounding area and would not negatively impact on the amenity of neighbouring occupiers.
- 8.2 As the site falls within designated Conservation Area and within the setting of a grade II Listed Building, LP 2005 Policies BE9, BE11 and PDLP 2014-34 Policy SDC5 are relevant and seeks to ensure that development enhances the Conservation Area and not harmful to designated heritage assets.

- 8.3 The National Planning Policy Framework (NPPF), para 117 and 118 state that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Furthermore decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 8.4 The proposal relates to the construction of a pair of cottages on the former car park area. The scheme has been amended in order to address conservation concerns and to better reflect back land development behind listed buildings (see commentary below).
- 8.5 The NPPF in section 16, paragraph 193 states that 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 8.6 In view of the above, it is considered that the principle of the development is acceptable, subject to assessing the impact of the proposed development on the site and the surrounding street scene, its impact on residential amenity and safeguarding designated heritage assets.

Impact on designated Heritage Assets

- 8.7 The statutory requirement of Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a material consideration of significant weight and requires that Local Planning Authorities have special regard to the desirability of preserving listed buildings, including their setting; and or any features of special architectural or historic interest, which it possesses; and requires special attention to the desirability preserving or enhancing the character and appearance of Conservation Areas.

Impact upon Listed Building

- 8.8 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for local planning authorities in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.9 In terms of the proposal for a pair of semi-detached properties in the rear car park, concerns were raised regarding the layout of the houses because of their impact on the historic character of the street scene. The historic character of the Higham is linear where buildings on the eastern side of Main Road, predominantly front onto the Main Road. Historically buildings to the rear were associated with the principle building to the front, for example the farmhouse and cottage with ancillary buildings to the rear and in the case of Higham which historically was an agricultural settlement, buildings to the rear were barns and stables. The submitted plans indicated a detached high-status house rather than a cottage which was prominent in the gap between the

listed Crown Inn and the modern houses to the north.

- 8.10 High status detached houses of this design would normally front a main road and would usually not be located in rear yards. It was considered that the design and location of the proposed semi-detached property did not preserve the setting of the listed building or the character of the historic street scene. Amended plans have been provided which alters the orientation and design of the proposed houses and the view through the gap is of the gable of a cottage type property, which is more typical of the area and the historic street scene in Higham.
- 8.11 The amended proposal utilises the hardstanding for the former car parking area to the public house. Should the principles of reinstating the listed building to residential be accepted, the car parking area will be redundant and would become waste ground as it does not form the application boundary for the conversion, nor the 'managers' dwelling.
- 8.12 The construction of the semi-detached properties provides a new use and will allow opportunities for sensitive landscaping of the visible areas around the dwellings. This would provide some benefits in preserving the setting of the listed building whilst providing some enhancements to the Conservation Area. A comprehensive landscaping scheme, including hard landscaping can be required by condition to ensure that the development respects the setting of the listed building and provides enhancements to the Conservation Area.
- 8.13 It is considered that the development proposal in its amended form complies with Policy BE9 of the NED Local Plan (2005) and SDC5 of the Publication Draft Local Plan 2014-2034.

Impact on Character and Appearance of Conservation Area

- 8.14 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for local planning authorities in exercising their planning functions to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. Importantly, in this context, "preservation" means to cause no harm, and this is a matter of paramount concern in the decision-making process.
- 8.15 Policy BE11 of the NED Local Plan (2005) and policy SDC5 the Publication Draft Local Plan 2014-2034, both, closely follow the statue.
- 8.16 The character of the Higham Conservation Area is linear where buildings on the eastern side of Main Road, predominantly front onto the Main Road. Historically buildings to the rear were associated with the principle building to the front, for example the farmhouse and cottage with ancillary buildings to the rear and in the case of Higham which historically was an agricultural settlement, buildings to the rear were barns and stables.
- 8.17 The Crown Inn, as former cottages, also contributes positively towards the character and appearance of the Conservation Area where an essential and important element of Main Street are the stone-built cottages lining the road and this shared architecture, materials, age and massing of the buildings make a positive contribution to the character of the area.

- 8.18 The plans originally submitted show a standard housing estate type house located directly opposite the gap between the listed Crown Inn and the modern houses to the north. The design and location of the proposed semi-detached property was considered to detract from the character and appearance of the Conservation Area and in this location did not preserve the setting of the listed building. It was considered that views through this gap should be of a building that reflects the character and appearance of the listed building and not a standard housing estate type house.
- 8.19 Amended Plans have been received in order to address the Conservation concerns. The dwellings have been turned 45 degrees to present a blank gable when viewed from the street which would have been a typical response as a second building to the rear of a listed building of importance.
- 8.20 The amended design of the dwellings is also considered to better reflect their status in the grounds of a listed building and provides an acceptable arrangement that is considered to better respond to the historic environment and complies with the Local Plan policy BE11 and Publication Draft Local Plan policy SDC5.

Impact upon neighbouring land uses

- 8.21 The area to the rear of the Crown Inn consists of close-knit residential dwellings and not following a conventional building line, most occupying a back-land position on plan form.
- 8.22 To the east of the site; beyond the former car parking, is a modern dormer bungalow; Highfields, that sits side on to the application site but further to the south, its rear garden running along the eastern boundary of the car park. The occupier has objected to the amended location of the dwellings and considers that they will be overlooked by the bedroom windows.
- 8.23 The bungalow sits at a lower land level and it has been stated to be a difference of approximately 1.5 metres. There is a dense mature conifer hedge that forms the boundary and from the former car park the roof is all that is visible.
- 8.24 Minimum separation distances have traditionally been used to ensure reasonable levels of privacy and daylight. This can be effective, but if applied too rigidly, can encourage uniformity, limit the potential to create more varied and interesting places and may restrict the redevelopment of more constrained sites.
- 8.25 The Council's adopted design guidance 'Successful Places' set out guidance on separation distances. It advises that the minimum separation distances should be applied reasonably having regard to the particular site conditions and context. Where dwellings are not back to back the separation distance can be reduced from the guidance of 21 metres to 12 metres.
- 8.26 In the context of this site, the turning of the dwellings has resulted in the building moving closer to the boundary and resulted in an objection from the most affected neighbour.

- 8.27 The repositioned semi-detached properties position the blank gable end 1 metre away from the boundary and almost level with the rear elevation of the furthest rear elevation. The neighbouring bungalow has an L-Shape plan form with windows on the west elevation facing the site and the windows on both rear elevations facing north. Due to the positioning of the semi-detached properties the rear elevations are off-set and therefore it is considered that a reduced separation distance would be acceptable in this context. Due to the oblique angles and screening, overlooking from the windows on the west elevation would be difficult.
- 8.28 The rear elevation of the proposed dwellings to the rear elevation of the bungalow would be 12.5 metres and off-set. The window closest to the boundary would be obscurely glazed at first floor as it serves the bathroom with the bedroom windows positioned further away. The bedroom windows would be visible from the lounge and patio area of the bungalow however due to the off-set of the semi-detached properties, direct overlooking is avoided and it is considered that the arrangement would not have significantly adverse impacts upon privacy.
- 8.29 The mature conifer hedging also provides screening of the development so that no overlooking will be created at ground floor. The topography of the neighbouring site is also approximately 1.5 metres lower down, increasing the height of the hedge from the bungalow.
- 8.30 Policy GS5 and Policy H12 of the North East Derbyshire Local Plan (2005) and Policy SDC12 of the North East Derbyshire Local Plan Publication Draft (2018) requires that proposals must not result in a detrimental effect on the amenities of neighbouring occupiers and uses. The proposal is considered to comply with the Development Plan policies and would not create any significantly adverse impact upon residential amenities of either existing or future residents.

Highway Safety

- 8.31 The Highways Authority have raised concerns in relation to the linked applications as one or the other if not tied together has potential to cause highway issues due to the substandard access. It is acknowledged that the operations as a public house attracts a number of coming and goings and this former use is therefore a material consideration.
- 8.32 With the removal of the commercial use and replacement of 6 dwellings, one already having an extant permission, it is considered that it is appropriate to condition each application so that a phased approach to redevelopment of the site takes place without prejudicing the highway impacts. Alternatively a s106 could be obtained to provide the commitment from the Applicant that the whole site will be redevelopment removing any chance of the new builds being implemented and the conversion not. Therefore the conversion of the public house is pivotal in considering the three applications on site which are linked even though applied for separately.

Parking

- 8.33 Each unit has two parking spaces provided which meets highway standards. Two 9mx9m turning area is provided within the site to ensure that vehicles leave the site in a forward gear. The Highway Authority has no objection to the parking arrangement, however has requested that a larger area could be accommodated for turning.
- 8.34 Concerns have been expressed in regards to the turning area provided which would be restrictive for delivery vehicles however given that the whole site is in the same ownership the Highways Authority consider that this can be rectified and have requested conditions. However the HA comments were based on the site plan (revision C). The amended plan revision D proposes two 9x9m turning areas to serve the developments and this is considered by officers to address HA comments in relation to the turning facilities.
- 8.35 The NPPF is clear in that it states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Officers do not consider there is any evidence that the additional dwellings would result in demonstrable harm to highway safety or that the transport impacts would be severe. Highway issues can be satisfactorily addressed by appropriate conditions.

Other Material Considerations

- 8.36 Objections have been raised in regards to the loss of the pub, archaeology, over development and size of the garden areas.
- 8.37 The conversion of the public house has been considered to be acceptable under planning reference 19/00649/FL (and Listed Building Consent 19/00451/LB) and supports the longevity of a grade II listed building of significance and re-instates its former uses as residential cottages.
- 8.38 The proposed semi-detached properties each have 70 square metres of private space which is in accordance with the guidance set out in Successful Places SPG for three bedroom properties. The cottages themselves would have less amenity space due to the constraints of the site but is considered to be proportionate to the size of the dwellings resulting from the conversion. The space would be private.
- 8.39 The Parish Council has objected on grounds of Archaeology. The County's Archaeology advisor has commented and raises no objection subject to conditions imposed requiring a Written Scheme of Investigation. Archaeology is therefore not a constraint to development providing adequate measures are in place for recording any buried archaeology remains.

Conclusion

- 8.40 The proposal seeks to redevelop a former public house site and is one of three planning applications relating to the site. Whilst all separate, they are undeniably linked. For the redevelopment of the car park site the principle of the acceptability and loss of the facility is key.

- 8.41 It is considered that the proposal for redevelopment of the car parking area provides an acceptable development and would be read in association with the proposed residential use of the site. The amended design of the dwelling respects the designated heritage assets and would have no greater impact upon highway safety. Accordingly the application is recommended for approval subject to conditions phasing the development of the site.

9.0 SUMMARY OF CONSULTATIONS

<u>County Highways:</u>	No objection subject to linking the applications
<u>County Planning:</u>	Not applicable
<u>Environmental Health:</u>	No objection subject to conditions
<u>Drainage:</u>	Not applicable
<u>Access Officer:</u>	Not applicable
<u>Footpath:</u>	Not applicable
<u>Neighbour:</u>	2 objections
<u>Ward Member:</u>	Councillor Liggett call in
<u>Parish Council:</u>	Objection

10.0 RECOMMENDATION

That Planning Permission is **APPROVED** subject to conditions, the final wording of which is delegated to the Planning Manager (Development Management)

Conditions

1. The development hereby permitted shall be started within three years from the date of this permission.
2. The redevelopment of the site, involving the construction of new dwellings hereby approved shall not commence until the submission of a time table for redevelopment of the whole site has been submitted to and approved in writing by the Local Planning Authority. The timetable shall prioritise the conversion of the listed building before construction of any of the dwellings approved under 19/00647/FL and 19/00648/FL. The development shall not commence until the works to the listed building, involving the strip out and commencement of the conversion works as approved under planning application 19/00649/FL has been demonstrated.
3. The development hereby approved shall be carried out in accordance with the amended plans drawing numbers 19-747-10D and 19-747-05A, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
4. Before above ground work commences, precise specifications or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details. Unless otherwise agreed in writing by the Local Planning Authority.

5. Before above ground works commence details a working drawing shall be submitted to and approved in writing by the Local Planning Authority showing the rainwater goods to be used. The rainwater goods are to be cast iron/timber of a traditional profile and supported by brackets. The work shall then be carried out and retained in accordance with the approved details.
6. The mortar used shall be 1 part lime to 3 parts sand and the pointing shall be in accordance with the attached advisory leaflet 'Reporting of Brick and Stonework'.
7. Before development starts, details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during the development, 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 and the levels shall be retained as such thereafter.
8. Before development starts, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a scheme of landscaping for private and open areas, which shall include indications of all existing trees and hedgerows on the land,
 - the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - a schedule of proposed plant species, size and density and planting locations and
 - an implementation programme.
9. 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.
10. Notwithstanding any submitted details, before any above ground works commence a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of the dwellings hereby approved and it shall be retained as approved unless otherwise agreed in writing by the Local Planning Authority.
11. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities

shall be retained free from any impediment to their designated use throughout the construction period.

12. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
13. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved drawings for the manoeuvring of residents', service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
14. There shall be no gates or other barriers within 6m of the nearside highway boundary and any gates shall open inwards only.
15. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.
16. Before the commencement of the development hereby approved:
 - a) A Phase I land contamination assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
 - b) The land contamination assessment shall include a desk-study with details of the history of the site use including:

the likely presence of potentially hazardous materials and substances, their likely nature, extent and scale, whether or not they originated from the site, a conceptual model of pollutant-receptor linkages, an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments, details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance.

The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the deskstudy strategy The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

17. Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the local planning authority (Environmental Health) prior to commencing works in connection with the remediation scheme.

18. The dwellings hereby approved shall not be occupied until:

a) The approved remediation works required by 2 above have been carried out in full in compliance with the approved methodology and best practice.

b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 1b to 2 above and satisfy 3a above.

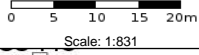
c) Upon completion of the remediation works required by 2 and 3a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

19. No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and;

The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

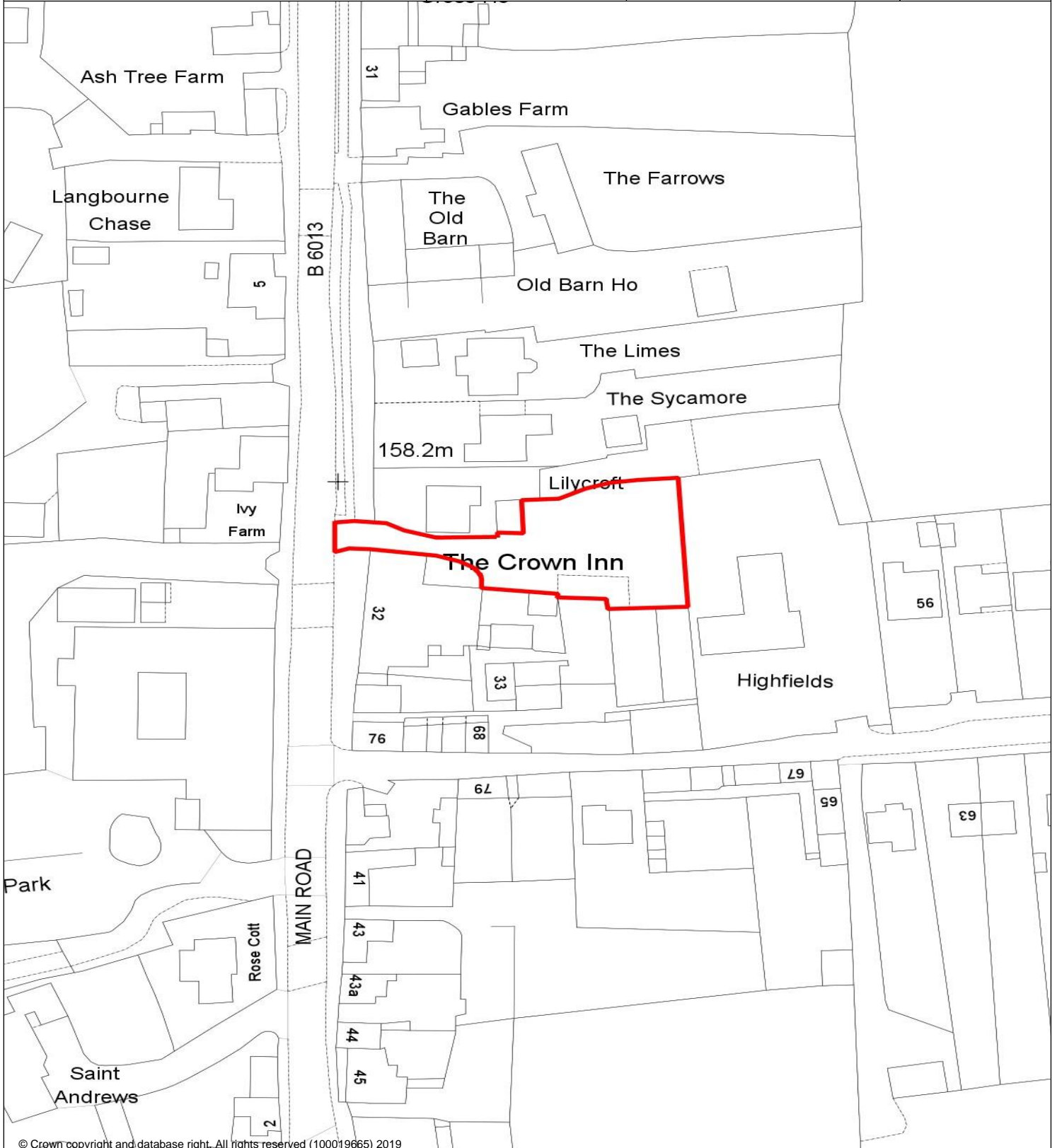
The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

20. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order) no extensions (Part 1 Class A), dormer windows (Part 1 Class B), alterations to the roof (Part 1 Class C), porches (Part 1 Class D), curtilage buildings (Part 1 Class E), means of enclosure (Part 1 Class E), hard surfaces (Part 1 Class F) satellite dish (Part 1 Class H), means of enclosure (Part 2 Class A) shall be erected/constructed without first obtaining planning permission.



Author: K. Spelman

Date: 12/09/2019 09:13:27



APPLICATION NO. 19/00649/FL
APPLICATION Proposed change of use of public house to 3 dwellings including demolition of extensions to rear
LOCATION Crown Inn Main Road Higham Alfreton DE55 6EH
APPLICANT Rita Williams
CASE OFFICER Aspbury Planning
DATE RECEIVED 20/06/19

APPLICATION NO. 19/00651/LB
APPLICATION Listed Building consent for change of use of public house to 3 dwellings including demolition of extensions to rear (Conservation Area)
LOCATION Crown Inn Main Road Higham Alfreton DE55 6EH
APPLICANT Rita Williams
CASE OFFICER Aspbury Planning
DATE RECEIVED 20/06/2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Liggett

REASON: To consider the impact upon the Conservation Area

The Site Inspection Group is to visit the site to view the relationship of the site with neighbouring properties and the impact of the development on the character of the Conservation Area and Listed Building and access arrangements.

1.0 SITE DESCRIPTION

- 1.1 The Crown Inn is located on the eastern side of Main Road in the centre of Higham and lies within the Settlement Development Limits and the Conservation Area.
- 1.2 Formally four cottages, the building is Grade II listed and constructed from stone with a plain tile roof. Its former use as a public house has ceased and the property is vacant.
- 1.3 The Listed Building runs parallel to Main Road with access to the car park between the neighbouring dwelling; Lilycoft and the pub building. To the east of the pub is a tarmac surfaced car park and a small beer garden. The site of the approved Manager's dwelling (approved under application NED/10/00571/FL) lies at the far eastern extent of the car park and is bordered by hedgerows and mature trees on three sides. Whilst the site is overgrown planning permission is extant as a commencement on site has been confirmed.
- 1.4 The surrounding area is predominantly residential, comprising of stone dwellings mainly sitting on the back edge of the highway. On the opposite side of Main Road is Santos Higham Farm Hotel and Restaurant. Along the A61

further to the north of the village is The Greyhound, Tavern Table Pub and Restaurant.

- 1.5 To the east of the site is a modern dormer bungalow, Highfields. Number 33 Main Road lies to the south of the carpark and is accessed from Strettea Lane. This property, together with a number of other properties backs onto the site. There is an open field to the north east of the site.

2.0 PROPOSAL

- 2.1 The proposal is for a full application for the change of use of the former pub to three residential dwellings and includes demolition of extensions to the rear. There is also an application for Listed Building consent.
- 2.2 The proposal mainly relates to internal alterations with the demolition of rear modern extensions in order to create three residential units.
- 2.3 The conversion of the listed building would create, 2 three bedroom properties and 1 one bedroom property.
- 2.4 The Crown Inn is currently vacant and there are a further two planning applications to be considered by the Planning Committee which are linked to this application. These involve the removal of the occupancy condition (19/00647/FL) to the extant permission for a Managers dwelling and for the construction of a pair of cottages on the former pub car park (19/00648/FL).
- 2.5 These applications are explicitly linked.
- 2.6 The case put forward by the applicants involves a timeline of events leading up to its closure. In essence the pub was purchased by the applicants in 2002 following the closure of the facility.
- The facility was refurbished throughout and commenced trading later that year.
 - Opened up a post office in 2006 to support the pub use. The post office closed two years later due to lack of support.
 - Facility was not viable and on verge of liquidation and was put up for sale or lease in 2011.
 - A new ten year lease was agreed but the company went into liquidation in 2018 (six years into the lease).
 - Property is currently being marketed with Innes England and no serious interest has been shown by the industry.
 - Property is need of updating and renovating involving significant costs.
- 2.7 The applications are accompanied by a Planning Statement, Design and Access Statement, and Heritage Statement.

3.0 PLANNING HISTORY

- 3.1 03/01270/FL | Change of use and alterations to rear storage building including increasing height of roof to provide managers flat (Listed Building/Conservation Area)(Amended Plan/Amended Title): Conditionally Approved

- 3.2 03/01273/LB | Listed building consent for alterations to rear storage building including raising height of roof to provide managers flat (Listed Building/Conservation Area) (Amended Plan): Conditionally Approved
- 3.3 06/00119/FL | Change of use of single room for use as a Post Office (Conservation Area/Listed Building): Conditionally Approved
- 3.4 06/00454/FL | Erection of one dwelling to form Managers Living Accommodation in connection with existing hotel and public house (Conservation Area)(Affecting the Setting of a Listed building): Refused
- 3.5 08/00149/LB | Application for Listed Building Consent for retention of a smoking shelter (Conservation Area/Listed Building): Refused
- 3.6 08/00150/FL | Retention of a smoking shelter (Conservation Area/Listed Building): Refused
- 3.7 08/00713/FL | Erection of one dwelling to form managers living accommodation in connection with existing hotel and public house (revised scheme of 06/00454/FL) (Conservation Area) (Affecting the Setting of a Listed Building): Refused
- 3.8 10/00571/FL | Erection of one dwelling to form manager's accommodation (Revised Scheme of 08/00713/FL) (Conservation Area) (Affecting Setting of Listed Building) (Amended Plan/Additional Information): Conditionally Approved/P.D. Removed
- 3.9 13/00769/DISCON | Application to discharge conditions 2 (landscaping), 4 (boundary treatments), 5 (materials), 6 (levels), 7 (rainwater goods), 8 (mortar mix and pointing) and 11 (pedestrian footpath) of planning permission 10/00571/FL for one dwelling for managers accommodation: Conditions Discharged
- 3.10 19/00647/FL | Application to remove condition 13 of planning application 10/00571/FL to remove restrictions regarding person or persons who may occupy the dwelling (Conservation Area/Affecting the setting of a Listed Building): Pending Consideration
- 3.11 19/00648/FL | Proposed pair of semi-detached dwellings (Conservation Area/Affecting the setting of a Listed Building)(Amended Plans): Pending Consideration

4.0 PLANNING POLICY CONSIDERATIONS

- 4.1 The development comprises the North East Derbyshire Local Plan. The most relevant policies of the Local Plan are:

GS1:	Sustainable Development
GS5:	Settlement Development Limits
GS12:	Access for All
BE1:	General Design Principles
BE7:	Alterations to a Listed Building
BE8:	Change of use of a Listed Building
BE11:	Development Within and Adjoining Conservation Areas

H2:	Housing Development on Other Sites Within Settlement Development Limits
H12:	Design and Layout of New Housing
T2:	Highway Access and the Impact of New Development
T9:	Car parking provision
CSU3:	Protecting Existing Community Facilities
CSU4:	Surface and Foul Water Drainage
CSU6:	Contaminated Land

4.2 The Council is now at an advanced stage in the production of a new Local Plan (Publication Draft) (LPPD) which reflects national guidance in the NPPF and would provide for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State at the end of May 2018 and undertook examination earlier this year. The document sets out the Council’s strategy for sustainable development and should be afforded weight in decision making.

4.3 The most relevant policies contained in the Local Plan (Publication Draft) include:

SS1:	Sustainable Development
SS7:	Development on Unallocated Land within Settlement with defined Settlement Development Limits
SDC5:	Development within Conservation Areas
SDC6:	Development Affecting Listed Buildings
SDC12:	High quality Design and Place-Making
ID5:	Loss of Existing Social Infrastructure

4.4 National Planning Policy Framework

The revised National Planning Policy Framework was published on 19 February 2019 and sets out the government’s planning policies for England and how these are expected to be applied. Section 16 (paragraphs 184 – 202) relates to Conserving and Enhancing the Historic Environment. The NPPF states that Heritage 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.

4.5 The NPPF also recognises that public houses are community facilities. Paragraph 83(d) seeks to retain and develop such facilities, whilst paragraph 92(c) seeks to guard against the loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.

Material Considerations

4.6 Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.7 Other

- Successful Places Design Guidance (SPG)
- Sustainable Buildings SPG

5.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

- 5.1 The Full Planning application and Listed Building Consent application were both valid on the 20 June 2019. An extension of time has been mutually agreed until the 4 October 2019 for both applications to allow consideration by the Planning Committee.
- 5.2 A site notice was posted to the front of the building on 3 July 2019 advertising the Full Planning applications and Listed Building Consent by the applicant.
- 5.3 **Ward Councillors:** Councillor Liggett has requested that the applications be considered by the Planning Committee, raising concerns on impact upon the character of the Conservation Area.
- 5.4 **Shirland and Higham Parish Council:** A response has been received advising that they consider it a shame to lose the pub facility from the village.
- 5.5 **Highway Authority (HA):** The HA have commented that the site access off Main Street can only accommodate one way vehicle flows; however, this application and the proposals in application references 19/00647 and 19/00648 are likely to reduce vehicle movements through the access compared to the potential vehicle movements which could be generated by the current use of the site as a public house. Therefore it would be difficult for the Highway Authority to sustain an objection to both this application and to the other applications based on the site being served by a substandard access.
- 5.6 The proposed layout indicates six parking spaces and a turning area. Whilst the number of parking spaces is considered to be suitable, the turning area is somewhat restricted, especially considering the need for delivery vehicles to manoeuvre. There does appear to be sufficient space to increase the turning area, but this will utilise some of the land within application reference 19/00647; however as all of the land is controlled by the same applicant, there seems to be no reason why the turning area cannot be increased in size and appropriately conditioned to remain clear at all times.
- 5.7 The proposed layout indicates no area for bin storage within an acceptable distance from the public highway and due to the confines of the site, it does appear difficult to provide such a facility. The only option seems to be to set back the boundary feature to the rear garden of plot 1, which is controlled land, by 1m to allow for a bin dwell area for all of the dwellings proposed under the three applications. Regardless, the provision of a bin dwell area should be conditioned accordingly.
- 5.8 **National Amenity Society:** No comments received.
- 5.9 **Listed Buildings South:** No comments received.

- 5.10 **Environment Health:** Potential Land Contamination - Historical mapping indicates the site is located in an area with a coal mining legacy which can be a potential source of land contamination. In addition, it would appear from the plan the garden space for the proposed dwellings will be located in the area where demolition of the extensions to the rear will be undertaken therefore there is the potential for Made Ground to be present which can also be a source of land contamination. Environment Health are aware this part of the district is considered to be a radon affected area and we would advise the applicant obtains a Radon Risk report for the site. A report may be obtained from Public Health England <http://www.ukradon.org/>.
- 5.11 The installation of radon protection measures (where required) is generally dealt with by Building Control. As no supporting information has been submitted with the application in relation to potential land contamination Environment Health are requesting pre-commencement conditions to ensure the site is suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework (NPPF) 2019. The applicant's attention to the requirements of the NPPF in relation to the provision of adequate site investigation information, prepared by a competent person. Paragraph 179 of the NPPF is clear in that responsibility for securing a safe development for a site affected by contamination rests with the developer and/or landowner.
- 5.12 **Interest Third Party:** Six objections from five separate households have been received for both the Full Planning Application and Listed Building Consent and are summarised below:

Change of use of the public house to residential (19/00649/FL)

- Loss of the public house – an important historic feature dating back to the c18.
- Loss of social history.
- The subdivision of the pub would result in loss of historic features.
- Insufficient justification to lose the pub.
- There are no other pubs in the village, one is a wedding venue and the other is a chain restaurant – both lack the community feel offered by the Crown Inn.
- Overlooking and loss of privacy
- Poor management was the demise of the pub
- Insufficient publicity of the application(s)

Listed building consent (19/00651/LB)

- No more housing needed in the village.
- Loss of the public house.
- Pub is historic and a vital part of Higham's past.
- Need to maintain and protect our sense of community which is constantly being eroded and turning the local pub into 3 houses is going to have an adverse effect on this. We need our pub back.
- Has been a pub for a substantial amount of time and is a key element of the village and its community. The Crown Inn needs to be kept as a public house.

6.0 PLANNING CONSIDERATIONS

- 6.1 The planning considerations for the Full Planning application is the loss of the public house, impact upon the character of the Conservation Area and Listed Building, the amenity of neighbouring uses and highway safety.
- 6.2 The main issue when considering a proposal affecting a listed building is the impact the proposal will have on the special architectural and historic interest of the building and its setting.

7.0 PLANNING ASSESSMENT

Principles of Development

- 7.1 The Application Site is situated within the settlement development limits of Higham. Policies GS1 and GS5 of the North East Derbyshire Local Plan (2005) and Policies SS1 and SS7 of the North East Derbyshire Local Plan: Publication Draft (2014-34) supports proposals within the Settlement Development Limits, providing that they would not result in a detrimental impact on the character and appearance of the site and the surrounding area and would not negatively impact on the amenity of neighbouring occupiers.
- 7.2 As the site falls within a designated Conservation Area and relates to a grade II Listed Building, LP 2005 Policies BE7, BE8, BE11 and PDLP 2014-34 Policy SDC5 and SDC6 seeks to ensure that development enhances the Conservation Area and not harmful to designated heritage assets.
- 7.3 The proposal relates to the change of use of a Listed Building resulting in the loss of a former Public House. Policy CSU3 seeks to protect existing services and supports the change of use providing (a) appropriate alternative provision is made or already available; or (b) it can be demonstrated that the facility is no longer required or financially viable.
- 7.4 The site is currently vacant with the pub shutting in October 2018. The Planning Statement accompanying the application sets out the timeline of events leading up to its closure and advises that the site is currently being marketed with Innes England with no serious interest having been shown. The viability of the pub is not disputed and there are other facilities within the village to meet the needs of the village. It is therefore considered that the principle of the change of use is acceptable and supports the reuse of a listed building of significance.
- 7.5 The National Planning Policy Framework (NPPF), para 117 and 118 state that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Furthermore decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 7.6 In view of the above, it is considered that the principle of the development is acceptable, subject to assessing the impact of the proposed development on the site and the surrounding street scene, its impact on residential amenity and safeguarding designated heritage assets.

Impact on Heritage Assets

- 7.7 The NPPF at section 16, paragraph 193 states that 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 7.8 The statutory requirement of Sections 66(1), 16(2) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a material consideration of significant weight and requires that Local Planning Authorities have special regard to the desirability of preserving listed buildings, including their setting; and or any features of special architectural or historic interest, which it possesses; and requires special attention to the desirability preserving or enhancing the character and appearance of Conservation Areas.

Impact upon Listed Building

- 7.9 The main issue when considering a proposal affecting a listed building is the impact the proposal will have on the special architectural and historic interest of the building and its setting. The significance of heritage assets is defined in the NPPF as "The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting". The significance of the Crown Inn relates to the age of the building, the quality of the traditional materials and their use, the architectural details and its social and communal use in association with the historic settlement of Higham.
- 7.10 Policies BE7 and BE8 of the 2005 NED Local Plan and policy SDC6 of the PDLP 2014-2034 requires that alterations to listed buildings will only be granted where proposals respects and preserves the special architectural or historic interest of the building. Proposals will be supported where the use materials, scale and design of the proposal does not detract from the listed building or its setting.
- 7.11 The existing front elevation onto Main Street retains the character of separate cottages by the location of external doors, chimney stacks, fenestration arrangement and the material differences in the style of stonework used in their construction. These features contribute towards the significance of the building and will be retained as part of the proposal.
- 7.12 The interior of the building has been much altered, with limited original features remaining. The removal of party walls has created open spaces within the interior so the former cottages could function as one building. However, the original layout of the cottages still remains relatively legible on the ground floor, two original fireplaces remain, one on the south wall of Number 32, and the other towards the north of the property. These fireplaces are important for their historical and evidential value in understanding the original layout of the cottages, before they were combined into a single structure to form the public house.

- 7.13 The first floor of the property has been altered significantly where inserted partition walls create a disjointed and confusing layout. Understanding the original layout of the cottages on this level is therefore difficult. None of the original staircases remain. Some original features were present, including an original fireplace and numerous original roof timbers and a timber cruck frame.
- 7.14 Modern extensions to the rear of the building detract from the special architectural interest of the building and their removal will improve the appearance of the building. The proposed internal alterations will also partly restore the building's internal historic plan form, and this has been designed to retain what little remains of the surviving historic elements.
- 7.15 The NPPF in section 16, paragraph 193 states that 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. It is considered that this proposal causes no harm to the significance of the heritage asset.
- 7.16 It is considered that the change of use proposed meets the requirements of the statute in section 16(2) of the 1990 Act, the policy requirements of NED Local Plan 2005 and the emerging PDLP 2014-2034 and the requirements of section 16 of the NPPF.

Impact on Character and Appearance of Conservation Area

- 7.17 The character of the Higham Conservation Area is linear and where buildings on the eastern side of Main Road, predominantly front onto the Main Road. Historically buildings to the rear were associated with the principle building to the front, for example the farmhouse and cottage with ancillary buildings to the rear and in the case of Higham which historically was an agricultural settlement, buildings to the rear were barns and stables.
- 7.18 The Crown Inn, as former cottages, also contributes positively towards the character and appearance of the Conservation Area where an essential and important element of Main Street are the stone-built cottages lining the road and this shared architecture, materials, age and massing of the buildings make a positive contribution to the character of the area.
- 7.19 The change of use of the former public house is not considered to have any negative impact upon the Conservation Area and complies with Local Plan Policies BE11 and Publication Draft Local Plan 2014-2034 policy SDC5.

Impact upon neighbouring land uses

- 7.20 The building sits in the centre of the village and is amongst other residential dwellings. Therefore the change of use would be compatible with the surrounding land uses.

- 7.21 To the east of the site; beyond the former car parking, is a modern bungalow; Highfields, that sits side on to the application site and set at a considerable distance from the building. It is considered that there would be negligible impact to the occupiers of this dwelling as a result of the change of use to residential.
- 7.22 Number 33 Main Road lies to the south, behind the outbuildings to be demolished. This property is accessed from Strettea Lane. The dwelling is single storey and sits side on to the application site. Number 34 is attached to the public house at first floor with a passage way between them leading to the rear of number 34.
- 7.23 Plot 3 of the conversion has potential to have greater impact as a result of the residential use as it is attached to number 34 and looks onto number 33 to the rear. Plot 3 has a flat roof created by the ground floor extension which is used as an access into the building by an external stair case. The stairs are removed as part of the proposal however the railings around the flat roof are to be retained and access is proposed from the bedroom and will form a balcony. Whilst potential overlooking can be created from use of the balcony the design and position of the neighbouring properties ensures that the impact would not be adverse and no direct overlooking is created to habitable rooms.
- 7.24 The area to the rear consists of close-knit residential dwellings and not following a conventional building line, most occupying a back-land position on plan form. The conversion of the listed building is proposed in a sensitive manner positioning low level use rooms on the rear to avoid any adverse loss of residential amenity to the neighbouring properties.
- 7.25 Each unit will have a small amount of private amenity land available to them at the rear of the properties. The space provided is below that recommended within the Council's design guidance, 'Successful Places' however the size of the gardens is considered to be commensurate with the size of the dwelling resulting from the conversion.
- 7.26 The space provided would be private and contained by a 1.8 metre screen. Details have not been submitted for consideration and can be secured by condition to ensure that the materials used are compatible with the status of the listed building. Timber fencing is not considered to be appropriate and considerations should be given to the building of stone walls.
- 7.27 The relationship between the proposed three units is considered acceptable and reinstates the relationship prior to the public house use.
- 7.28 Policy GS5 and Policy H12 of the North East Derbyshire Local Plan (2005) and Policy SDC12 of the North East Derbyshire Local Plan Publication Draft (2018) requires that proposals must not result in a detrimental effect on the amenities of neighbouring occupiers and uses. The proposal is considered to comply with the Development Plan policies and would not create any significantly adverse impact upon residential amenities of either existing or future residents.

Highway Safety

- 7.29 The Highways Authority have raised concerns in relation to the linked applications as one or the other if not tied together has potential to cause highway issues due to the substandard access. It is acknowledged that the operations as a public house attracts a number of coming and goings and this former use is therefore a material consideration.
- 7.30 With the removal of the commercial use and replacement of 6 dwellings, one already having an extant permission, it is considered that it is appropriate to condition each application so that a phased approach to redevelopment of the site takes place without prejudicing the highway impacts. Alternatively a s106 could be obtained to provide the commitment from the Applicant that the whole site will be redevelopment removing any chance of the new builds being implemented and the conversion not. Therefore the conversion of the public house is pivotal in considering the three applications on site which are linked even though applied for separately. Officer consider that this issue can be satisfactorily addressed by planning conditions.

Parking

- 7.31 Each unit has two parking spaces provided to the rear of the building in a tandem arrangement. A 9mx9m turning area is also provided to ensure that vehicles leave the site in a forward gear. The Highway Authority has no objection to the parking arrangement.
- 7.32 Concerns have been expressed in regards to the turning area provided which would be restrictive for delivery vehicles however given that the whole site is in the same ownership the Highways Authority consider that this can be rectified and have requested conditions. Officer consider that this can be satisfactorily addressed by planning conditions.

Conclusion

- 7.33 The loss of the public house as a facility for the village is regrettable however the planning system has no control over the market place or commercial aspects of the operation of the facility. The Applicant has provided a commercial timeline outlining the difficulties experienced and whilst residents of the village have questioned the reasons provided the Council has to have regards to the preservation of the Grade II Listed Building and compliance with the Development Plan when taken as a whole.
- 7.34 Local Plan policy CSU3 sets out a criteria to assess the loss of facilities. Viability and taking into account other facilities are material considerations. The case put forward by the applicants is not contested and it is acknowledged that there are other facilities in the area which are available. Residents have argued that the offers are different in that they are more eating establishments rather than drinking establishments. However there are other provisions in the vicinity which will meet the day-to-day needs of the residents in accordance with the NPPF objectives.

- 7.35 The case made by the applicants shows there to have been low demand and contributed to its demise as a village pub. The facility is not listed as an Asset of Community Value (AVC) and no indication that there is an appetite to take on the facility by a community group has been put forward. It is considered that for the safeguarding of the heritage asset of significance and to support its longevity, conversion to residential would be its optimum use given that has a more realistic opportunity of coming forward and this has been given considerable weight. Accordingly the application is recommend for approval.

8.0 SUMMARY OF CONSULTATIONS

<u>County Highways:</u>	No objection subject to linking the applications
<u>County Planning:</u>	Not applicable
<u>Environmental Health:</u>	No objection subject to conditions
<u>Drainage:</u>	Not applicable
<u>Access Officer:</u>	Not applicable
<u>Footpath:</u>	Not applicable
<u>Neighbour:</u>	2 objections
<u>Ward Member:</u>	No comments received
<u>Parish Council:</u>	Comments received

9.0 RECOMMENDATION

That Planning Permission is **APPROVED** subject to conditions, the final wording of which is delegated to the Planning Manager (Development Management)

Conditions

1. The development hereby permitted shall be started within three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the Drawing number 19-747-04 Rev A19-474-03 and 19-747-10D, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
3. Before development starts a sample of the stone to be used shall be made available on site for inspection and for approval in writing by the Local Planning Authority.

Stonework repairs shall be constructed with an outer face of new or reclaimed coal measures sandstone or gritstone to match the existing stonework in course depth, overall size, colour, texture and tooling. Unless the existing masonry is tooled the new stone shall be left with a natural split face.

4. Before development starts, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a scheme of landscaping for private and open areas, which shall include indications of all existing trees and hedgerows on the land,
 - the details of any trees and hedgerows to be retained, together with

- measures for their protection during development,
 - a schedule of proposed plant species, size and density and planting locations and
 - an implementation programme.
5. 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.
 6. Notwithstanding any submitted details, before development starts a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of the dwellings hereby approved and it shall be retained as approved.
 7. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
 8. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
 9. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved drawings for the manoeuvring of residents', service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
 10. There shall be no gates or other barriers within 6m of the nearside highway boundary and any gates shall open inwards only.
 11. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

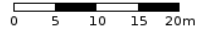
That Listed Building Consent is **APPROVED** subject to conditions, the final wording of which is delegated to the Planning Manager (Development Management),

Conditions

1. The development hereby permitted shall be started within three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the Drawing number 19-747-04 Rev A19-474-03 and 19-747-10D, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
3. Before development starts a sample of the stone to be used shall be made available on site for inspection and for approval in writing by the Local Planning Authority.

Stonework repairs shall be constructed with an outer face of new or reclaimed coal measures sandstone or gritstone to match the existing stonework in course depth, overall size, colour, texture and tooling. Unless the existing masonry is tooled the new stone shall be left with a natural split face.

4. Before development starts, details of the mortar mix to be used shall be submitted to and approved in writing by the Local Planning Authority. The mortar used shall be a lime mortar and the pointing shall be brushed back from the surface of the stonework. A 1m² sample panel of pointing is to be made available on site for approval in writing by the Local Planning Authority prior to the commencement of works. The approved sample panel shall be retained on site for the duration of the works.
5. Before development starts, details of any repair or replacement of the traditional cast iron/timber rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The work shall then be carried out in accordance with the approved details and be retained as such thereafter.
6. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be incorporated within the building unless specifically agreed in writing by the Local Planning Authority.
7. Before development starts details of a contract for the phasing of demolition shall be submitted to and approved in writing by the Local Planning Authority. The demolition of the existing extensions shall only be undertaken as part of the approved phased contract for the demolition of the (a) extension and outbuildings, where the conversion of the listed building will immediately follow the demolition.



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Author: K. Spelman

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