

## PLANNING COMMITTEE – 16<sup>th</sup> January 2024

Reference Number: 23/00685/FL

Application expiry: 05.01.2024

Application Type: FULL

**Proposal Description:** Retrospective application for replacement window frames and doors with uPVC (Conservation Area)

**At:** 6 - 8 Broadleys, Clay Cross

**For:** Miss Angela Gambetta

**Third Party Reps:** None

**Parish:** Clay Cross

**Ward:** Clay Cross North

**Report Author:** Graeme Cooper

**Date of Report:** 02 January 2024

**MAIN RECOMMENDATION:** Grant permission, subject to conditions

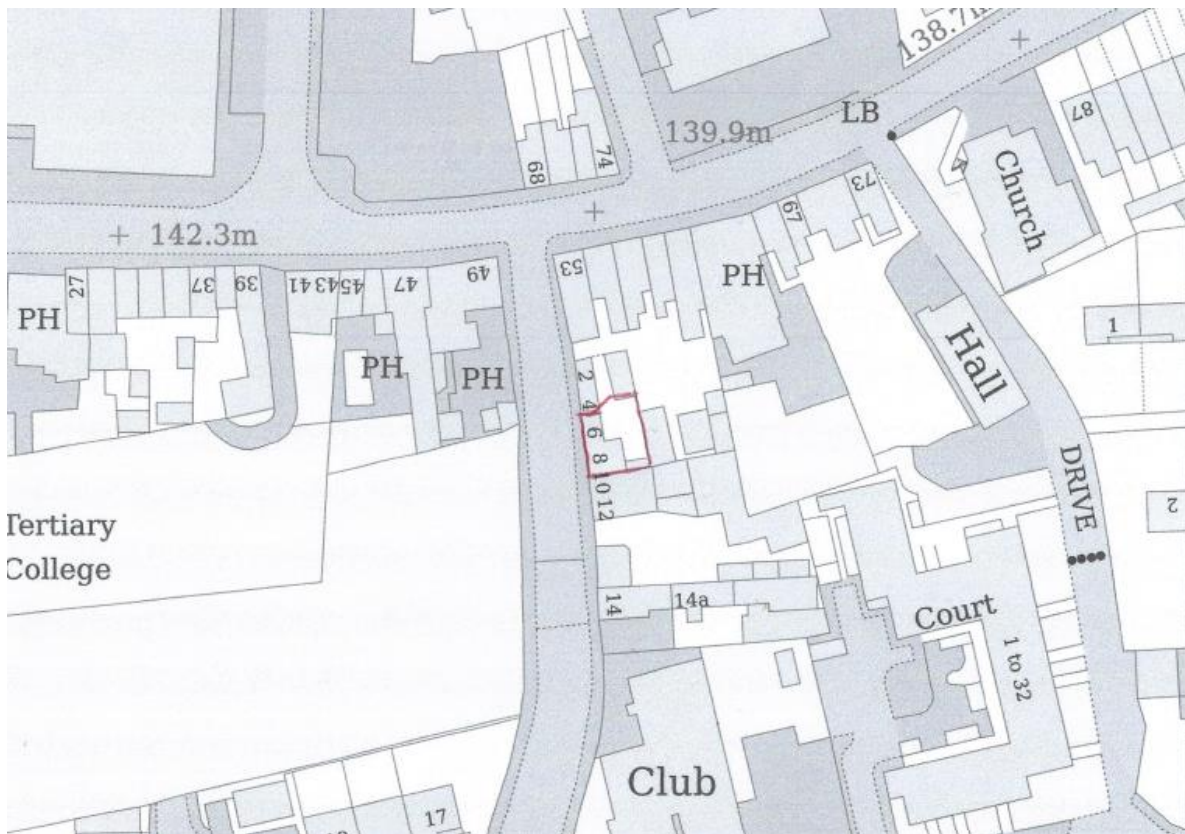


Figure 1: Location plan, with site edged in red.

## 1.0 Reason for Report

- 1.1 Cllr Cupit requested that the application be considered by Members of Planning Committee, on the basis of that it would be helpful for the committee members to be able to consider in detail the balance between the positive and any potential negative impacts of the proposals on the Clay Cross Conservation Area and surrounding streetscene, and the maintenance of these business premises for the local economy.

## 2.0 Proposal and Background

### Site Description

- 2.1 The application site is a café located on the eastern side of Broadleys, Clay Cross. It sits between two other commercial properties, including Peak Fireplaces, a two-storey attached building to the south, and Victoria's Interiors, a single and a half storey attached building to the north.
- 2.2 Opposite the site, across Broadleys, is an area of open space which extends west away from the site. Market Street, the main road through Clay Cross sits a short distance away from the application site to the north.
- 2.3 The site sits to the east of Broadleys which is located within the Settlement Development Limit for Clay Cross and within the Clay Cross Conservation Area.

### Proposal

- 2.4 This application has been submitted to replace the existing window frames and doors on the shop front from timber to UPVC. The windows and doors were installed in April 2022 and as such this is a retrospective planning application. Figure 1 below illustrates the changes made to the ground floor shop front.

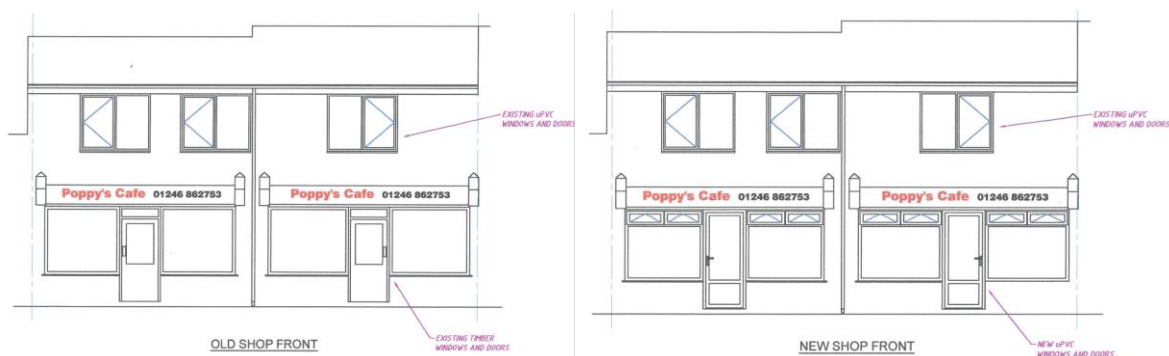


Figure 2: Old shop front (left) v new shop front (right)

### Amendments

- 2.12 None.

### **3.0 Relevant Planning History (not the full site history)**

- 3.1 81/00109/FL | Change of use from cafe to Amusement Arcade (Refused)
- 3.2 81/00179/FL | Change of use from shop to snack bar/café (Conditionally Approved)

### **4.0 Consultation Responses**

- 4.1 Ward member – Cllr Cupit called in the application to planning committee for the reasons set out above in Section 1.
- 4.2 Parish Council – No comments.
- 4.3 Planning Policy & Environment Team – Conservation - The application site is not identified in the character statement (appraisal) for Clay Cross Conservation Area. The submission does not contain any information to allow a full assessment of the proposal. Without information, such as elevational drawings of the former shop front and/or photographs and details of the proposed (as installed) windows, the Local Planning Authority is unable to fully assess the proposal. New development is required to either preserve or enhance the character and appearance of a conservation area. This application does not include the appropriate information to allow full assessment of the impact of the proposed works on the significance of the conservation area – a designated heritage asset.

### **5.0 Representations**

- 5.1 The application was publicised by way of neighbour letters and the display of a site notice. A site notice was placed adjacent to the application site on Broadleys.
- 5.2 No representations have been received in relation to the planning application.

### **6.0 Relevant Policy and Strategic Context**

#### **North East Derbyshire Local Plan 2014-2034 (LP)**

- 6.1 The following policies of the LP are material to the determination of this application:

SS1 Sustainable Development  
SP2 Clay Cross  
SDC5 Development within Conservation Areas  
SDC12 High Quality Design and Place Making

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

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

### **Other Material Planning Considerations**

- 6.4 Clay Cross Conservation Area Character Statement; adopted 2010.

## **7.0 Planning Issues**

### **Principle of Development**

- 7.1 Local Plan (LP) policy SS1 states that development will protect and enhance the character, quality and settings of towns and villages and heritage assets and create well designed places that are accessible, durable, adaptable and enhance local distinctiveness.
- 7.2 Furthermore, LP policy SDC5 states that development proposals within or impacting upon Conservation Areas will be permitted where they preserve or enhance the character or appearance of the area and its setting.
- 7.3 The principle of development is therefore acceptable.

### **Design and Impact on the Conservation Area**

- 7.4 The premises are located within the Clay Cross Conservation Area where development will only be permitted where it preserves or enhances the character or appearance of the area and its setting. Development should take into account the development characteristics and context of the area, in terms of important buildings, spaces, landscapes, walls, trees, and views within, into or out of the area, and the form, scale, size and massing of nearby buildings, together with materials of construction.
- 7.5 Figure 2 below shows the front of the building back in April 2019. Its clear from the photo that the original ground floor shopfront was made up of a timber framed openings with the upper floor windows UPVC framed. It is however clear from the historic images of the building that the shopfront was not in good condition.



Figure 3: Shopfront April 2019

- 7.6 Figure 3 below illustrates the current shopfront installed at the ground floor which is a more modern UPVC construction. The upper floor windows also appear to have been replaced with new UPVC windows.



Figure 4: Shopfront taken from Google maps April 2023

- 7.7 Whilst the building is included in the Clay Cross Conservation Area (see Figure 4 below) it is not specifically mentioned in the Character Statement as a building of importance.
- 7.8 The Clay Cross Conservation Area extends north beyond Market Street and south to the neighbouring building on Broadleys. It extends east and west from the application site. Its character in this section of Broadleys is of commercial units, with Victoria's Interiors to the north and Peak Fireplaces to the south. The Victoria's Interiors building is a single storey double fronted building which appears to have an original timber shopfront surround with infill UPVC windows. Peak Fireplaces is an attached two storey building which has been repainted grey at some point since 2018 and has a wide UPVC shopfront framed by two entrance doors which are also UPVC in construction. There is no planning history on the adjacent properties relating to permitted changes to the shopfront facing Broadleys.
- 7.9 Opposite the site is a traditional stone wall with views west towards the Former Clocktower building which is a building of local importance. The open grassland between this building and Broadleys is due to be redeveloped as part of the Clay Cross Town Deal, permitted under application ref 23/00601/FL in 2023.



Figure 5: Extent of Clay Cross Conservation Area (hatched brown)

- 7.10 As seen in Figure 2 and 3 above, whilst the materials of the shop front have been altered from the traditional timber frontage, Officers conclude the newly installed shop front is symmetrical and in keeping with both the upper floor openings and neighbouring buildings.
- 7.11 No evidence has been submitted highlighting the original design of the shopfront and when reviewing historic photographs from Google Streetview its clear the shopfront was timber constructed at least between 2009 and May 2022. Similarly,

no evidence has been submitted by the applicant to justify the works to the shopfront.

- 7.12 Whilst it is noted that changes have been made to the buildings either side of the application site, there is no evidence to conclude that these shopfront alterations have planning permission.
- 7.13 Whilst officers note that the change from a timber shop front to one constructed from UPVC is at odds with the built traditions of the Conservation Area and the general approach to buildings in Conservation Areas, it is the Officer opinion that the works undertaken do, on balance, preserve the character and appearance of this part of the Conservation Area for the reason set out above. As such, Officers consider that the proposal would accord with policies SS1, SDC5 and SDC12 of the North East Derbyshire Local Plan.

### **Privacy and Amenity Considerations**

- 7.14 The proposed works to the shopfront has no impact on neighbouring residents or land uses by virtue of the nature of development.

### **8.0 Summary and Conclusion**

- 8.1 For the reasons, set out above it is considered that, on balance, the proposed development would preserve the character and appearance of the Conservation Area and is as such acceptable.

### **9.0 Recommendation**

- 9.1 That planning permission is **GRANTED** unconditionally.