

PLANNING COMMITTEE – 24th June 2025

Reference Number: 24/00847/FL

Application expiry: 30/06/2025

Application Type: FULL

Proposal Description: Application for change of use with no external alterations from Public House to mixed use Public House and Convenience Store (Amended Plans) (Amended Title)

At: The Corner Pin, Station Road, Morton.

For: Mr S Dhaliwal

Third Party Reps: 16 Objections

Parish: Morton

Ward: Pilsley and Morton

Report Author: Alice Lockett

Date of Report: 9 June 2025

MAIN RECOMMENDATION: Grant permission, subject to conditions



Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 Cllr Cooper requested that the application be considered at Planning Committee for the following reasons:
- The loss of social infrastructure
 - Public concern about the loss of this vital part of the community

2.0 Proposal and Background

Site Description

- 2.1 The application site is a two storey public house which currently houses 3 lounge bars on the ground floor and a residential flat above.
- 2.2 The site also has planning permission for a hot food takeaway to operate from a building to the north of the car park (NED/22/00982/FL refers).
- 2.3 The public house is located to the north of Station Road on the corner with Pilsley Road. The carpark to the rear of the building is accessed from Pilsley Road.
- 2.4 A public house is shown located on this site on the 1876-1880 OS map and the footprint shown on the 1898-1900 OS map matches that of the existing building. It is therefore considered that the pub is late 19th century.

Proposal

- 2.5 This application seeks permission to convert two thirds of the public house into a convenience store. The remaining third would remain as a bar/public house.
- 2.6 A stand alone application to regularise the placing of a parcel storage locker in the car park has now been submitted. This will be determined on its merits in due course.

Amendments

- 2.12 The applicant originally applied to convert the whole pub to a convenience store. However, following discussions with the Planning Officer this was amended to create a mixed use on the ground floor as now proposed comprising part shop and part bar.

3.0 Relevant Planning History (not the full site history)

- 3.1 22/00982/FL Conversion of outbuilding into a fast-food take-away (Amended Plans) Conditionally Approved.

4.0 Consultation Responses

- 4.1 Parish Council – the Parish Council prefer to keep the Corner Pin as a Public House
- 4.2 Environmental Health Officer - no objection subject to conditions
- 4.3 Highways - No objection subject to conditions and traffic regulation order.

5.0 Representations

5.1 The application was publicised by way of neighbour letters and the display of a site notices. A site notice which expired on 21/11/2024 was placed adjacent to the application site on a lamppost.

5.2 The council have received 23 objection comments from 14 local residents. A petition was also submitted with 199 signatures (this is treated as 1 objection here). Objection comments are summarised below:

- The Corner Pin should remain as a public house.
- The Corner Pin is not abandoned and boarded up, it is an integral community asset.
- There are no pubs in Stonebroom and only one other pub in Morton.
- The Corner Pin is a great place to meet
- The pub is very busy at weekend and during the week.
- Closing the pub will cause even more traffic on the junction
- The pub is part of the town's history
- Pubs are an integral part of village life.
- 20 public houses within a 2mile radius of The Corner pin have closed since 2000
- The corner pin is regularly used, venue for teams in local community leagues, charity events, base to host/run trips, live music.
- The pub is a place to meet especially for older people who can't travel far.
- The drop in numbers is not a large as the applicant suggests
- I do not recognize the low user numbers the applicant states
- The pub serves a wider area than the immediate surroundings including parts of Stonebrook which has no pubs.
- The pub has been run down and the owners have not carried out upgrades
- A nomination to register the Corner Pin as an Asset of Community Value is currently being made.
- There are things that could be done to make the pub more profitable.
- Morton is expanding and therefore there will be more customers
- Allowing a mixed use will ultimately lead to the demise of the pub
- The pub area will not be big enough and would result in a fall in numbers of customers to the pub.
- The proposed pub area will be impractical as a functioning pub.- it would be set up to fail.
- There would be only 1 toilet
- A shop would not benefit the community
- There are at least 10 shops within a 2mile radius
- A convenience store would cause problems with parking
- No parking proposals are included (*Officer comment: this was dealt with in revised drawings*)
- The store will not have disabled access
- The community facility report is inaccurate and misleading

- Existing floor plans are inaccurate (*Officer comment- the applicant's agent has confirmed that the floor plans are correct although amended drawings showing windows on the eastern elevation have been submitted*).
- The proposal will increase traffic congestion and parking at the already busy junction.
- People already park dangerously the proposal will make it worse (*Officer comment, illegal parking should be dealt with by the police and is not a material planning consideration, notwithstanding this the Highway authority have requested a TRO around the junction*).
- The public should be able to see emails referred to by the Highway's Officer (*Officer comment: the email of 2nd May was uploaded on 11th June*)
- Does the parking survey include the storage box and is it located on the parking spaces included in the Take away permission? (*Officer comment: the storage locker is not subject to this application but will be dealt with under NED/25/00440/FL, notwithstanding this it is not located on parking spaces as shown on the site plan for the hot food takeaway NED/22/00982/FL and in any case if this shop application is permitted the parking layout shown in drawing 101 REV G will be conditioned*)
- Parking on the front of the existing public house would result in people reversing onto the highway. (*Officer comment, illegal parking and manoeuvring should be dealt with by the police and is not a material planning consideration, Notwithstanding this, the site plan does not show parking spaces off the road to the front of the pub*).

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
 SS2 Spatial Strategy and the Distribution of Development
 SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits
 WC4 Retail Hierarchy and Town Centre Uses
 SDC12 High Quality Design and Place Making
 SDC13 Environmental Quality
 ID5 Loss of existing Social Infrastructure

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.

7.0 Planning Issues

Principal Of Development

- 7.1 The application site is located within the settlement development limits for Morton where Local Plan policy SS7 supports development provided that it is appropriate in scale, design and location to the character and function of the settlement, does not result in the loss of a valued facility or service, is compatible with, and does not prejudice any intended use of adjacent sites and land uses; and accords with other policies of the Plan.



Figure 2 The Corner Pin as viewed from Pilsley Road

- 7.2 Policy SS7 also requires that the property is not subject of a community right to bid. The Council has no evidence that such a right has been invoked and so The Corner Pin has not been put forward as an Asset of Community Value (this is addressed further at paragraph 7.23 below).
- 7.3 The supporting text to policies Local Plan policies ID4 and ID5 (para 9.58) lists both public houses and local shops under the definition of “social infrastructure”. Policy ID5 does not permit the loss of social infrastructure unless it can be shown that the facility is no longer needed, or that the service could be adequately provided in an alternative way, or elsewhere in an alternative location that is equally accessible by public transport, walking and cycling; or it can be demonstrated through a viability assessment that the current use is not economically viable and all reasonable efforts have been made to let or sell the facility for the current use over a 12 month period.

- 7.4 The Corner Pin serves the community of this part of Morton and is also the closest pub to eastern Stonebroom. The other pub in Morton is the Sitwell Arms which is a 10-15 minute walk away from the application site. Although the applicant has stated that the Corner Pin is not profitable, no evidence in the form of formal financial records has been submitted to support this.
- 7.5 The Corner Pin is therefore considered to be social infrastructure and its loss as a public house would not be supported by the policy. However, the policy is worded clearly that it is the loss of the facility which is not supported. In this case part of the pub will remain, albeit reduced in size, and, in addition, the remainder of the public house will be replaced by another form of social infrastructure in the form of a shop (See Figure 3 below). As a consequence, Officers are of the view that the proposals will not result in a loss of social Infrastructure and therefore the proposal meets the requirements of policy ID5.

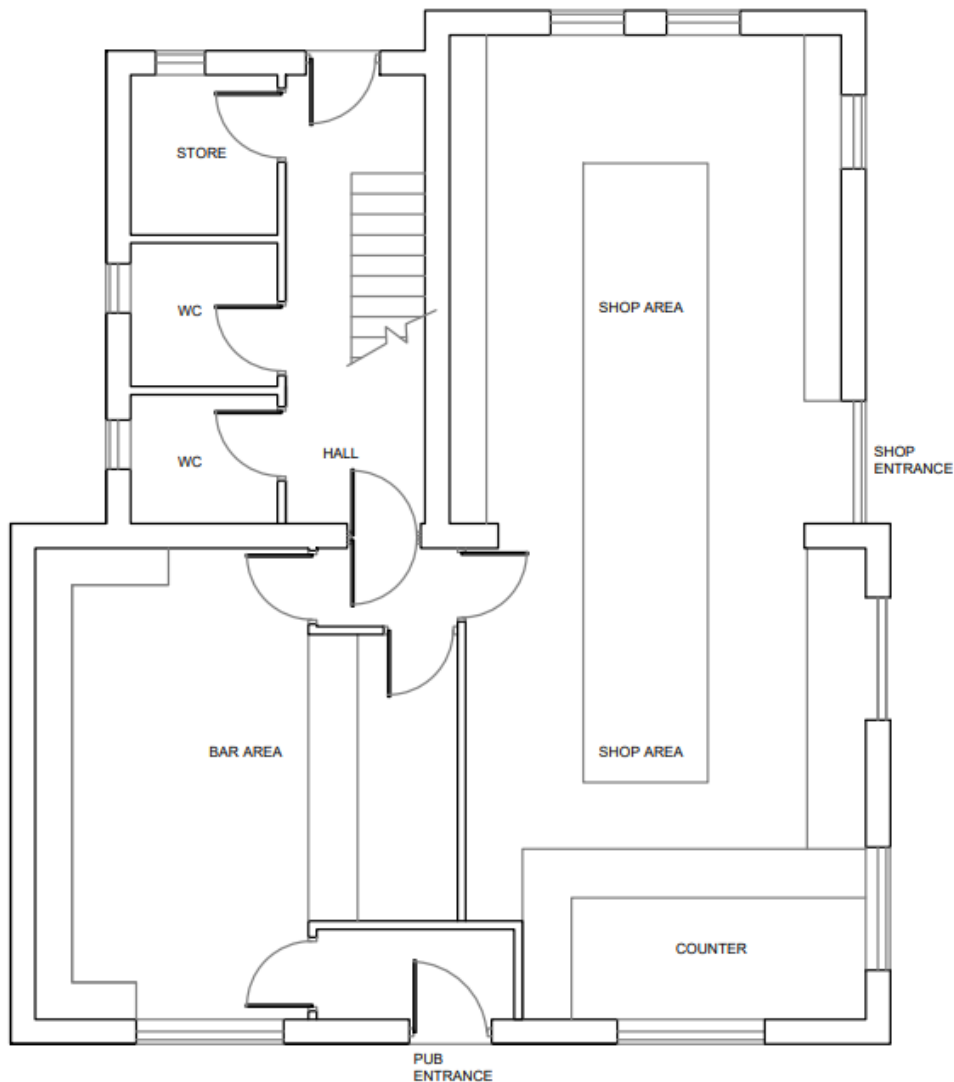


Figure 3 Ground Floor as proposed

- 7.6 However, in view of this, if permission is granted, Officers consider that it is appropriate to condition the layout proposed, which includes the area remaining in use as a pub, is implemented as proposed and then retained. This would mean the Council retains control over the use of the building and the applicant would have to apply for planning permission to use the ground floor of the building in any other way than conditioned.

Highways

- 7.7 The existing public house (which has a flat above it) is currently served by a car parking area (unlaid out) to its rear. There is currently no control over how this area is used.

- 7.8 Planning consent NED/22/00982/FL granted approval for a hot food take away unit located within the car park as shown below in Figure 4. This shows a residual 7 spaces for the use of all activities on the site as of 2022 (including any staff) and compares to the plan now submitted showing 8 spaces within the site (Figure 1). There is however no planning condition that currently requires this layout to be delivered and/or retained

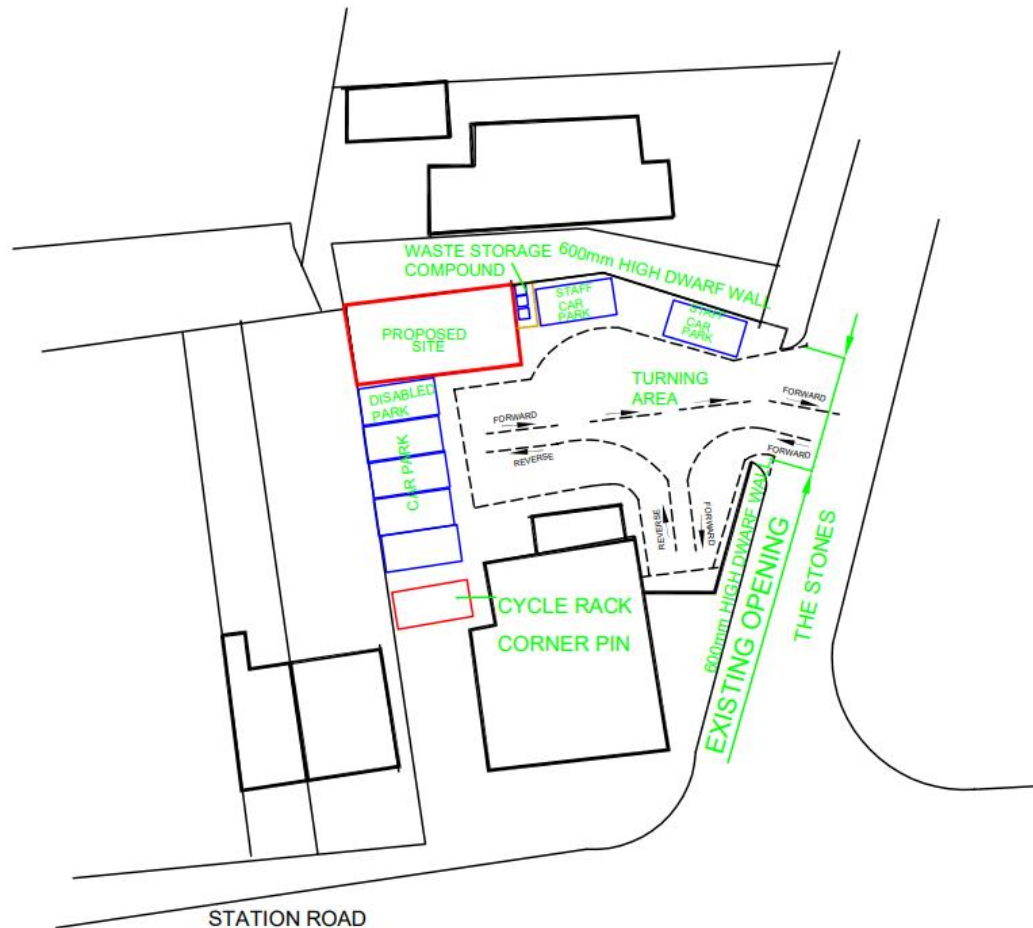
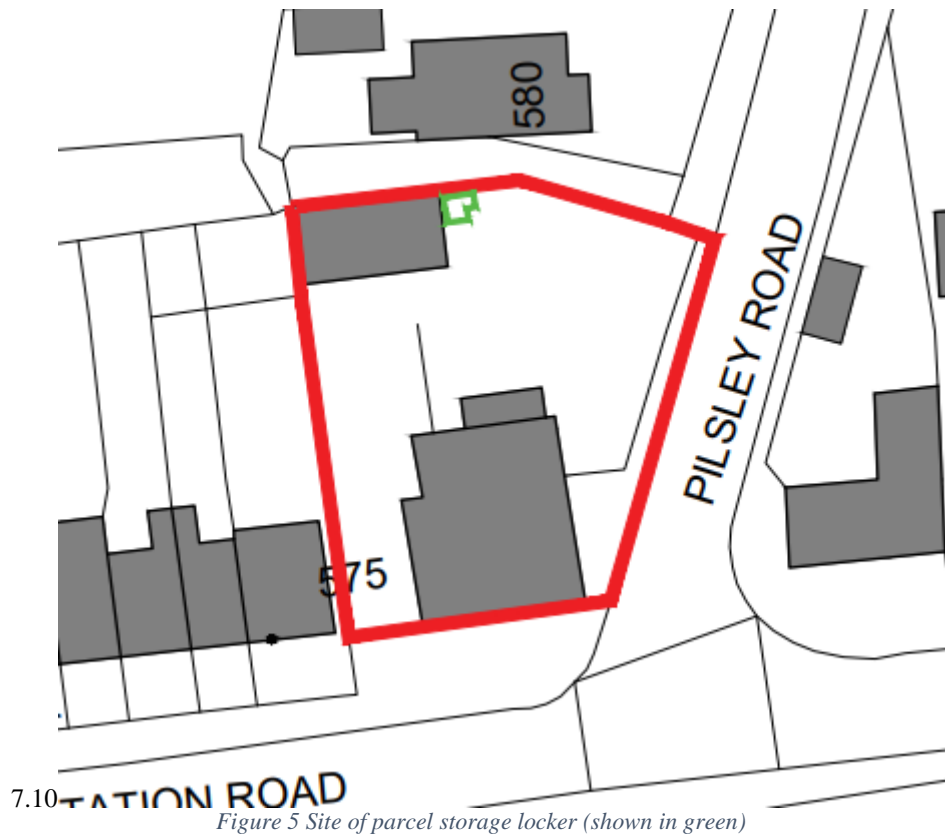


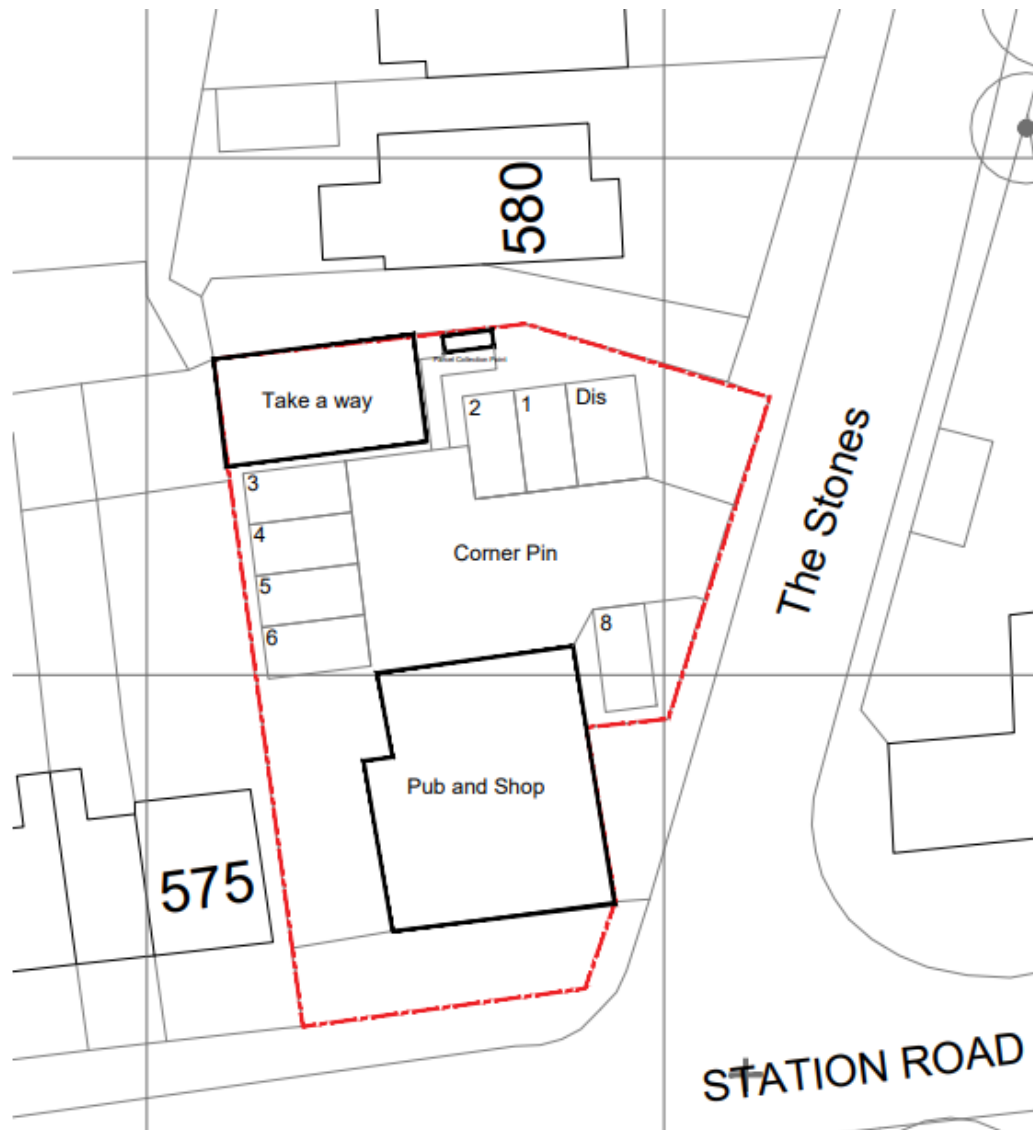
Figure 4 Site plan showing approved hot food take away unit.

- 7.9 The current, as yet, undetermined application for a parcel storage facility (NED/25/00440/FL refers) is also a relevant and material matter. The layout of that application is given for information below in Figure 5. This application will be judged on its merits in due course but the locker does not intrude onto any parking space in respect of the current application.



- 7.11 Drawings in respect of this, current, application are given below in Figure 6 showing the proposed parking for the site identifying the 8 spaces now proposed and referred to above.
- 7.12 Whilst a parking assessment has been requested and advises that a total of 8 spaces is required (as shown on the submitted plans although it is not inclusive of the residential use or locker storage facility and is based on the shop closing at 18:30pm), the advice received from the Highway Authority (HA) is that, based on its calculations, the site as a whole (pub/shop use, take away and parcel storage facility) requires a total (on a worst case scenario) of between 8 and 17 parking spaces.
- 7.13 Therefore, there is likely to be an overspill of parked cars onto the surrounding road network. However, as advised by the HA this is likely to occur presently from the existing permitted uses and on this basis the HA do not advise that the new use would be unacceptable when set against the test given in the NPPF.
- 7.14 Added to this, the HA also note that both Main Road and Pilsley Road have no parking restrictions. Observations show that although parking to the west of the site along Main Road is generally used by residential properties, there are spaces available throughout the day. There is also space directly to the front of the Corner Pin for the parking of 2/3 vehicles and additional space on Pilsley Road. The main concern would arise from potentially inconsiderate parking of vehicles close to the Main

Road/Pilsley Road junction, which could introduce the potential for collisions at this location and block the visibility of turning vehicles.



- 7.15 Therefore, and in concluding this issue, the HA offers no objection to the proposals subject to a Traffic Regulation Order (TRO) being implemented adjacent to the Main Road/Pilsley Road junction (on both sides) to prohibit parking at this location. This would be a separate process and require the completion of a section 106 agreement for the TRO funding to be paid for by the applicant.
- 7.16 Officers agree with this conclusion and it is considered that the proposal will not have in unacceptable impact on highway safety and will therefore be in accordance with Local Plan Policy ID3 and the NPPF subject to the TRO issue being delivered as set out above and a condition limiting the opening hours of the shop.

Impact on the amenity of neighbours

- 7.17 As no new buildings or overlooking windows are proposed, it is considered that the proposal will not have a detrimental impact on the privacy of neighbours or on light to windows.
- 7.18 The Council's Environmental Health Officer has requested conditions controlling the timings of deliveries to the shop and the installation of external plant such as flues or air conditioning units.
- 7.19 It is therefore concluded that subject to the requested conditions and given the established pub use and approved takeaway, the proposal will not result in additional harm or impact on the amenity of the adjacent residential properties.

Concerns about the validity of information submitted

- 7.20 Objectors are concerned about the loss of the public house and there has been some question about the validity of the evidence put forward. Local people suggest that the pub is busier than has been suggested. Officers have asked for supporting evidence where it has been referenced in the agent's case documents.
- 7.21 Officers can only assess what information has been submitted. Notwithstanding this, Officers have concluded that the proposals would not result in the loss of existing social infrastructure because part of the pub is being retained and the convenience store itself is also classed as social infrastructure. When considering the scheme in the round, it is considered that the proposal meets the requirements of policy ID5 and so it is not necessary to assess the financial records of the business.
- 7.22 Objectors have suggested that the existing ground floor drawings are inaccurate. Officers have sought clarification from the agent who has confirmed that they are correct. Officers have been unable to gain access to the inside of the building but there is no evidence to suggest that there is insufficient space for the proposed mix of uses to operate.
- 7.23 One objector has mentioned that the Corner Pin is now subject to an Asset of Community Value application. At the time of writing this report the Council was not, in fact, in receipt of such an application. If one comes subsequently, Officers will update Members accordingly.
- 7.24 One objector has asked whether the parcel locker which has been placed on the car park has been included in the assessment for parking requirement. The parcel locker does not take up any of the spaces allocated for parking or turning in the submitted plans. The parcel locker requires planning permission and is the subject of a separate live planning application (ref. NED/25/00440/FL) This will be dealt with in the context of this decision.

Drainage Considerations

- 7.25 The site falls in Flood Zone 1 and is not considered to be at risk from any other sources of flooding. Notwithstanding that, As a change of use of an existing building the application does not fall within one which requires the Sequential Test for flooding.

Land Contamination/Land Stability Considerations

- 7.26 The site is not located in an area which is considered at high risk from coal mining legacy and anyway is not proposing any new buildings. The council's environmental health officer has no objections. As such it is considered that there are no technical reasons why the application should not be approved.

Ecological Considerations

- 7.27 The application is for the change of use of an existing building and is therefore considered de minimis with regard to the mandatory Biodiversity Net Gain condition.

8.0 Summary and Conclusion

- 8.1 Local and National planning policy aims to support development within settlements where it does not result in the loss of social infrastructure and meets with other requirements of the plan.
- 8.2 In this case it is proposed to change the use of The Corner Pin from a public house to a mixed-use pub and shop which will run alongside the existing residential use and approved hot foot takeaway. Both uses are considered forms of social infrastructure. As a pub will be retained, this will not result in the loss of a piece of social infrastructure and as such officers are of the view that the application will meet the requirements of policy SS7 and ID5 of the North East Derbyshire Local Plan.
- 8.3 As a consequence it is considered that the resulting mixed use of the site as a pub/shop and take away and as described is acceptable. The parcel storage facility application will be judged on its own merits but is not considered prejudicial to the determination of this application.
- 8.4 The Highway Officer has confirmed that, subject to a Traffic Regulation Order and the conditioning of shop opening hours, the proposal will not have a harmful impact on highway safety.
- 8.5 As no building is proposed there will be no impact on light to windows and it is concluded that the impacts of movement such as deliveries and vehicular comings and goings can be mitigated by means of condition
- 8.6 Officers are also of the view that there are no other technical reasons to refuse the application
- 8.7 Overall, Officers consider the proposal accords with the Development Plan and there are no material matters that outweigh that conclusion. Accordingly, it is recommended that permission is granted.

9.0 Recommendation

- 9.1 As a consequence of the above officer recommended that planning permission is **CONDITIONALLY APPROVED subject to the following conditions, and legal agreement to secure funding for the TRO** with the final wording delegated to the Planning Manager (Development Management):-

Conditions

No	Condition	Reason	Pre-commencement agreement
1.	The development hereby permitted shall be started within three years from the date of this permission.	To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.	N/A
2.	The development hereby approved shall be carried out in accordance with the details shown on drawing 2024-01188 101 REV G received 10/3/2025; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures	For Clarity and avoidance of doubt	N/A
3.	The shop hereby approved and shown on drawing 101 REV G shall remain in a class E(a) use for the sale of convenience goods only.	To ensure that the shop remains as social infrastructure in accordance with policy ID5 of the North East Derbyshire Local Plan.	N/A
4.	The convenience store shall only be open between the hours of 07:30 and 18.30. The public house shall not be open before 18:30 and the hot food takeaway shall not be open before 18:00	These are the opening times assessed in the parking assessment and on which the 8 parking spaces are based. It is considered appropriate to condition these to ensure that sufficient off site parking is maintained. In accordance with policy ID3 of the North East Derbyshire Local plan.	N?A
5.	Deliveries to the convenience	In the interest of the amenity of	N/A

	store shall be between 7am and 9pm only Monday to Saturday, and 9am – 5pm Sunday.	neighbours and in accordance with policy SDC13 of the North East Derbyshire Local Plan	
6.	No external fixed plant should be installed without the prior written consent of the local planning authority.	In the interest of the amenity of neighbours and in accordance with policy SDC13 of the North East Derbyshire Local Plan	N/A
7.	The development hereby approved shall not brought into use until the access, parking and turning facilities have been provided as shown on Drawing 101-G.	To ensure conformity with submitted details.	N/A
8.	The Development hereby approved shall not be brought into use until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.	To promote sustainable travel and healthy communities.	N/A
9.	The division of uses that form the development hereby approved (i.e public house (use class Sui Generis) and convenience store (use class E(a)) shall be retained as shown on approved plan ref. 2024-01188 101 REV G received 10/03/2025.	For certainty, and to ensure the continued use of that part of the building as a public house, in accordance with policies SS7 and ID5 of the North East Derbyshire Local Plan.	N/A
	*Pre-commencement		

Informatives:

1. DISCON
2. NMA
3. HIGHWAYS: You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the

statutory TRO process is not straightforward; involving advertisement and consultation of the proposal(s).

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Implementation Team at development.implementation@derbyshire.gov.uk.

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

4. If this permission or the hot food takeaway permission is enacted, the site will be considered to be in a mixed use and will not enjoy permitted development rights. The applicant should therefore note that should retention or replacement of the parcel storage lockers be required planning permission should be applied for and the relevant parking assessment will need to be submitted.
5. BNG2