

# Planning Committee 8<sup>th</sup> November 2022

<b>APPLICATION NUMBER</b>		22/00769/FUL	
<b>SITE ADDRESS:</b>		1 High Street, Bonsall	
<b>DESCRIPTION OF DEVELOPMENT</b>		Conversion and change of use of barn to 1no. dwellinghouse and erection of outbuilding comprising of stables and carport	
<b>CASE OFFICER</b>	Mr. G. A. Griffiths	<b>APPLICANT</b>	Mr Mark Whitfield
<b>PARISH</b>	Bonsall	<b>AGENT</b>	James Boon Architects
<b>WARD MEMBERS</b>	Cllr. G. Purdy Cllr. D. Murphy	<b>DETERMINATION TARGET</b>	26 <sup>th</sup> August 2022
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Requested by Ward Member	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	Requested by Ward Member and to assess the impact of the proposals on the character and appearance of the listed building and Bonsall Conservation Area and the amenity of neighbouring residents

## MATERIAL PLANNING ISSUES

- Introduction
- Principle of development
- Impact on heritage assets
- Archaeology
- Highway matters
- Ecology
- Impact on amenity

## RECOMMENDATION

That planning permission be granted subject to conditions

## 1. THE SITE AND SURROUNDINGS

- 1.1 The existing barn is a long range of farm buildings that are Grade II listed. The building is on the listed buildings at risk register and appears to have not been used for some time. The property dates from the late C17, or early C18, and is constructed of coursed stone rubble. The building is sited gable onto the road, with a narrow track to the south leading to the rear of the building along its frontage.
- 1.2 The site is within the built up area of Bonsall, surrounded by residential properties and open fields to the west. The site is also within the Bonsall Conservation Area.







## 2. DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought to change the use and convert the existing vacant barn to a dwelling. The proposed conversion will provide two bedrooms, two en-suites and a shower room on the ground floor. To the first floor a large living / dining space will be created with a further bedroom and a snug / office. The works will involve the internal subdivision of the building and works to restore the building and repair / reopen windows, restore chimneys and internal floors.
- 2.2 The ground floor is proposed to contain three bedrooms (one with en-suite, a bathroom, utility, snug and gymnasium). It is proposed to provide a reception hall, bedroom and open plan kitchen, dining area, living area and snug on the first floor with the second floor, within the roofspace, being used as a double height space for some 50%, a mezzanine and two loft spaces. The double height space, mezzanine and one of the loft spaces are proposed to each have a rooflight. During the consideration of the application, and having gone through the Conservation Officers comments, the applicant has made minor adjustments to the scheme to accommodate the changes required (reduce to 1 no log burner flu in the chimney and revised repair to eastern first floor entrance door surround).
- 2.3 An ecological survey has been submitted. It was noted within the Peak Ecology (2015) report that swallows *Hirundo rustica* were nesting within Building 1. As there is potential for nesting by swallow and other species such as pigeon, swifts and house martins within the building, it is recommended that work should be carried out outside of the main nesting bird season (March to September). Proposed vegetation clearance work should also be carried out outside of the nesting bird season
- 2.4 It is also proposed to demolish the dilapidated timber building at the rear of the site and to replace this with a stable and car port building. The applicant advises that the previous approval had the former garage, at the ground floor eastern end, shown as a garage but this would have been very difficult to use in a practical sense for cars and, as such, the new proposals show vehicle parking to the rear. Therefore to protect the street from further parking congestion, the intention is to utilise the land to the rear of the property currently owned by the applicant.
- 2.5 The applicant has submitted an updated Preliminary Ecological Appraisal by Peak Ecology. It advises that a bat roost was confirmed in the main building after the results of the Peak Ecology (2015) surveys. Further survey work was undertaken in 2022 which identified three day roosts for a small number of common pipistrelle bats in Building 1. Whilst there was limited suitable habitat on site to support commuting and foraging bats, there was good commuting habitat within the wider area. The applicant has also submitted a Biodiversity Net Gain Statement by Peak Ecology.

### **3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

#### 3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S2	Settlement Hierarchy
S4	Development in the Open Countryside
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD3	Biodiversity and the Natural Environment
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
PD7	Climate Change
PD9	Pollution Control and Unstable Land
HC8	Conversion and Re-use of Buildings for Residential Accommodation
HC21	Car Parking Standards

#### 3.2 Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)

#### 3.3 Bonsall Conservation Area Appraisal

#### 3.4 National Planning Policy Framework

#### 3.5 National Planning Practice Guidance

### **4. RELEVANT PLANNING HISTORY**

- |     |                |   |
|-----|----------------|---|
| 4.1 | 22/00770/LBALT | Internal and external alterations in association with conversion of barn to dwellinghouse - to be determined                              |
| 4.2 | 15/00329/LBALT | Alterations to listed building – Conversion of barn to dwelling, including internal and external alterations – Permitted with conditions. |
| 4.3 | 15/00311/FUL   | Change of use and conversion of barn to dwelling – Permitted with conditions  |

### **5. CONSULTATION RESPONSES**

#### 5.1 Parish Council

- there are significant threats to neighbours' privacy from overlooking window
- application seeks to turn the un-adopted track into access for several vehicles to a newly constructed garage and stable - there has never been a garage on the site
- the track is currently not used for vehicles and emerges onto a dangerous bend in the road which would be a hazard to vehicles entering or leaving the property
- no mention of the stream which runs under the track which is liable to frequent flooding
- application seeks to lower the track and there has been no consultation with residents who would be substantially affected by such work
- the integrity of retaining walls on 2 properties which adjoin the track would be compromised
- proposed alteration of the common access road is fundamental to this application and is integral to it.

- additional information added 04.10.22 makes no difference to the objection
- still no attempt to address the issue of flooding, which is already a problem, nor how this will be exacerbated by the proposal to lower the track
- no reference to the negative impact on residents living nearby who have not been consulted and who will be hugely affected
- proposed stable is oversized as is the car port and the wooden building material is obtrusive
- this is a grand design which is not in keeping with the surrounding area and which does not respect or understand the heritage of Bonsall.

#### 5.2 Local Highway Authority (Derbyshire County Council)

- no objections to the proposed development from a traffic and highway point of view
- request informatives be attached with respect to the first 5m of the access not being loose surfaced and measures to ensure that any surface water does not run-off onto the highway.

#### 5.3 Design and Conservation Officer (Derbyshire Dales District Council)

- Comments on matters of detail with respect to the listed building proposed to be converted and with regards to the design and appearance of the stable/car port building.

#### 5.4 Environmental Health (Derbyshire Dales District Council)

- no objection.

#### 5.5 Development Control Archaeologist (Derbyshire County Council)

- No 1, High Street, Bonsall (aka The Range) is recorded in the Derbyshire HER as a Grade II listed building (MDR3116) and it sits within the Bonsall Conservation Area
- the Heritage Statement that accompanies the application is correct in stating that the building as it stands has a late medieval origin in the 16<sup>th</sup> century and is clearly a building with a partial history legible in its walls
- building itself lies gable end on to Bonsall High Street fronting onto a path/track like access at the south and in many ways this spatial arrangement may point to an earlier medieval antecedent
- clearly rehabilitation of this building will involve work to its historic fabric and the proposed ground floor treatment to mitigate radon will impact any intact archaeological deposits at floor and sub floor level within the building
- proposed re-grading of external land adjacent to the west for the proposed new stable and the provision of services in the roadway and any regrading of the roadway will impact on any buried archaeological deposits associated with the building
- regarding the roadway, revisiting the correspondence of 2015 its ownership and the responsibilities for maintenance seem to be obscure though it may have formed a common lane to common grazing land and enclosures (possibly a pinfold) to the west
- although the Heritage Statement does not deal with below ground archaeology, other than to say a cobbled surface was found when excavating a trail pit next to The Range, or specifically what the likely impacts of the work will be, believe have enough information to recommend that a tiered and integrated approach to this site is required, its aim to produce an integrated understanding of the buildings origins and development
- the required archaeological works could be obtained by attaching a condition to any planning consent
- any prospective or appointed archaeological contractor should contact this office prior to producing any WSI and the WSI should be developed in full consultation with this office.

## 5.6 Arboriculture and Landscape Officer

- site appears to contain no significant trees and all buildings are proposed to occupy the same footprints as existing buildings
- no objections to the proposals from landscape or arboriculture points of view
- recommend that the design of the new building (stable/car port) should incorporate recessive finishes and its height should be not significantly more than the existing stable.

## 5.7 Councillor G. Purdy

- note objections of Bonsall Parish Council but if building is not brought back into use then a significant heritage asset will be lost to the village
- suggest application warrants a site visit in view of the significance of the site and the objections raised.

## 6. REPRESENTATIONS RECEIVED

6.1 Representations have been received from the owners/occupiers of six neighbouring properties. A summary of the representations is outlined below:

### Impact on the character, appearance and setting of the Listed Building and Conservation Area

- plans for the barn and its grounds involve development which isn't faithful to its original appearance
- isn't a sympathetic restoration of a listed structure but a wholesale gutting of it
- concerns that the building's conversion is a static change to the appearance and structure of what is a listed building
- design of the stables, store and car port isn't in keeping with the surrounding buildings, including the listed barn itself
- size and design of stables not in keeping with surrounding buildings
- accept that the current pigeon shed needs to be replaced but the planned stables are 300% bigger in volume than the pigeon shed.
- allowing occupants of the barn to drive and park numerous vehicles amongst neighbours' gardens and turning a grassy lane into a stone chip track to provide access will negatively affect the character of this small, beautiful nook in Bonsall which sits within the wider Bonsall Conservation Area.
- understand applicant also owns the adjacent 3 acre field and suggest that would be a better place for stabling as it is removed from houses and has access at the top end of it
- unclear why so much parking provision is required believe that permitting unlimited parking on the section of land immediately next to an open field - which will be visible to all when walking along The Limestone Way (a nationally recognised heritage trail) – will have a detrimental effect on the character of this part of Bonsall and ask DDDC not to allow this to happen.
- support the Conservation Officer's comments that:

*It is considered that a replacement building, of timber clad construction and character etc. may be acceptable in this location, however, there is a concern over its proposed size/mass in comparison with the current shed and its height etc. There is also a concern over the extent of visual/physical change to the area with extensive gravelled surfacing and alterations to the adjacent limestone boundary wall. In this regard, it is considered that the proposed new building and outworks may have an adverse*

*impact on the setting of the listed building and on this part of the Bonsall Conservation Area.*

- the above states the application for the stables should be weighed against the public benefits of the proposal, but there is no public benefit, only to the applicant, thereby making it hard to see how a stable building of this size should be permitted
- if the owner is determined to have stables, they could be positioned away from houses in the adjacent field which he owns, as a neighbour has done on the other side of Stepping Lane
- the loss of garden/green space in favour of car parking would compromise the open aspect onto fields that the barn and its neighbours currently enjoy

#### Impact on Amenity

- no protection from noise or dust created by vehicles coming and going daily on a stone chip lane
- stables with horses needing to be mucked out and use of horseboxes, large vehicles to transport them etc;
- large scale, unsympathetic development of the site requiring prolonged construction thereby creating long-term noise and inconvenience to neighbours of the barn and holiday guests
- kitchen windows are only 130cm from the side of the lane and sit only slightly above the level of it because the level of the lane rises uphill, above the ground floor - would have vehicles and horses turning into the new car park at our head height bringing unwanted noise and loss of privacy
- plans shows multiple windows on the side of the building which will overlook a number of surrounding properties (85, 86, 89, 91, 95 and 97) - believe this will have an impact on privacy
- depth of retaining boundary wall on the lane side is less than 40cm and would provide very little protection against rogue stones, dust and noise from the proposed gravel drive
- neighbours retaining boundary wall would also likely be damaged if vehicles pass frequently alongside it
- detrimental impact upon holiday let business and future enjoyment of dwellinghouse - hope to make it a permanent residence in the future
- change of use would compromise that quiet enjoyment of property by frequent vehicles using the lane, a view onto car parking instead of grass and the presence of new stables, all of which will bring an increase in noise and a significant loss of privacy
- would no longer be secluded but overlooked
- to undertake a building project of this scale will require many months of construction in a relatively small space, bringing noise and disruption to all of the properties in the vicinity but particularly those that back onto it, i.e. numbers 85, 87, 89, 91, 93 and 95.

#### Physical Impact on Neighbours' property

- daily use of the shared access lane by vehicles is very likely to cause damage to retaining boundary wall which is ostensibly a dry limestone wall
- cost of repairs to such walls is sizeable and it is not reasonable to expect neighbours to meet this or to bear the cost of reinforcing the wall to withstand traffic

#### Highway Matters

- visibility onto the road at that point is extremely poor and in addition, it is situated just after the bend as Yeoman St becomes High St.
- blind exit to the right and have had several near misses when loading/unloading due to cars coming around from The Cross

- oncoming traffic (which can travel quite fast) would not be able to see vehicles emerging from the lane as well as the vehicle emerging not being able to see them
- as the proposal is in relation to potentially 3 vehicles, as well as horses/horse boxes using the lane, suggest that number significantly increases the likelihood of an accident
- isn't a safe exit for one car occasionally - the risk is much increased if a number of vehicles/horses are using it daily
- wall on the right isn't the property of the barn and so cannot be removed or lowered and it is that which causes the greatest hazard.
- change of use from a grassed area to stable and carport would inevitably mean very frequent use of the lane by vehicles and horses
- have no guarantee that the designated area wouldn't be used to park numerous cars, as it is a large enough area in which to do so
- frequent exit from the shared access lane onto High Street by a number of vehicles/horses is a road safety hazard
- car parking and associated access could easily be overcome by reverting to the 2015 plans for the site
- although it is stated that the double doors at the front of the barn would be very difficult to use in a practical sense for cars, believe that at 3 metres wide it is sufficient for one medium sized family car
- unattractive steps at the front of the barn could be repositioned allowing parking for a car or, as in an iteration of earlier plans made by a previous owner of the barn, a parking space could be created immediately behind the barn, avoiding the need to use the whole of the shared access lane and keeping the appearance of the rear of the development as green and rural as possible and in keeping with the properties surrounding it.
- applicant is seeking parking space for multiple vehicles but many homes in Bonsall only have one parking space/none at all

### Ecology

- bat survey not carried out before repairs made to the roof earlier in the year
- note reference to meeting the needs of the bats to justify the size of the stables - other options could be considered such as re-designing the barn by keeping a loft void to accommodate the bats (as submitted by a previous owner and per a report in 2015) or the use of bat boxes.

### Flooding and drainage

- brook regularly floods the lane during heavy rain – would seem this has not been addressed by the Highways team or on the plans which may open litigation if not addressed and if a full survey is not completed

### Other Matters

- dispute over the ownership of the access which is an unadopted lane giving access to the properties on its boundaries
- object very strongly to the fact that the applicant is trying to lay claim to the lane which he does not have sole rights for
- once the lane is made suitable for vehicles, there is nothing to prevent any of the six householders, with right of access to the lane, to use it for their vehicles now or in the future, in addition to the occupants of the barn - this creates a completely unworkable situation, given the lane is extremely narrow, without a turning space and has very poor visibility onto High Street.

## 7. OFFICER APPRAISAL

### Introduction

- 7.1 The issues for consideration are the principle of the proposed development, the impact upon the listed building and its setting and matters of archaeology, amenity, highway safety and ecology.

### Principle of Development

- 7.2 Planning permission and listed building consent were granted in 2015 (refs: 15/00311/FUL and 15/00329/LBALT) for the change of use and conversion of the building to a dwelling. The current application is essentially a resubmission of that granted planning permission, as the time for implementation of that permission has expired, but it also includes further works to form a stables/car port and parking and manoeuvring space to the rear of the principal building.
- 7.3 Since the previous planning application was determined, the Adopted Derbyshire Dales Local Plan (2017) has replaced the Adopted Derbyshire Dales Local Plan (2005). The principal changes in policy since the previous planning permission was granted is that Bonsall is now recognised as a Fourth Tier Settlement. To this end, policy S2 (Settlement Hierarchy) advises that this is an accessible settlement but with a very limited range of employment, services and facilities. Development is therefore limited to that which helps to maintain existing services and facilities and to meet the housing needs of the settlement. To this end, development also needs to be commensurate with the scale and function of the settlement, through infill and consolidation of the existing built framework.
- 7.4 As the village is a Tier 4 settlement, it does not have a defined settlement boundary and the site is therefore deemed to be within the open countryside. Policy S4 (Development in the Countryside) advises that dwellings will be allowed where the housing is within Fourth Tier villages, subject to other material considerations, and will allow for the conversion and re-use of buildings in accordance with policy HC8 (Conversion and Re-use of Buildings for Residential Accommodation). This policy advises that the conversion and/or reuse of existing buildings to residential use will be permitted provided the building is of permanent and substantial construction, makes a positive contribution to the character and appearance of the surroundings, can be converted without extensive alteration, rebuilding or extension and does not have a detrimental impact upon the character and appearance of the building and its surroundings.
- 7.5 Given the above, it is considered that the principle of converting the building to residential accommodation is acceptable, as it was when previously approved in 2015.

### Impact on Heritage Assets

- 7.6 The proposed works will seek to sympathetically restore a vacant listed building and bring it back into use. Due to its un-used nature and condition, the building has been on the District Council's Buildings at Risk Register for over 25 years. In 2015, planning permission and listed building consent (15/00311/FUL and 15/00329/LBALT) were granted for the conversion and alteration of the building to form a single residential dwelling. No lawful commencement of the approved works has been made and, therefore, the 2015 approvals lapsed in 2018. This proposal will, therefore, lead to the beneficial reuse and restoration of a Grade II listed building in a sustainable location, bringing not only benefits to designated heritage assets but also to reduce the shortfall in housing supply, albeit in a very minor way.
- 7.7 The current application (and listed building consent application) are for a similar proposal for the conversion and alteration of the building to form a single residential dwelling. The

majority of the proposals for the external elevations/roof etc. also reflect those which were approved in 2015. In that regard, these proposed works were considered and assessed in 2015 and deemed to be acceptable alterations/changes. The key amendments from the 2015 approvals are commented upon as follows.

- 7.8 In 2015, approval was given to re-instate two chimneystacks to the building which were to be of stone construction. In the current application, they are to be of 'handmade red brick' construction. In an historic photo the stacks appear to be dark, most probably representing a dark red brick construction. Their re-instatement, in a handmade red brick, is therefore considered to be acceptable but a condition will be required on any approval relating to approval of the brick, stack heights and plan-form/shape and pots.
- 7.9 The roof has been covered with corrugated concrete tiles. The proposal is to remove these and cover the roof in Staffordshire Blue clay tiles (as approved in 2015). This is considered to be acceptable. The submitted statement identifies that the applicant is attempting to source Derbyshire stone slates to cover the roof and, if they can be sourced, would use these. The use of Derbyshire stone slates (graduated) would be deemed acceptable and a condition would need to be attached to any grant of planning permission relating to the choice of roof covering material.
- 7.10 The property was proposed to have wood-burning stoves, with two metal flue pipes projecting through the roof. The inclusion of two adjacent pipes was considered to be unfortunate and to appear slightly industrial in their nature. To this end, the proposals have been amended to 1 no. log burner flu in the chimney.
- 7.11 On the main, south elevation the proposals are very similar to those approved in 2015. The exceptions are that a second floor window is not to have mullions re-instated, a plain boarded door to a ground floor doorway is now proposed to have a glazed/framed door, a ground floor window is proposed to be re-instated to its former three-light pattern and the large ground floor opening (garage) is proposed to have set back glazing with a bi-fold timber boarded doors to the frontage. The proposed alterations are considered to be acceptable. In addition, the new window frames are proposed to be slim framed, timber double-glazed. A condition would need to be imposed requiring proposed constructional details for each window.
- 7.12 It is proposed to install 3 no. conservation rooflights on the north facing roofslope; no rooflights were approved in 2015. Nevertheless, it is considered, on this particular roof slope and it being partially concealed by the adjacent property, that the area of the roof slope could accommodate some rooflights. Subject to the rooflights being recessed/flush fitting, it is considered that their introduction to this particular roof plane would be acceptable. All current plastic guttering/downpipes are to be replaced with cast-iron (black) rainwater goods. This is considered to be acceptable subject to the guttering being affixed using traditional rise and fall brackets.
- 7.13 On the east gable end, it was proposed to remove the current 'concrete faced frame' to the doorway and replace it with 'gritstone frame'. It is considered that the concrete framing, whilst being an anomalous material, is perhaps contemporary with the formation of the gable end door. In this regard, it was advised that this should be retained and repaired, as it is considered that to replace this with a stone surround to the door would be a confusing architectural inclusion, as the doorway is undoubtedly a much later addition/insertion and a stone surround would convey an unwarranted and inappropriate architectural change/treatment. To this end, the applicant has revised the proposals to repair the eastern first floor entrance door surround.
- 7.14 New 'black wrought iron handrails' are proposed to be installed to the steps to the gable end doorway. These are considered acceptable subject to a condition on the constructional

detailing and fixing. Subject to the above comments, and compliance, etc. with any conditions imposed, it is considered that the proposed external works to the listed building are acceptable alterations.

- 7.15 It was considered that a replacement building, of timber clad construction and character, etc, may be acceptable to the rear of the site. However, there was initial concern raised over its proposed size/mass in comparison with the current shed/pigeon loft and its height, etc. There was also a concern over the extent of visual/physical change to the area, with extensive stone gravelled surfacing and alterations to the adjacent limestone boundary walls. In this regard, it was considered that the proposed new building and outworks may have an adverse impact on the setting of the listed building and on this part of the Bonsall Conservation Area.
- 7.16 To this end, the applicant has sought to justify the scale of the building. It is advised that the British Horse Society guidelines are for a 3.65m x 4.25m stable and that the proposal is a very similar size to this at 3.65m x 4.5m, with further space to the side as an external store so further sheds, or the like, are not required. The applicant appreciates that, with the car port then incorporated, the size of the building does increase, but this has also been required in order that it can be used as an external bat loft, providing mitigation for the bat roost that will be lost when the roof of the existing building is repaired.
- 7.17 The timber cladding of the stable/car port building, in a utilitarian and ephemeral nature, is considered to be an appropriate cladding of the building rather than a more prominent and permanent stone building. On this basis, it is considered that the proposed stable/car port building is of a design and scale that is justified and will not harm the setting of the listed building.
- 7.18 There is concern raised over the extent of visual/physical change to the area, with extensive gravelled surfacing and alterations to the adjacent limestone boundary wall. To this end, it is considered reasonable to attach a condition that details of hardsurfacing is submitted for approval, with stone slabs being a potentially more appropriate material. As such, the proposals are considered to accord with the aims of policies S1, S4, PD1 and PD2 of the Adopted Local Plan (2017) subject to appropriate conditions.

#### Archaeology

- 7.19 The proposed development was previously considered in 2015 by the Development Control Archaeologist (Derbyshire County Council). It was advised that, whilst the works that may take place to the track to the south of the building were likely to be minor, these works would take place within one of the oldest parts of the village and therefore an archaeological watching brief was required for any such works. Subject to this condition, the proposal is considered to be acceptable in accordance with policy PD2 of the Adopted Local Plan (2017).

#### Highway Matters

- 7.20 The submitted block plan shows that 2 no. parking spaces would be provided to the rear of the building accessed from the High Street via the existing track. It appears from the application details that no works are proposed to the access track. As it is likely that some works/surfacing may be required of the track and/or the parking area, details of these works will need to be provided as a condition of any planning permission. In accordance with the recommendation of the Local Highway Authority, the access and parking is acceptable subject to conditions. As such, it is considered that the proposal complies with policies S4 and HC21 of the Adopted Local Plan (2017).

7.21 The applicant advises that there is no intention to restrict the neighbours' access points and that the proposal is intended to help improve the lane for all. The applicant states that they do not take ownership of shared access, as its ownership is unknown and, therefore, under the planning process, they have notified through the Peak Advertiser that they intend to make alterations to improve access and investigate the existing historic surface below. The applicant states that they currently have a right of access to the rear of the property, for vehicles to access the field they own and to land immediately behind the property. The applicant advises that they could continue to access the site without adjustments, but realigning the rear boundary wall will alleviate the proximity of vehicles that the access currently presents.

#### Impact on Amenity

7.22 With the previous grant of planning permission, a garage was proposed within the listed building towards the front of the site (where a gymnasium is now proposed), albeit access into the garage would have been difficult given the site constraints for manoeuvring. As detailed above, the applicant now seeks to provide parking and manoeuvring space to the rear of the site. Concern has been raised with regard to a loss of amenity associated with the comings and goings of vehicles along the access track. There will also be a degree of impact of car headlights at night.

7.23 Whilst the garage was proposed at the front of the site, within the listed building, with the previous grant of planning permission, there was no restriction imposed on how far vehicles could travel along the access track and it appears that there are no legal restrictions to this. Planning permission may not have been required to form a turning area to the rear of the site as this could have been potentially undertaken as minor works.

7.24 Notwithstanding this, vehicles would be able to use the proposed parking area to turn at the rear of the site and to drive down the access and exit in a forward gear. This is considered preferable to the possibility of parking being restricted to the front of the building, where turning would not have been possible given the constrained width of the access and particularly if a car was in the garage (if possible) and one was outside. To this end, it is considered that the use of the constrained access, in terms of exit visibility, will be benefitted by vehicles exiting in a forward gear. In addition, such parking at the front/side of the premises would restrict access to the lane which appears to be shared with neighbouring residents.

7.25 Whilst it is appreciated that the neighbours and their holiday guests at Penny Cottage, 85 Yeoman Street, would have had little disturbance previously, with the building being vacant for so long, it is nevertheless considered that the modest amount of comings and goings likely to be undertaken along the access by cars associated with a dwellinghouse would not create such a significant loss of amenity that could justify a recommendation of refusal of planning permission.

7.26 Concern has been raised by neighbouring residents regarding the ownership of the track. This is a matter that would need to be resolved between the land owners but it appears that vehicle access can at least be obtained to the field beyond, given the field gate in situ, and the applicant has advised that they have a right of way at least. As the proposal does not require fundamental alterations to the track, nor will it remove any routes of access via this track, the issue of ownership is a civil matter and is not considered to carry any weight to warrant refusal of planning permission. As such, the proposals are considered to comply with the aims of policies S1 and PD1 of the Adopted Local Plan (2017).

7.27 Concern has also been raised with regard to the impact that the stable/car port building will have on the amenity of the occupiers of the neighbouring residents to the north of the site. Whilst the building would be higher than the existing structure, given the angle of the roof

pitch it is considered that the additional height and mass of the building would not substantially harm light or outlook of the neighbouring property to an extent that would justify a recommendation of refusal of the planning application. The design of the stables/car port is considered to be justified and acceptable contextually with the listed building and the field beyond.

- 7.28 The stables is located near to neighbouring properties. However, the size of the stable space is such that only a single horse could be reasonably accommodated. No objections have been raised by the District Council's Environmental Health Section with respect to the proximity of the stable to the neighbouring properties.
- 7.29 The applicant has advised that they intend to work with the neighbours so that construction works can be implemented with minimal impact on them albeit a condition can be attached to any grant of planning permission that restricts the hours of construction/conversion works. This will allow for the development to be undertaken in a reasonable time scale whilst seeking to limit the impact on neighbouring residents.

### Ecology

- 7.30 It is noted that there are bat roosts within the building and, in view of this, a Natural England European Protected Species Licence is required before works can commence on the building works. To this end, a condition can be attached to any grant of planning permission to ensure this licence is obtained prior to works commencing on site. The applicant has detailed that the proposed stables/car port building would provide compensatory habitat and that this can be subject to a condition on any grant of planning permission. Conditions are also required, in accordance with the guidance from Derbyshire Wildlife Trust, to ensure that works take place to avoid the nesting bird period and that the recommendations of the two ecology reports are followed.
- 7.31 In terms of biodiversity, it is advised by Peak Ecology that the survey results indicate that the proposals, with the addition of new trees and the enhancement of the modified grassland on site, will result in a net gain in biodiversity on the development site subject to conditions. It is advised that methods of habitat maintenance should be secured prior to commencement of the development and the habitats should be created on site as soon as is reasonably practicable during the development process.
- 7.32 It is advised that the brook, which is culverted on site, will not be impacted by the works, and due to the risk of flooding within the village of Bonsall, it is not appropriate to de-culvert the brook, either on site or further downstream.
- 7.33 It is advised that holes, approximately 13cm x 13cm, should be cut in the boundary fencing at ground level to allow hedgehogs to freely forage and commute across the site. Subject to these matters being addressed by conditions on any grant of planning permission, it is considered that the proposal is meets the requirements of policy PD3 of the Adopted Local Plan (2017).

### Flooding

- 7.34 It is advised that the brook regularly floods the lane during heavy rain and that this does not seem to have been addressed, which a neighbour has advised may be open to litigation if not addressed and if a full survey is not completed. However, this is an existing access and it is not considered that the proposals, largely to convert an existing building, would contribute to increased likelihood of flooding. Nevertheless, more hardstanding would be created and it is considered reasonable to attach a condition that details be submitted to detail how surface water would be dispersed in accordance with Policy PD8 of the Adopted Local Plan (2017).

## Climate Change

7.35 Since the previous planning permission has been granted, the Adopted Derbyshire Dales Local Plan (2017) has replaced the 2005 Local Plan. To this end, there is now a greater emphasis on the need to mitigate against climate change which is recognised in Policy PD7 and in the District Council Supplementary Planning Document. It is noted that the applicant seeks to clad the interior of the building with breathable insulation. Whilst renewable energy installation on the listed building would be harmful to its character and appearance, it is considered that there could be scope for solar panels to be installed on the roof of the stable/car port building on the south facing roofslope, for example, which would not significantly harm its character and appearance. As such, it is considered reasonable to attach a condition to any grant of planning permission that measures to mitigate against the carbon footprint of the development are provided in accordance with Policy PD7 of the Adopted Local Plan (2017).

## Conclusion

7.36 Whilst it is appreciated that the proposals will introduce a level of disturbance and loss of amenity, this has to be weighed in the balance. The building is a prominent, listed building within the Bonsall Conservation Area and, without a use coming forward, it is likely to deteriorate further. Planning permission has been granted relatively recently for the use as a dwelling and, therefore, the principle matters for assessment are the differences between the previously approved and current development proposals.

7.37 To this end, the main alterations from the 2015 planning permission is considered to be the provision of the stable/car port and the car parking and manoeuvring facilities to the rear of the site. Whilst there would be some loss of amenity associated with the proposed stables/carport, with comings and goings by vehicles along the access track, it is not considered that the associated disturbance / residential amenity effects would be of so significant a magnitude to warrant refusal of the application on such grounds and the less than substantial harm caused to the heritage assets engaged (as a whole) would be outweighed by the public benefits associated with bringing this at risk listed building back into viable use. The proposal is therefore considered to be acceptable and in accordance with the requirements of policies contained in the Adopted Derbyshire Dales Local Plan (2017) and is recommended for approval subject to conditions.

## **8. RECOMMENDATION**

That planning permission be granted subject to the following conditions:

1. Condition ST02a: Time limit on Full

Reason:

Reason ST02A

2. The development hereby approved shall be carried out in accordance with the original drawings and specification except as amended by the drawings and additional information received on 6<sup>th</sup> October 2022 and except as may otherwise be required by other conditions to which this permission is subject.

Reason:

To define the permission for the avoidance of doubt and to safeguard the special historic and architectural character and appearance of the listed building and the Bonsall

Conservation Area to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

3. No works to the building or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority and agreed in writing. Works shall be completed in accordance with the agreed details.

Reason:

In the interest of safeguarding protected species in accordance with Policy PD3 of the Adopted Derbyshire Dales local Plan (2017).

4. Prior to the commencement of development, confirmation shall be submitted to demonstrate that a Natural England European Protected Species Licence has been obtained for the development. Works shall be completed in accordance with the details of the licence.

Reason:

In the interest of safeguarding protected species in accordance with Policy PD3 of the Adopted Derbyshire Dales local Plan (2017).

5. The development shall be completed in full accordance with the recommendations of the submitted Preliminary Ecological Report and Biodiversity Net Gain Statement prepared by Peak Ecology, received on 1<sup>st</sup> July 2022, the Nocturnal Bat Activity Surveys prepared by Peak Ecology received on 6<sup>th</sup> October 2022 and the dwelling hereby approved shall not be occupied until such time as the bat and biodiversity mitigation measures have been completed to the satisfaction of the Local Planning Authority.

Reason:

In the interest of safeguarding protected species in accordance with Policy PD3 of the Adopted Derbyshire Dales local Plan (2017).

6. Prior to any works commencing a scheme for written approval showing how the site compound, site operatives vehicles, delivery vehicles and construction works are likely to affect the adjacent classified road and other premises in the vicinity. The details shall include locations and traffic management as may be required and the approved scheme shall be implemented in full.

Reason:

In the interests of highway safety

7. Notwithstanding the submitted drawings and specifications, prior to the occupation of the dwelling hereby approved, a detailed scheme of surfacing materials, and details of any works to the track to the south of the proposed dwelling, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to occupation of the dwelling and the parking spaces thus provided shall be maintained thereafter free from any impediment to designated use.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

8. Prior to the occupation of the dwelling hereby approved, details of adequate bin storage and a bin dwell area for use on refuse collection days shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

In the interests of highway safety.

9. The proposed stable and office shall be ancillary to the occupiers of the dwelling, with no third party, business or commercial use.

Reason:

To limit comings and goings from the property in the interests of highway safety to comply with Policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

10. Before the car parking and manoeuvring area are provided, full details of how surface water will be dispersed shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be provided prior to the dwelling hereby approved being brought into use.

Reason:

To ensure adequate surface water drainage to comply with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

11. Prior to any works being undertaken to the roof, samples of the roofing materials for the dwelling shall be submitted to the Local Planning Authority for written approval. The works shall be completed in accordance with the approved samples.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building and the Bonsall Conservation Area to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

12. Prior to the commencement of works to the window/door surrounds, a sample of the proposed new stone, including surface tooling, shall be submitted to the Local Planning Authority for written approval. The new stone shall match the existing in geological type/origin/source, colour and grain. The works shall be completed in accordance with the agreed details.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building and the Bonsall Conservation Area to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

13. Prior to the works to repair the building being undertaken, the exact extent of stonework replacement on an individual window-by-window/door-by-door basis shall be submitted in drawn form (1:10 elevations) to the Local Planning Authority for written approval. This shall also indicate the proposed stone profile/shape (1:2) of each different stone element. The works shall be completed in accordance with the approved details.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building and the Bonsall Conservation Area to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

14. All new window frames and doors shall be constructed in strict accordance with details to be submitted to and approved in writing by the Local Planning Authority. The proposed finish paint colour (manufacturer/ref. no.) for all external joinery work (doors/windows, etc.) shall also be submitted to the Local Planning Authority for written approval prior to decoration. The works shall be carried out in accordance with the approved details and the paint colour retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building and the Bonsall Conservation Area to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

15. Prior to the any works being undertaken to the 2 no. new chimneystacks, full constructional details, including dimensions for their proposed width, depth and height, shall be submitted to the Local Planning Authority for written approval. Details of the bricks, capping and pots (along with samples if required) shall also be submitted for approval. The works shall be completed in accordance with the approved details.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building and the Bonsall Conservation Area to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

16. Prior to the occupation of the dwelling, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- the rooflight details;
- the profile, material, fixings etc. of the proposed metal rainwater goods; and
- the black, wrought iron handrails'

The works shall be carried out in accordance with the agreed details prior to the occupation of the dwelling.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building and the Bonsall Conservation Area to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

17. Prior to the stable/carport building being faced, details of the timberwork, to include its stain colour, and details of the roofing materials and rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority. The stable/carport building shall only be erected with the approved materials and the timberwork shall be retained and maintained in the approved stain colour unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the satisfactory character and appearance of the building within the setting of the listed building and the Bonsall Conservation Area to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

18. No external lighting shall be affixed to any part of the dwelling or stable/car port building hereby approved.

Reason:

In the interests of the amenity of neighbouring residents, to safeguard the habitat of bats and to safeguard the character and appearance of the development to comply with S1, S3, PD1, PD2 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

19. Prior to their erection, details of the hard landscaping and boundary treatment, along with details of construction and materials of the boundaries to the west of the building, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be only undertaken in accordance with the agreed details.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building and the Bonsall Conservation Area to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

20. No development shall take place, until a Written Scheme of Investigation for historic building recording and archaeological monitoring has been submitted to and approved by the Local Planning Authority in writing, until all on-site elements of the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured. The Written Scheme of Investigation shall include an assessment of significance and research questions; and

1. the programme and methodology of site investigation and recording;
2. the programme and provision for post-investigation analysis and reporting;
3. provision to be made for publication and dissemination of the analysis and records of the site investigation;
4. provision to be made for archive deposition of the analysis and records of the site investigation; and
5. nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

No development shall take place other than in accordance with the archaeological Written Scheme of Investigation and the development shall not be occupied until the site investigation, and post investigation assessment, has been completed in accordance with the programme set out in the archaeological Written Scheme of

Investigation approved and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

To ensure the proper recording of the listed building and its curtilage to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

21. No disturbance, excavation or other alterations shall be undertaken to the existing ground floor slab without prior written approval from the Local Planning Authority.

Reason:

To safeguard the special historic and architectural character and appearance of the listed building to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

22. Prior to works being undertaken on the conversion of the listed building, details of measures to mitigate against the carbon footprint of the development shall be submitted to and approved in writing by the Local Planning Authority and such measures shall be provided prior to the occupation of the dwelling hereby approved.

Reason:

To mitigate against the carbon footprint of the development to comply with Policies S1, PD1 and PD7 of the Adopted Derbyshire Dales Local Plan (2017) and in accordance with guidance contained in the District Council's Climate Change Supplementary Planning Document (2021).

23. During the process of conversion and development on the site, no internal or external works/construction works shall be undertaken to the building, or within its curtilage, outside of the following hours:

08.00 – 18.00 Monday to Friday

09.00 – 13.00 Saturday

No works shall be undertaken on Sundays or Bank Holidays.

Reason:

In the interest of the amenity of local residents.

#### **NOTES TO APPLICANT:**

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in a reasoned justification for the scale of the stable/car port building
2. The Highway Authority recommends that the first 5m of the access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the owner.
3. Pursuant to Section 163 of the Highways Act 1980, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the

highway. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

4. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
5. This decision notice relates to the following documents:

Site location Plan received on 1<sup>st</sup> July 2022

Drawing Nos. SK002A, SK003A and SK004, 1919 - (08)06, 07, 15, 16, 17 and 18 Figure 1. UK Habitat Plan received on 1<sup>st</sup> July 2022

Amended Drawing Nos. 1919-(08) 11 Rev. B, (08) 12 Rev. B, (08) 13 Rev. A and (08) 14 Rev. A received on 6<sup>th</sup> October 2022

Design and Access Statement received on 1<sup>st</sup> July 2022

Preliminary Ecological Appraisal received on 1<sup>st</sup> July 2022

Nocturnal Bat Activity Surveys received on 6<sup>th</sup> October 2022

Biodiversity Net Gain Statement received on 1<sup>st</sup> July 2022

Additional Information received on 3<sup>rd</sup> October 2022.