

APPLICATION NUMBER		22/00731/LBALT	
SITE ADDRESS:		Bradley Hall, Yew Tree Lane, Bradley, Ashbourne, DE6 1PG	
DESCRIPTION OF DEVELOPMENT		Internal and external alterations associated with the conversion of attic to habitable rooms	
CASE OFFICER	Mr Joseph Baldwin	APPLICANT	Mr Paul Staley
PARISH/TOWN	Clifton and Bradley	AGENT	Mr Matt Hewitt
WARD MEMBER(S)	Cllr Andrew Shirley	DETERMINATION TARGET	16/08/2022
REASON FOR DETERMINATION BY COMMITTEE	5 or more unresolved objections	REASON FOR SITE VISIT (IF APPLICABLE)	N/A

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Impact upon heritage assets - Impact upon protected species

RECOMMENDATION
<ul style="list-style-type: none"> - Approval subject to conditions

1.0 THE SITE AND SURROUNDINGS

1.1 Bradley Hall is a grade II listed building (listed 1952) located off the eastern side of Yew Tree Lane, toward the northern edge of Bradley. The property dates from the mid-18th century and has been subject to incremental alterations and additions which have been carried out in the 19th, 20th & 21st centuries. The property is of red brickwork construction with stone dressings/details with dual and hipped clay tiled roofs and brick chimneystacks. To the north-west of the Hall was a formerly detached, 'L' shaped stable/service building (this is listed separately, grade II – 1984). This building was subsumed, altered and extended (and con-joined) into the main Hall in the 20th century. A further, large, garaging block was added to the north-west in the early 2000s. The Hall is raised above the main road with an impressive brick retaining wall (grade II listed - 1984). Opposite the Hall is the grade II* listed parish church and its associated churchyard. Bradley public footpath 17 runs to the south of the property.



2.0 DETAILS OF THE APPLICATION

2.1 Listed building consent is sought for internal and external alterations to the grade II listed building associated with the conversion of the existing attic space to habitable rooms including, two bedrooms, two en-suite bathrooms, a games room and an office as set out on the amended plans received by the Local Planning Authority on 24th November 2022. The proposed alterations include the construction of two new staircases into the attic space and the installation of roof lights to the eastern roof slope.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- National Planning Policy Framework (2021)
- National Planning Practice Guidance
- Historic England Advice Note 2 - Making Changes to Heritage Assets (2016)

4.0 RELEVANT PLANNING HISTORY:

21/01345/FUL	Erection of rear extension accommodating a swimming pool and conversion of orangery/shed into kitchen and incorporation into main dwelling and retention of timber panelled gates, hot tub canopy and hot tub	PERC	13/05/2022
21/01346/LBALT	Erection of rear extension accommodating a swimming pool,	PERC	15/06/2022

conversion of orangery/shed into kitchen
and incorporation into main dwelling and
associated internal alterations

5.0 CONSULTATION RESPONSES

Bradley Parish Council

- 5.1 Parish Council would wish to have assurances that any approval would be conditional on the habitable rooms not be used for commercial/holiday let purposes due to noise and anti-social behaviour/environmental health issues already arising on site. Councillors also wished it noted that there appears to be a level of inconsistency in decision making in respect of applications within the Parish and would welcome the opportunity for a Planning Officer to attend/speak at a future Parish Council meeting on the planning process

Derbyshire Wildlife Trust

- 5.2 No objections subject to conditions.

Design and Conservation Officer (Derbyshire Dales):

- 5.3 The proposals are as follows –

- i. Conversion of the attic/loft spaces to the Hall to form a Master Bedroom with associated dressing room, en-suite and study, Bedroom 04, en-suite, storage space, and Games Room;
- ii. Alterations to existing 'Nursery' on first floor and installation of new timber staircase (to access the attic/loft space);
- iii. Formation of new staircase to access the Games Room and bedroom 04 (& en-suite);
- iv. Installation of 14No. roof lights to serve the attic/loft conversion;

The following comments are made on the above list of proposed works -

- i. In general terms the proposed conversion of the vacant attic/loft space is considered to be acceptable. The proposed works include the following alterations.

Southern attic/loft spaces -

- a. Upgrading of pitched roofs,
- b. Formation of a new doorway in the brickwork walling between the en-suite and dressing room,
- c. Enlargement of an existing opening in the brickwork wall between the dressing room and master bedroom,
- d. Blocking of an existing opening and formation of new door opening in the brickwork wall between the master bedroom and landing,
- e. Blocking of an existing opening and formation of new door opening in the brickwork wall between the landing and office/study,

Northern attic/loft spaces –

- f. Formation of new studwork wall & doorway between storage space and en-suite (04),
- g. Blocking of an existing opening and formation of new door opening in the brickwork wall between en-suite (04) and bedroom (04),
- h. Formation of a new doorway in the brickwork walling between bedroom (04) and new staircase,

Some of the brickwork walls extending from below up into the attic/loft space are historic walls. No details have been submitted in this regard, however, the proposed extent of alteration is such that the works as itemised above are likely to be considered acceptable alterations that will not constitute adverse harm to the overall significance of the listed building interior. However, in order to ensure that the blocking, enlargement and formation of new structural openings in these various walls is undertaken appropriately it is considered that condition(s) should be imposed requiring the submission of existing elevations (of each attic/loft wall) and proposed elevations indicating the exact nature and extent of the alteration works in each case.

It is assumed, although not specified that the current exposed brickwork wall will be plastered. This is likely to be acceptable and a condition should be imposed requiring details of the proposed plastering and finish etc.

The proposals include for a number of timber 'binders' and 'cross bracings' to be removed as part of the conversion works. It will be important that none of these are historic timbers and part of the original historic roof structure. In this regard, a condition should be imposed requiring details of each timber member/element to be removed, its exact location and an assessment/analysis of its age etc. If the timbers being proposed to be removed are found to be historic and integral to the roof structure(s) then they will be required to remain in-situ (a condition should be imposed in this regard).

It is noted that the current pitched roofs are to be 'upgraded'. The drawings state that 'any defective coverings to be replaced' and a new roofing membrane installed with insulation between the rafters and a ventilation void and low level tile vents. The submitted photo survey of the attic/loft spaces depicts the underside of the roof with torching and rafters etc. If the existing roof coverings are to be removed then they shall be re-instated on a strictly like-for-like basis (a condition should be imposed in this regard). The proposed provision of a new roofing membrane, insulation and roof ventilation etc. is considered to be acceptable. It is noted that the underside of the roof structures will be underdrawn with insulated plasterboard and skim. The application contains no drawn/sectional details of any proposed under-drawing to the roof structure, or insulation. Again, typical sectional and specification details of any such proposals will be required via a condition to ensure that no damage, removal, loss or otherwise is made to any existing historic roof timbers or details.

It is proposed to 'upgrade' the existing floor (with new timber joists and 20mm thick chipboard or timber boards over). For half hour fire resistance and acoustic insulation 150mm Rockwool insulating material between the joists is to be installed. This is considered to be acceptable subject to no existing, historic ceilings and ceiling joists etc. being altered, removed or changed during the attic flooring works. Typical large-scale sectional details of this proposal will be required via a condition to ensure that no damage, removal, loss or other alteration is made to any existing historic floor joists, floor boards or historic coverings.

- ii. The existing first floor 'Nursery' room has a projecting chimneybreast (the fireplace has been historically removed and plastered over). The room has a sash window and a plain flat plastered ceiling with no decorative cornicing or other features. It is proposed to install a new staircase in this room, to access the attic/loft space. No existing & proposed elevational drawings/details of this room have been submitted. It is proposed to install the new staircase to the left hand side of the chimneybreast and partially in front of the existing window (although the lower steps will be below

cill level) and the angle/pitch of the staircase will cut across the top of the chimneybreast. The installation will also require a section of the current ceiling to be removed. Whilst the proposed installation of a new staircase in this room may be considered acceptable, this would be strictly subject to proposed details of design and installation which should be submitted via a condition.

- iii. An existing cupboard (adjacent to Bedroom 02) is to be utilised to install a new staircase up into a second part of the attic roof space. This further attic space is to provide a bedroom ('04') and en-suite, storage room and games room. It is proposed to install the new staircase to an 'L' shaped configuration with its lower steps (2No.) projecting into the corridor. Whilst the proposed installation of a new staircase in this room/space may be considered acceptable, this would be strictly subject to proposed details of design and installation being submitted via a condition.
- iv. In converting the attic/loft space (as proposed) necessitates the introduction of a number of (conservation) rooflights. Fourteen rooflights are proposed – all to be located on the east-facing roof slopes of the property. It is considered that the roof slopes to the (rear) eastern facing roof slopes could accommodate a number of rooflights (subject to these being fully recessed flush-fitting conservation rooflights into the roof covering – installation details/section etc. would be required by condition). However, it is considered that the two rooflights to the small pitched roof chimneystack projection to the Master Bedroom should be omitted as the roof area is too small to accommodate rooflights. Furthermore, it is considered that the 'storage' area roof light should also be omitted.

Subject to the above, and the imposition of conditions, it is considered that the proposed conversion of the vacant attic/loft spaces to the property would not constitute adverse harm to the overall significance of the listed building.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 14 representations have been received in objection to the proposed works. A summary of the representations is outlined below:

- The proposal goes beyond what is required as a family house.
- It is intended to convert the house to a holiday complex.
- The highways are not suitable for additional traffic.
- There are existing issues with noise and litter from the property.
- The installation of roof lights will fundamentally change the look of the building.
- Concerns regarding the presence of bats within the Bat Survey.
- Concerns regarding the impact on the setting of adjacent listed buildings.
- Bradley Hall is one of the most important buildings in Bradley and according to the NPPF the greatest weight should be given to its conservation even "less than substantial harm" should not be permitted.
- There are no public benefits to be derived from the development to outweigh any less than substantial harm.
- Approval of the application would be inconsistent with consideration of other application for listed building consent in Bradley.
- The optimum viable use of Bradley Hall is a family home. This does not require any alterations.
- Any permission should be conditions to ensure the development is for domestic use only.
- Concerns regarding the capacity of the septic system.
- Parts of the building are currently residential but unused. This would be a more appropriate way of gaining extra space.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Impact on heritage assets
- Impact upon protected species

7.1 A number of representations have been received in relation to the application as outlined above. The only issues to consider as part of this application for listed building consent would be the impact of the proposed works on the character, appearance and significance of the Grade II listed Bradley Hall. In considering whether to grant the application the Council must 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.

- Impact upon heritage assets

7.2 Two staircases are proposed to be constructed in order to access the new converted loft space. The staircase proposed within the existing nursery would be partially in front of an existing window, to the left hand side of the existing chimney breast however the lower level steps would be below the cill level of the window which somewhat reduces the impact on the historic opening. The removal of a small section of the ceiling to provide access to the attic space is deemed to be acceptable. The second staircase is proposed to be installed in an existing storage cupboard and would provide access to the new games room and an additional bedroom. Two of the lower steps would project out of the cupboard and onto the landing area however this is not considered to be detrimental to the fabric of the building. Subject to conditions securing exact design details of both staircases, these alterations are not considered to result in any harm to the special character, appearance or fabric of the listed building and are considered to be acceptable.

7.3 The proposed works as submitted included a large number of roof lights to facilitate the conversion of the attic space to habitable rooms. A total of 15 roof lights were originally proposed which were all contained to the eastern facing roof slope, largely out of public view from Yew Tree Lane. Following the consultation response from the District Council's Design and Conservation Officer, concerns were raised regarding the number of rooflights proposed and it was suggested that two rooflights to the small pitched roof projection and over the proposed storage area were unnecessary and should be omitted from the plan in order to reduce the overall number of roof lights. Amended plans have since been received which have taken this into consideration and have omitted these three rooflights (the roof plan appears to continue to show a rooflight over the proposed storage area however it has been removed from the proposed attic plan). It is necessary to condition the removal of this rooflight for the avoidance of doubt. On the basis of the amended plans and subject to a condition securing the design of the proposed rooflights being flush fitting conservation style rooflights, this element of the works is not considered to result in any harm to the special character, appearance or fabric of the listed building and is considered to be acceptable on this basis.

7.4 As submitted, the conversion of the attic space to habitable accommodation required the removal of a number of historic roof timbers. The District Council's Design and Conservation Officer raised concerns about these proposals as this would result in harm to the fabric of the grade II listed building. Following the submission of photographic surveys and subsequent amended plans, it has been agreed with the applicant that all roof timbers shall remain in situ, with the exception of timber purlins and binders which are to be removed in the landing area of the new games room/bedroom 4. These timbers are identified in images 21-28 of the submitted photo survey and are clearly more modern timbers (likely late 20th/early 21st century) and the removal of these timbers is not deemed to be harmful. The blocking up/enlargement of existing openings within the loft space is also deemed to be acceptable subject to conditions outlined within the Design and Conservation Officers consultation response.

7.5 Paragraph 202 of the National Planning Policy Framework states “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”. The proposed works would not result in any harm to the character, appearance and consequently the significance of the Grade II listed building and would instead have a neutral impact. The proposed works therefore conserve the significance of the listed building in accordance with the National Planning Policy Framework.

- Impact upon protected species

7.6 The application is accompanied by a Bat Survey Report which Derbyshire Wildlife Trust have considered prior to providing formal comments on the proposed works. Whilst there has been evidence of a large historic maternity roost found within the building it appears as though less/no bats have used the loft space since insulation has been laid. However the report does conclude that day roosts of both brown long-eared and common pipistrelle bats are currently using the roof and as a result a licence will be required from Natural England before works can legally commence.

7.7 In order to gain a licence from Natural England it needs to be demonstrated that the derogation tests set out in Regulation 55 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and referred to in Derbyshire Wildlife Trust’s consultation response have been considered. In considering the first two tests relating to potential alternatives and whether there are any overriding public benefits to be derived the extent of the scrutiny should be proportionate to the status of the roost. In this case, the maternity roost is no longer considered active. There are some public benefits to be derived in that the works would create work/jobs for local contractors and the quality of the housing stock would be improved, whilst the benefits are modest, given the current status of the roost, this is considered to meet the first test. Given that the proposed conversion involves the entire loft space of the building, there are not considered to be any satisfactory alternatives to the mitigation measures proposed. Derbyshire Wildlife Trust have also confirmed that the third test relating to the overall bat population would also be met via the mitigation measures proposed. On this basis, it is deemed that the derogation tests are met and a licence would be likely to be issued.

7.7 Derbyshire Wildlife conclude that no further survey work is required and subject to a condition, securing the Bat Licence and mitigation measures there is not likely to be any detrimental impact on protected species on site. The Trust have also requested details of lighting to be submitted prior to installation however, there is no external lighting proposed as part of this application and a new application for listed building consent would be required should the applicant wish to install additional lighting. The conditions is therefore not deemed necessary in this case.

- Conclusion

7.8 On the basis of the above and subject to conditions, the proposed works would conserve the special character, appearance, fabric and overall significance of the grade II listed building and would not harm any protected species on site. A recommendation of approval is made accordingly.

8.0 RECOMMENDATION

That listed building consent be granted subject to the following conditions:

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason:

This is a statutory period which is specified in Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The works hereby approved shall be carried out in accordance with the following approved plans:
 - 100 – Site Location Plan
 - 201 – Amended Site Plan as Proposed (rec 24/11/2022)
 - 202 - Amended Ground Floor Plan as Proposed (rec 24/11/2022)
 - 203 – Amended First Floor Plan as proposed (rec 24/11/2022)
 - 204 – Amended Loft Floor Plan as Proposed (rec 24/11/2022)
 - 205 – Amended Roof Plan as Proposed (rec 24/11/2022)
 - 206 – Amended Elevations as Proposed (rec 24/11/2022)
 - 207 – Amended Roof Plan as Proposed (rec 24/11/2022)
 - 208 – Amended Loft Floor Section A as Proposed (rec 24/11/2022)
 - 209 – Amended Loft Floor Section B as Proposed (rec 24/11/2022)
 - 402 - Amended Ground Floor Plan as Proposed (rec 24/11/2022)
 - 403 – Amended First Floor Plan as Proposed (rec 24/11/2022)
 - 404 – Amended Loft Plan as Proposed (rec 24/11/2022)
 - 405 – Amended Roof Plan as Proposed (rec 24/11/2022)

Reason:

For the avoidance of doubt and in the interests of the proper planning of the area.

3. Other than those explicitly outlined in images 21-28 of the submitted photographic survey (received 24/11/2022) no timbers shall be removed from the roof structure of the building.

Reason:

For the avoidance of doubt and to conserve the fabric of the listed building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

4. Notwithstanding the approved roof plan (drawing 2017 as amended) listed building consent is not granted for any roof light installed over the proposed “storage area”.

Reason:

For the avoidance of doubt and in the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

5. The rooflights hereby approved shall be of the conservation type with a single vertical glazing bar and mounted flush with the roof slope.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

6. Prior to works commencing on any internal elevations within the attic space, elevational drawings of each attic/loft wall (existing and proposed) shall be submitted to an approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

7. Prior to the application of any plaster to any exposed brickwork wall, details of the plaster/finish shall be submitted to and approved in writing by the Local Planning Authority, the works shall then be carried out in accordance with the approved details.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

8. Prior to their installation, constructional details and drawings of the two new staircase into the attic shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

9. Prior to any alteration to the underside of the existing roof structure, constructional details and sectional drawings shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the method of under-drawing the roof structure with any insulation/plasterboard. The works shall then be carried out in accordance with the approved details.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

10. Prior to any alteration to the existing attic floor, constructional details and sectional drawings of the new floor to the attic space shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

11. Prior to works commencing within the attic space an appropriate derogation licence shall be obtained from Natural England. Upon receipt of a licence from Natural England, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in Section 6.2 of the Bat Survey Report (Middleton Bell, June 2022) and amended as necessary based on the results of any additional surveys and/or correspondence with Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence will be submitted to the Local Planning Authority once granted. A copy of the results of any monitoring works shall also be submitted to the Local Planning Authority.

Reason:

In the interest of preserving a protected species in accordance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

9.0 NOTES TO APPLICANT:

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 revised proposals which overcame initial problems with the application relating to the number of rooflights and the potential removal of historic roof timbers which would have resulted in harm to the significance of the heritage asset.

The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. 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 £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.