

Planning Committee 14th November 2023

APPLICATION NUMBER		23/00447/FUL	
SITE ADDRESS:		9 - 11A Market Place, Ashbourne, Derbyshire, DE6 1EU	
DESCRIPTION OF DEVELOPMENT		Change of use and alterations to upper floors for short-term occupancy living accommodation	
CASE OFFICER	Mr J Baldwin	APPLICANT	Mr S. Lees
PARISH/TOWN	Ashbourne North	AGENT	Mr J. Imber
WARD MEMBER(S)	Cllr S. Lees Cllr P. Dobbs	DETERMINATION TARGET	01.09.2023
REASON FOR DETERMINATION BY COMMITTEE	Applicant is currently a serving ward member.	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context and the impacts to heritage assets arising from the proposal.

MATERIAL PLANNING ISSUES

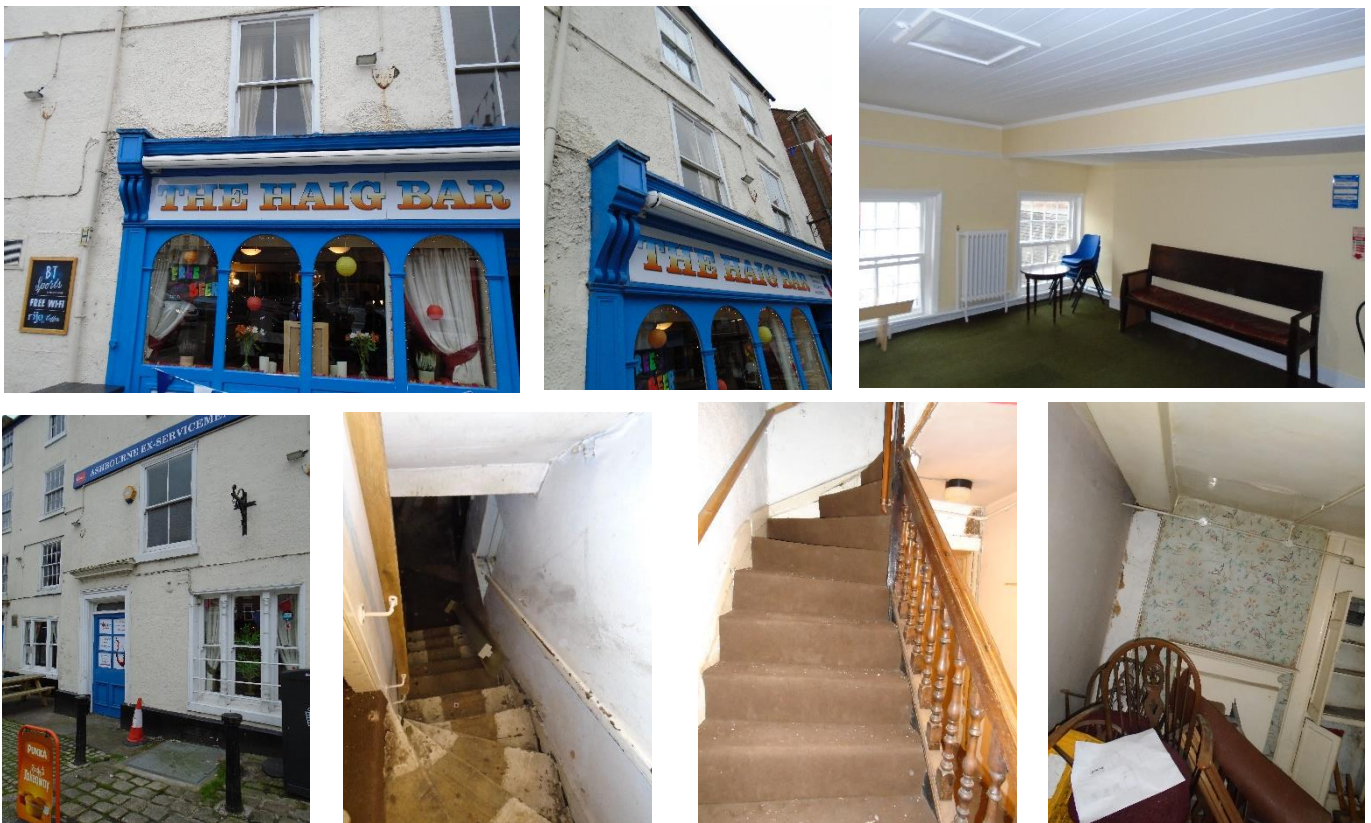
- Principle of development
- Impact upon heritage assets
- Impact upon highway safety
- Impact upon amenity of neighbouring occupants.

RECOMMENDATION

That planning permission be granted subject to conditions.

1.0 THE SITE AND SURROUNDINGS

1.1 The application property, Ashbourne Ex-Servicemen's Club (9-11A Market Place) comprises of two con-joined grade II listed buildings (listed 1970 and 1974) set within the Ashbourne Conservation Area. Both buildings date from the late 18th/early 19th century and are of brick construction but rendered and painted to the principal elevations. Currently the ground floor areas are a bar and a series of function rooms, toilets, kitchen etc. The first floor is a series of offices and store rooms, and the second floor has two large snooker rooms and a series of store rooms. The third floor (only over part of the building) is used for storage.



2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought for the change of use of the upper floors of the building to short-term living accommodation and associated alterations as set out within the submitted plans and documents received by the Local Planning Authority on 7th July 2023. The submitted planning statement outlines that the proposed 10 self-catering units would be occupied by holiday makers and seasonal workers. The income from these units would help to ensure the long-term viability of the club.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017):
 - Policy S1: Sustainable Development Principles
 - Policy S3: Development Within Defined Settlements
 - Policy S8: Ashbourne Development Strategy
 - Policy PD1: Design and Place Making
 - Policy PD2: Protecting the Historic Environment
 - Policy PD7: Climate Change
 - Policy HC1: Location of Housing Development
 - Policy HC15: Community Facilities and Services
 - Policy HC19: Accessibility and Transport
 - Policy HC21: Car Parking Standards

Policy EC6: Town and Local Centres
Policy EC7: Primary Shopping Frontages

2. Ashbourne Neighbourhood Plan (2021):
Policy ACA1: Ashbourne Central Area
Policy HOU1: Housing Mix
Policy DES1: Design
Policy AH1: Ashbourne Heritage
Policy TRA1: Transport
2. National Planning Policy Framework
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

13/00504/FUL	Installation of retractable awning	PERC	03/09/2013
13/00505/LBALT	Alterations to listed building - Installation of retractable awning	PERC	03/09/2013
15/00144/LBALT	External and internal alterations including removal of staircase	PERC	06/07/2015
17/00145/LBALT	External alteration	PERC	13/04/2017
17/00424/FUL	Installation of external extractor unit and cowl (retrospective)	PERC	21/07/2017
17/00425/LBALT	Installation of external extractor unit and cowl (retrospective)	PERC	21/07/2017

5.0 CONSULTATION RESPONSES

Ashbourne Town Council

- 5.1 No Objection. Members stated that they thought the building was 'Listed' and had no objections if the Conservation Officer was in agreement.

Cllr Stuart Lees

- 5.2 I wish to declare an interest in this application as I am the chairman and applicant.

Derbyshire County Council (Highways)

- 5.3 The application site has no dedicated off-street parking provision, but there is public parking available within the nearby Market Place car park.

Give the town centre location of the application site and the proposed change of use which is fully accessible by all means of transport especially walking is considered sustainable. In short, the site is sustainably located within a good walking distance of a wide range of town centre services and facilities, accessibility is therefore considered good meaning that visitors need not be dependent upon the private car during their stay.

To conclude there are no objections to the proposal from a traffic and highway point of view.

Design and Conservation Officer (Derbyshire Dales)

- 5.4 The proposed developments are commented on as follows –

Internal Alterations –

As a club and community building there have been a large number of internal changes to layout and circulation (horizontally and vertically) throughout the building over the last 50-70 years. Whilst this has been the case, a number of historic elements/features have survived and as a consequence of the modern alterations these survivals now have added significance & importance to the character and appearance of the listed building.

The proposed layout plans (all floors) for the building are generally considered to be acceptable with the removal of modern staircases and substitution with new staircases to different orientation/form etc, new partitions to subdivide rooms and the removal of some existing partitions to open-up rooms, together with the installation of small kitchenettes and bathroom & w/c facilities to each unit.

However, there are some areas of proposed alteration that give cause for concern. Pre-application advice included comment and recognition on the significance and retention of the historic staircases, ground to first and first to second floors (to No. 11). It is, therefore, disappointing to see that the historic staircase from ground to first is to be entirely removed (and the external door and window blocked up). On the first floor the proposed drawings indicate that the balustraded staircase (first to second floor) is to be retained but a new partition to Unit 5 will cut across/block the access to the staircase. Whilst the proposals will retain this part of the historic staircase in-situ it will become unusable and redundant. The presence of historic features & elements of a listed building have equal significance in their use and functionality. In that regard, to retain a historic feature but to make it unusable diminishes its reason for being and significance. There should, therefore, be a presumption in favour of the repair and retention of historic fabric/elements and features (and their functionality etc.) to a listed building.

On the first floor (of No. 11) there is a room which contains a surviving historic fireplace and an associated, adjacent, fitted cupboard. It is proposed to remove the existing partitioning between this room and the current landing and form a new, larger, landing with a new open-well staircase to the second floor. Furthermore, the external window to this particular room is to be altered to form a doorway which will link through into the attached building. Whilst the chimneybreast (and historic fireplace) are assumed to be retained the historic fitted cupboard is to be removed to provide a shower area for Unit 4. It is considered that the obliteration of this historic room, its features/elements and its layout and spatial qualities etc. is considered to diminish significance. Again, if the historic fireplace is retained on the chimneybreast but loses its spatial context and associated features then it becomes an anomalous element with no historic context. There should be a presumption in favour of the repair and retention of historic fabric/elements and features to a listed building.

On the third floor (Unit 10) the propose drawing note 'steel truss'. It appears that the existing truss, the base of which forms a down stand into the room, is an historic timber truss (possibly a King Post Truss?) synonymous with the original build of this part of the listed building. The note on the drawing appears to suggest that the current historic truss is to be removed and replaced with a new steel truss. If this is the case then this would constitute the loss of an historic element and a diminishment of significance to this part of the listed building. There should be a presumption in favour of the repair and retention of historic fabric/elements and features to a listed building.

Alterations to shopfront –

The existing 'shopfront' to No.11 comprises of a painted timber surround (pilasters, fascia and cornice etc.) with a fixed 4-bay window (with arched heads) and a part glazed door to the right hand side. The entire 'shopfront' is a later 20th century addition/replacement.

It is proposed to remove the 4-bay fixed glazed window and door and replace it with a 5-bay, bi-folding set of painted timber door (with arched heads). No detailed construction or affixing details have been submitted, however, it is considered that the proposal would be an acceptable alteration to the modern shopfront. Full constructional drawings, depth of recess and affixing details should be required, via a condition, on any approval.

There is no reference to any proposed re-painting of the 'shopfront' and it will be assumed, therefore, that it is to be re-painted the same colour as existing (and the new elements also painted in the same colour). If there is a proposal to re-paint the 'shopfront' in a different colour(s) then this should be controlled via a condition on any approval.

Other alterations –

On the side elevation to No.11 it is proposed to block up a door and a window to the ground floor. These are historic openings set within a painted brickwork wall. In this regard, their blocking (with painted brickwork?) is considered inappropriate, and a method should be detailed whereby the window and door are blocked on the inner face of the wall only and the window and door etc. left in-situ (following re-decoration). This will preserve the historic features/elements to this part of the side elevation and allow (at any future date) both door and window to be re-opened/used.

On the side elevation to No.11 it is proposed to alter an existing window opening to provide a smoke ventilation aperture. This is an historic window opening but has a modern timber glazed window frame within it. It is considered that the removal of the modern window frame would be acceptable. No detailed construction or affixing details have been submitted for the smoke ventilation aperture/apparatus; however, it is considered that the proposal may be an acceptable alteration to the historic opening subject to the design, detailing, appearance and finish of the new ventilation apparatus. Full constructional drawings, depth of recess, affixing details and finish etc. should be required, via a condition, on any approval.

Conclusions –

Whilst in general terms the proposed alterations are likely to be acceptable the above noted issues and matters remain a strong concern. It is opined that these issues/matters should be re-considered in order to safeguard those identified elements/features etc. of heritage significance and value to the listed building.

Environmental Health (Derbyshire Dales)

5.11 No objections.

6.0 REPRESENTATIONS RECEIVED

6.1 None received.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact upon heritage assets
- Impact upon Highway safety
- Impact upon amenity of neighbouring occupants.

Principle of Development

- 7.1 Section 38(5A and 5B) of the Planning and Compulsory Purchase Act 2004, as amended by the Levelling Up and Regeneration Act 2023, requires that where in making any determination under the planning Acts regard is to be had to the development plan, the determination must be made in accordance with the development plan and any national development management policies taken together, unless material considerations strongly indicate otherwise. Section 5C states that if, to any extent, the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.
- 7.2 The application site is located within the defined settlement boundary of Ashbourne which is designated as a first-tier settlement within Policy S2 in the Adopted Derbyshire Dales Local Plan (2017).
- 7.3 Tier 1 settlements are identified as the District's main towns which are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres. They will continue to provide significant levels of jobs and homes, together with supporting community facilities and infrastructure to meet their economic potential in the most sustainable way, consistent with maintaining or enhancing key environmental attributes.
- 7.4 The submitted planning statement sets out that the accommodation proposed would be occupied by holiday makers and seasonal workers. Each room of accommodation provided includes an en-suite and small kitchen and could functionally be operated as individual flats/dwellings and it is considered that the development should be assessed on this basis. Policy S2 and HC1 of the Adopted Derbyshire Dales Local Plan would support the provision of new residential flats within a tier 1 settlement. In this case however, the self-contained units would fall well below the Nationally Described Space Standards of 50m² per 1 bedroom, 2-person unit. It is therefore considered that the units would not be suitable for use as a permanent residential dwelling and a condition restricting the occupancy of the units up to a maximum time frame of 1 year would be necessary in this case.
- 7.5 On the basis of the above, the location of the property within the defined settlement boundary of Ashbourne is considered appropriate for the use of the upper floors as residential units (subject to the condition outlined above) and the proposal would therefore be in accordance with policy S3 and HC1 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on Heritage Assets

- 7.6 The application property comprises two conjoined grade II listed buildings located within the Ashbourne Conservation Area. In this case there are a number of alterations proposed to the property to facilitate the change of use. The internal alterations do not require planning permission and are instead considered under the concurrent application for listed building consent ref. code 23/00448/LBALT. The external alterations proposed include alterations to the existing shopfront, the blocking up of an existing door and window and alterations to a first-floor window.
- 7.7 Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) seeks to protect the historic environment and advises that the District Council will conserve heritage assets in a manner appropriate to their significance. Policy AH1 of the Ashbourne Neighbourhood Plan seeks to maintain the quality of the historic environment. The District Council also has an Adopted Supplementary Planning Document which specifically relates to Shopfronts and Commercial Properties (2019) which recognises the important contribution of traditional frontages to the character and appearance of a property and in this case, the wider Ashbourne Conservation Area.

- 7.8 The consultation response received from the District Council's Design and Conservation Officer outlines that the existing shopfront of the building is a later 20th century replacement, the frontage is however considered to continue to contribute positively to the character of the Conservation Area. It is proposed to remove the 4-bay fixed glazed window and door and replace it with a 5-bay, bi-folding set of painted timber door (with arched heads). The existing fascia and pilasters which surround the windows would be retained. It is considered that subject to conditions securing appropriate constructional details of the new windows and securing an appropriate finish paint colour of the shopfront the amendments to the shopfront are considered to be acceptable.
- 7.9 As the first floor window which is to be replaced is a modern timber framed window, the replacement of the window with a new window which includes smoke ventilation features which are presumably required in order to comply with relevant building regulations is considered to be acceptable (subject to constructional details). The District Council's Design and Conservation Officer has highlighted more significant concerns with the bricking up of the existing window and door behind the location of the proposed door. As the openings are historic openings it is considered to be more appropriate to retain the visual openings from the outside and instead carry out any blocking up of the openings internally only. It is therefore considered that the external bricking up of these openings shall be omitted by condition.
- 7.10 Subject to the conditions outlined above securing appropriate details for the works, there is not considered to be any harm to the significance, character or appearance of the grade II listed buildings or the character and appearance of the wider Ashbourne Conservation Area and would be in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

Impact upon Highway Safety/Car Parking

- 7.11 Whilst the proposed development seeks to introduce a further 10 residential units with no private vehicular parking facilities available to the occupants, the application property is located in the centre of a tier 1 settlement. Ashbourne has good public transport links closely located to the site and a number of public car parks which would be available to occupants of the new units. This is reflected in the consultation response received from the Local Highway Authority which raise no objections to the proposed development.

Impact upon amenity of neighbouring occupants

- 7.12 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development proposals to achieve a satisfactory relationship with adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.13 The application seeks to convert the upper floors of the building from office and storage space to 10 residential units. Having regard to the use of the premises below as a pub/club and similar neighbouring users within the centre of a main market town, the additional noise generated from the proposed development is unlikely to be significant and would not harm to amenity of any other residential occupants in the vicinity. There are also no concerns regarding overlooking/loss of privacy.
- 7.14 The development is considered to retain a satisfactory relationship with surrounding development and therefore would be in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

Other Issues

7.15 Policy HC15 relates to Community Facilities and Services and would likely include the existing use of the building as a social club/pub. The submitted planning statement outlines that the income generated from proposed development of the upper floors of the building would help to secure the long-term viability of the pub use of the ground floor. Whilst some floor space associated with the community facility such as a snooker room and storage would be lost, it does not appear that these spaces have been fully utilised some time and the redevelopment of the upper floors would help to underpin the main community use of the building as a pub/social club at ground floor level.

Conclusion

7.16 Taking the above into consideration and subject to conditions the application satisfies the relevant provisions of the Adopted Derbyshire Dales Local Plan (2017), Ashbourne Neighbourhood Plan (2021) and the policies within the National Planning Policy Framework (2023). A recommendation of approval is put forward on this basis.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason:

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall not be carried out except in accordance with the following approved plans received by the Local Planning Authority on 7th July 2023:
2022-5019-011 (P3) – Proposed Basement Floor Plan, Location and Block Plan
2022-5019-012 (P1) – Proposed Ground Floor Plan
2022-5019-013 (P2) – Proposed First Floor Plan
2022-5019-014 (P1) – Proposed Second and Third Floor Plan
2022-5019-015 (P4) – Proposed Elevations
2022-5019-016 – Proposed Sections
2022-5019-019 – Staircase Section and Details

Reason:

For the avoidance of doubt.

3. The accommodation hereby approved shall be used solely for the purposes of temporary accommodation and shall not at any time be occupied as permanent residential accommodation. No person shall occupy the holiday accommodation for a continuous period of more than 1 calendar year and it shall not be re-occupied by the same person/s within 6 months following the end of that period. A register of all occupiers of the accommodation, detailing dates of occupation, names and usual addresses, shall be maintained by the owner(s) and a copy shall be provided to Local Planning Authority upon written request.

Reason:

For the avoidance of doubt, given the nature of the development applied for and on the basis that the units do not provide a sufficient level of living accommodation / space to be

occupied as permanent dwellings in accordance with aims of policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) and nationally prescribed space standards.

4. Constructional details of the proposed shopfront alterations including the materials, treatment and/or colour of the window and door frames, depth of recess and affixing details shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The shopfront shall then be altered in accordance with the approved details and so retained.

Reason:

To protect the external character and appearance of the listed building and preserve the character of the area in accordance with policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

5. Constructional details of the new smoke ventilation windows including the materials, ventilation details and treatment and/or colour of the window and door frames shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The windows shall then be installed in accordance with the approved details and so retained.

Reason:

To protect the external character and appearance of the listed building and preserve the character of the area in accordance with policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

6. Notwithstanding the approved plans, this consent does not extend to include the external bricking up of the window and door opening shown on elevation C-C of the approved plans.

Reason

To protect the external character and appearance of the listed building and preserve the character of the area in accordance with policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the impact of the proposed development on the significance, character and appearance of the grade II listed building.

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.