

APPLICATION NUMBER		23/00448/LBALT	
SITE ADDRESS:		9 - 11A Market Place, Ashbourne, Derbyshire, DE6 1EU	
DESCRIPTION OF DEVELOPMENT		Internal and external alterations to create short-term occupancy living accommodation, new entrance and new cellar access to basement	
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	09.10.2023
REASON FOR DETERMINATION BY COMMITTEE	Applicant is currently a serving ward councillor.	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
<ul style="list-style-type: none"> – Impact upon heritage assets

RECOMMENDATION
That Listed Building Consent 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 Listed building consent is sought for various internal and external alterations to the building as set out on the submitted plans received by the Local Planning Authority on 14th August 2023. The alterations are associated with the change of use of the upper floors of the building to form residential units for short term occupation. The change of use of the upper floors will be considered under the concurrent application for planning permission under application ref code. 23/00447/FUL. This application relates solely to the internal and external alterations to the grade II listed building.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. National Planning Policy Framework (2021) - Conserving and Enhancing the Historic Environment
2. National Planning Practice Guide (2014)
3. Historic England Advice Note 2 - Making Changes to Heritage Assets (2016)

4.0 RELEVANT PLANNING HISTORY:

13/00504/FUL	Installation of retractable awning	PERC	03/09/2013
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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.

Design and Conservation Officer (Derbyshire Dales):

5.2 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 redecoration). 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.

6.0 REPRESENTATIONS RECEIVED

6.1 None received.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Impact upon heritage assets

External Alterations

- 7.1 The external alterations to the building include alterations to the existing shopfront, the blocking up of an existing door and window and alterations to a first-floor window.
- 7.2 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.
- 7.3 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 an 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.

Internal Alterations

- 7.4 As set out in the consultation response from the Design and Conservation Officer (Derbyshire Dales), the proposed internal layouts of the building which includes the replacement of modern staircases 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 are considered to be acceptable. Concerns have however been raised with a number of specific alterations which will be set out below.
- 7.5 The proposals include the removal of part of a historic staircase which runs from between the ground floor and first floor and the formation of a new partition wall which would block access to the retained part of the staircase. Whilst part of the staircase is proposed to be retained it would no longer be a functional staircase and would therefore diminish its significance as part of the grade II listed building.
- 7.6 The proposals also include the removal of a historic, fitted cupboard adjacent to a chimney breast on the first floor to allow for the formation of a shower area to unit 4. Whilst the

chimney breast and fireplace are to be retained, the opening up of this room and the removal of historic features such as the fitted cupboard are would result in the fireplace appearing as an anomalous feature in its new setting and would further diminish its significance.

- 7.7 Concern is also raised by the District Council's Design and Conservation Officer regarding the replacement of an existing timber truss with a steel truss within this floor of the building. This would also constitute the loss of a historic feature within the building.
- 7.8 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".
- 7.6 In this case, with specific regard to the removal of part of the historic staircase, removal of a historic fitted cupboard and the replacement of an existing timber truss with a new steel truss at third floor level, the works are deemed to result in harm to the significance of the grade II listed building. Having regard to the wider significance of the building, this harm is considered to be less than substantial and likely be at the lower end of less than substantial harm. This less than substantial harm should therefore be weighed against the public benefits to be derived from the proposed works.
- 7.7 There are wider public benefits to be derived from the proposed works in this case. The re-development of the currently unused upper floors of the building would provide additional living accommodation within a sustainable location. Additional residents within the units would also result in wider benefits to the viability of the town centre and local economy. As set out in the submitted planning statement the income generated from the proposed residential units would also support the ongoing viability of the pub/social club on the ground floor which is a valuable community facility within the town.

Conclusion

- 7.8 On balance, having regard to the above, the proposed works are considered to result in less than substantial harm to the character, appearance and consequently the significance of the Grade II listed building. This harm is deemed to be at the lower end of less than substantial harm. The level of harm identified is considered to be outweighed by the significant public benefits to be derived from the proposed works which are outlined above, and the development would therefore comply with guidance contained within the National Planning Policy Framework (2023) and a recommendation of approval is made on this basis.

8.0 RECOMMENDATION

That planning permission 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 not be carried out other than in accordance with the following approved plans received by the Local Planning Authority on 14th August 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
2022-5019-017 – Enlarge Door Details
2022-5019-017 – Typical Construction Upgrade Details
2022-5019-019 – Staircase Section and Details
Bi-Fold Door Sections

Reason:

For the avoidance of doubt.

3. 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:

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).

4. 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:

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. 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

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).

9.0 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.