

Planning Committee 12th December 2023

APPLICATION NUMBER		23/00939/FUL	
SITE ADDRESS:		Land to Rear of 38-40 St John Street, Ashbourne, Derbyshire, DE6 1GH	
DESCRIPTION OF DEVELOPMENT		Erection in rear yard of 2no. retail units (Use Class E - Commercial), associated hard and soft landscaping works and reinstatement / repair of existing boundary walls (resubmission)	
CASE OFFICER	Mr J Baldwin	APPLICANT	M & P Properties
PARISH/TOWN	Ashbourne North	AGENT	Mrs T Critchlow
WARD MEMBER(S)	Cllr S Lees Cllr P Dobbs	DETERMINATION TARGET	16.11.2023
REASON FOR DETERMINATION BY COMMITTEE	Called to committee by local 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 on the character and appearance of the site, surroundings and heritage assets.

RECOMMENDATION

- Refusal

1.0 THE SITE AND SURROUNDINGS

1.1 The site is located between St Johns Street to the north and Shawcroft Car Park to the south in the centre of Ashbourne and within the Ashbourne Conservation Area. The application relates to a burgage plot to the rear of 38-40 St John Street which is a grade II listed building. The site is currently accessed via Shawcroft Car Park and is currently hard surfaced and used for vehicular parking. The site is located within the Town Centre of Ashbourne as defined by policy EC6 of the Adopted Derbyshire Dales Local Plan (2017).



2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought for the construction of two new retail units adjacent to the Shawcroft car park and associated landscaping and works to boundary walls as shown on the submitted plans received by the Local Planning Authority on 21st September 2023. The proposed retail units which would be sited along the north eastern boundary would be of red brickwork construction with a Staffordshire blue tiled roof. Four car parking spaces are proposed to the northern end of the site.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - Policy S1: Sustainable Development Principles
 - Policy S2: Settlement Hierarchy
 - Policy S3: Development within Defined Settlement Boundaries
 - 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 HC19: Accessibility sand Transport
 Policy HC21: Car Parking Standards
 Policy EC1: New and Existing Employment Development
 Policy EC6: Town and Local Centres

2. Ashbourne Neighbourhood Plan (2021)
 - Policy EMP1: Employment, Retention and Diversification
 - Policy ACA1: Ashbourne Central Area
 - Policy HOU1: Housing Mix
 - Policy DES1: Design
 - Policy AH1: Ashbourne Heritage
 - Policy TRA1: Transport
3. National Planning Policy Framework (2023)
 National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

22/00212/FUL	Erection in rear yard of 2no. retail units (Use Class E - Commercial) with 2no. apartments above, with associated landscaping works and works to boundary walls	Refused	05/09/2022
22/00213/LBALT	Works to boundary walls in association with development in rear yard	Refused	05/09/2022
23/00020/WREP	Erection in rear yard of 2no. retail units (Use Class E - Commercial) with 2no. apartments above, with associated landscaping works and works to boundary walls	In progress	
23/00021/WREP	Works to boundary walls in association with development in rear yard	In progress	

5.0 CONSULTATION RESPONSES

Ashbourne Town Council

- 5.1 Objection. The proposed development is at the rear of the property however this is one of the main entrances into the town off Shawcroft car park. Members feel it contravenes Local Plan Policies S3; PD1 and PD2 and the Ashbourne Neighbourhood Plan Policy AH1. They also feel that under the National Plan Policy Framework it impacts on the Heritage of the town and neither enhances or preserves the area.

Cllr Stuart Lees

- 5.2 I would like a site visit and this application brought to the planning committee.

Local Highway Authority (Derbyshire County Council):

- 5.3 The proposal appears to differ little in highway terms to the previous application 22/00212/FUL on this site. Therefore, the same highway comments remain applicable. There remain no highway objections to the proposal in view of the town centre location.

Development Control Archaeologist (Derbyshire County Council):

- 5.4 The proposed development footprint lies within the Ashbourne conservation area (DDR7017) and No's 38 & 40 St John Street are Grade II Listed Buildings (DDR5250). Please therefore also seek the advice of your own buildings and conservation officer.

The proposed development falls within an area characterised by a series of long, narrow properties on the south side of St John's Street running down to the former line of Henmore Brook. These have been identified in the Ashbourne Extensive Urban Survey (Stroud 2001) as originating from medieval burgage plots. It is thought that in the medieval and early post-medieval period, these rear plots, behind the buildings fronting the main streets, would have served for a variety of industries. In particular, proximity to water, as with Henmore Brook, might have attracted industries such as tanning and dyeing to these so-called back-plot areas. It is worth noting it is thought the construction of St. John's House (54 St. John's Street) in around 1766 replaced a dyehouse

The Heritage statement and the desk based archaeological assessment included with the application identify the potential for buried archaeological deposits, features and structures to be affected by the proposed development and so further archaeological work would be necessary in advance of any development should permission be granted. These works will consist, in the first instance, of archaeological evaluation trenching accompanied by analysis and suitable reporting. Should the evaluation trenching demonstrate archaeological survival there may then need to be further archaeological work which may comprise open area excavation. This work however could be undertaken post-consent and can be secured by attaching a staged condition to planning consent under Para 205 of NPPF.

Any submitted WSI should be authored by the archaeological organisation that will undertake the work, in the field, in consultation with this office. The WSI and all works undertaken should be in line with current industry standards and be undertaken by suitably and demonstrably experienced archaeologists.

Design and Conservation Officer (Derbyshire Dales)

- 5.5 The current proposal is for a detached, single-storey, linear commercial building adjacent and following the cranked historic boundary forming the eastern side of the medieval burgage plot. The proposed development will occupy over half the length of the open burgage plot. The western side of the plot will form the pedestrian and vehicular access to the new (& existing) commercial properties with associated car parking provision at the northern end of the plot. The south-western elevation of the proposed development is of three principal attached 'blocks' (of different lengths), each one stepping down slightly as the land slopes gently from north to south and cranked to follow the burgage line. The whole block will contain two commercial units. This elevation is to contain a series (5No.) of large segmental headed fully glazed openings incorporating two doorways. The south-west facing roof slopes are to contain 6No. conservation rooflights. The north-west and south-east end gables are to be blank as is the entire north-eastern facing elevation. The development is to be built in red brickwork with clay tiled roof and painted timber windows/doors.

The existing sections of red brick boundary walls (which are deemed to be curtilage-listed to the principal listed building) – to the east and west sides of the burgage plot – are to be repaired and new, matching, sections added in to replace sections of modern timber fencing. The land is to be landscaped with paviours, Yorkstone paving and planted areas. These proposals are generally considered to be acceptable (subject to approval of the new brick & surfacing materials etc.).

Whilst there are some garden/service buildings to the rear plots between No.s 30 & 58 St Johns Street these are small and diminutive in scale. Within this, therefore, series of relatively open plot areas to the rear of the listed & historic buildings the proposal (which has

been reduced in height from application 22/00213/LBALT) will, nevertheless, present a substantial block of built development, in terms of its scale, mass, length and width. In this relatively 'open' area this would, therefore, be a decidedly isolated architectural introduction and present an anomalous intrusion that would contrast detrimentally, and be competitive, with the largely un-developed nature of the area. The proposed development would, therefore, appear out of scale & context and present an alien built addition to this open site & area.

In terms of the burgage plot this has never had (historic) development on it and has remained open and un-developed. It is currently used for (private) vehicle parking. In this regard, the burgage plot is readily identifiable and readable and the south elevation of the listed building looks down over the plot (as it was intended to do so). The ACAA states, in reference to potential development of historic burgage plots, the 'possibility of development eroding, removing or diminishing their presence'. Whilst the proposed development is confined within the historic burgage plot (and partly cranked to follow its historic line) it is considered that it will both erode and diminish the historically open character and appearance of the burgage plot, although it will not remove the burgage plot. In terms of the architectural design, character and detailing of the proposed building it is considered that this is not convincing in its narrative – i.e. the general uniformity of its principal elevation and the run of large, unified, glazed arched-headed openings etc., and its detailing and does not, in this regard, convey a range of former, historic, service building of which it is purporting to present.

The 1990 Act Section 16(2) & 66(1) requires that when considering whether to grant Listed Building Consent/Planning Permission for any works (to a listed building), the Local Planning Authority shall 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'. Under section 72 of the 1990 Act a general duty is also imposed on Local Planning Authorities, in respect of proposed development in a Conservation Area, that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Area'. Furthermore, Paragraph 199 of the NPPF (2023) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation.

It is considered that the proposed development would fail to preserve the listed building(s), its/their setting(s) and this part of the Ashbourne Conservation Area. Furthermore, it is considered that the siting, scale, mass & presence of the proposed development would not constitute an enhancement to the character or appearance of this part of the Conservation Area. In this regard, there is a finding of harm. It is considered that the level of harm would not be substantial and, in that regard, paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset(s), that harm should be weighed against the public benefits of the proposal.

Environmental Health (Derbyshire Dales)

5.6 No objection. Comments as previous

6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of 1 representation has been received in relation to the application which states:
- We have received your letter dated 22 September 23. This development would create a blank wall, two storeys high from the carpark right up to our shop - completely boxing it in. It is ribbon development and would not fit in well with the rest of the surrounding buildings - the backs of the buildings on St John Street are all Georgian buildings of historical interest and the view of them from the carpark needs to be protected - these pieces of land are all burgage plots and if developed, a sympathetic approach is required involving the other land owners in a joint development of the ground between Boots the Chemist shop and the Wellington Yard.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact upon heritage assets

Principle of Development

- 7.1 The site is located within the settlement boundary of Ashbourne, identified as a First Tier Settlement by policy S2 of the Adopted Derbyshire Dales Local Plan (2017). First tier settlements are considered to be the District's main towns and should be "the primary focus for growth and development" and are deemed to be the most sustainable locations due to the access to further facilities and services within the settlement.
- 7.2 The site is also located within Ashbourne Town Centre as defined by policy EC6 which states that "the District Council will seek to maintain and where possible, enhance the vitality and viability of town centres, district centres and local centres". Policy EC1 of the Adopted Derbyshire Dales Local Plan (2017) further supports proposals for new employment development within sustainable locations.
- 7.3 On the basis of the above, the site is located within both a defined first tier settlement boundary and a defined Town Centre. The principle of a new retail development is considered to be in accordance with the relevant policies of both the Adopted Derbyshire Dales Local Plan (2017) and the Ashbourne Neighbourhood Plan (2021).

Impact on the character and appearance of the site, surroundings and heritage assets.

- 7.4 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.
- 7.5 This application follows the refusal of previous applications 22/00212/FUL and 22/00213/LBALT which sought permission for similar repair works to the walls and a building of the same footprint as currently proposed. This application has however reduced the height of the proposed units and therefore omitted the residential accommodation which was previously proposed at first floor level. 22/00212/FUL was refused for the following reason:

The siting of a building of such scale and design in this location is considered to erode the significance of the historic burgage plot which forms the site. This is considered to result in harm to the special character and appearance of the grade II listed 38-40 St John Street and the wider Ashbourne Conservation Area that would not be outweighed by the public benefits to be derived from the proposed development. The development would therefore be contrary to policies S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) policy AH1 of the Ashbourne Neighbourhood Plan (2021) and guidance contained within the National Planning Policy Framework (2021), National Planning Practice Guidance and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

- 7.6 The site is located within the burgage plot of 38-40 St John Street a grade II listed building and within the Ashbourne Conservation Area. The survival of the burgage plots is considered by the Ashbourne Conservation Area Appraisal to be an "important town scape feature" within the Conservation Area. The appraisal continues "It is considered that as a historical and archaeological resource the burgage plots in Ashbourne should be regarded as a finite heritage asset that should be afforded protection and recognition whenever

proposals for development, that may potentially erode, remove or diminish their presence, is considered or contemplated”.

- 7.7 As acknowledged in the consultation response received from the Design and Conservation Officer, “there are some garden/service buildings to the rear plots between No.s 30 and 58 St John Street” however these existing structures are diminutive in scale. Whilst it is appreciated that the height of the building has been reduced from the previously proposed development under 22/00212/FUL and 22/00213/LBALT, the footprint of the structure remains the same and would accommodate approximately a third of the burgage plot. Concerns have also been raised by the Design and conservation Officer regarding the design of the proposed building. The uniform glazed arch headed openings is not characteristic of a former historic service building which the design is attempting to portray.
- 7.8 The burgage plots to the rear of the properties along St John Street remain largely undeveloped and can be read in accordance with their former use. This development would begin to erode and diminish the significance of the burgage plots. A structure of such scale and design is considered to appear anomalous in this location and would be harmful to the setting of both the grade II listed 38-40 St John Street and the wider Ashbourne Conservation Area.
- 7.9 The proposed repair and rebuilding works to the boundary walls of the burgage plot are largely considered to be acceptable and would have a neutral impact on the heritage asset. As set out above however, the erection of the two retail units, albeit of a reduced height than the previous scheme are deemed to result in harm to the setting of both the grade II listed 38-40 St John Street and the wider Ashbourne Conservation Area. This harm is deemed to amount to less than substantial harm.
- 7.10 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”.
- 7.11 It is acknowledged that there are some modest public benefits to be derived from the small number of additional employment opportunities provided through the retail units. Previously the proposal included the provision of two market dwellings however this element, and public benefit has been removed as part of this application. On balance, despite the amendments to the previous submitted 22/00212/FUL and 22/00213/LBALT, the public benefits to be derived from the works would not outweigh the less than substantial harm caused to the heritage assets. The development is therefore considered to be contrary to guidance contained within the National Planning Policy Framework (2023) and policies PD2 of the Adopted Derbyshire Dales Local Plan (2017) and AH1 of the Ashbourne Neighbourhood Plan (2021). A recommendation of refusal is made on this basis.

Other issues:

- 7.12 Due to the town centre location of the proposed development, no concerns have been raised by the Local Highway Authority with regard to car parking or highway safety issues.

Conclusion:

- 7.13 Taking the above into consideration the development is considered to be contrary to guidance contained within the National Planning Policy Framework (2023) and policies contained within the Adopted Derbyshire Dales Local Plan (2017) and Ashbourne Neighbourhood Plan (2021). A recommendation of refusal is made on this basis.

8.0 RECOMMENDATION

That planning permission be refused for the following reason(s).

1. The siting of a building of such scale and design in this location is considered to erode the significance of the historic burgage plot which forms the site. This is considered to result in harm to the special character and appearance of the grade II listed 38-40 St John Street and the wider Ashbourne Conservation Area that would not be outweighed by the public benefits to be derived from the proposed development. The development would therefore be contrary to policies S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) policy AH1 of the Ashbourne Neighbourhood Plan (2021) and guidance contained within the National Planning Policy Framework (2023), National Planning Practice Guidance and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

9.0 NOTES TO APPLICANT:

The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

This decision notice relates to the following documents:

Design and Access Statement

Heritage Statement

Archaeological Desk Based Assessment

2017-2240-01 – Existing Conditions Plan and Site Sections

2017-2240-05 – Existing Conditions Boundary Wall Elevations A-D

2017-2240-06 – Existing Conditions Boundary Wall Elevations E-G

2017-2240-10 – Revised Planning Proposal Plans and Elevations

2017-2240-11 – Revised Planning Proposal Location Plan and Block Plan

2017-2240-11 – Revised Planning Proposal Site Layout Plan

2017-2240-13 – Revised Planning Proposal Boundary Wall Elevations A-D

2017-2240-14 – Revised Planning Proposal Boundary Wall Elevations E-G