

Planning Committee 12th December 2023

APPLICATION NUMBER		23/01092/FUL	
SITE ADDRESS:		Ashbourne Methodist Church, Church Street, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Construction of link extension, extensions to new garden entrance, Gateway accommodation and Chapel House, demolition of lean-to extension to Chapel House and new community garden with ramped access.	
CASE OFFICER	Sarah Arbon	APPLICANT	Ashbourne Methodist Church
PARISH/TOWN	Ashbourne	AGENT	Mike Harrison – Allan Joyce Architects Ltd
WARD MEMBER(S)	Cllr R. Archer Cllr N. Wilton Cllr A. Bates	DETERMINATION TARGET	16 th January 2023
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For members to fully assess the impact of the development on the environment

MATERIAL PLANNING ISSUES

- Principle of development
- Impact upon heritage assets and the character and appearance of the area
- Impact on residential amenity
- Impact on trees and ecology
- Flood risk
- Highway safety

RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer, to grant planning permission subject to conditions set out in section 8.0 of this report, following confirmation from Derbyshire Wildlife Trust, the EA and the LLFA that they raise no objections with or without changes that do not materially alter the development being applied for and any additional conditions that they deem appropriate.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is located prominently on the corner of Church Street and Station Road within the Ashbourne Conservation Area. The main church is grade II listed (listed 1992) and the adjacent Century Hall (and front wall with railings) is also listed grade II (listed 1992). The lower ground floor of the church includes hostel style accommodation rented out for about 100 nights per year. The church was built in 1880 and Century Hall in 1900. In association with these principal listed buildings/structures are Chapel House (on the eastern side of the site), the small shop (on the western side adjacent to Station Road) and the Corner Café of 1902) located on the corner of Church Street and Station Road. These would be deemed curtilage-listed buildings. To the southern end of the site is a modern pre-fabricated building which has no heritage status.

2.0 DETAILS OF THE APPLICATION

- 2.1 The proposals involve the construction of a new extension to be primarily located within the courtyard adjacent to Station Road and formed by the church, Century Hall and the Corner Café. This courtyard (parts of which are lower than the adjacent road level) is bounded to Station Road by a brick wall and decorative metal railings (listed as part of Century Hall). The proposals also include for the retention of the detached Chapel House (and its alteration and extension) and the demolition of a detached 'pre-fab' building in the grounds and the removal of a modern lean-to attached to the small shop. The land between the buildings and the Henmore Brook is to be landscaped as a 'community garden'.
- 2.2 The proposed new extension is to be attached to the side of Corner Café and to the side (west) elevation of the main church building. It is set back (at a shallow angle) from the majority of the north elevation of Century Hall. This 'Upper Ground' plan includes an entrance lobby, foyer, two staircases, a platform lift and a spinal corridor adjacent to the west elevation of the church. One set of stairs (and platform lift) access this higher level corresponding to the internal floor level of the main church itself forming the spinal corridor along the external side of this part of the church and the formation of a new double-doorway into the main body of the church. This corridor continues southwards to give access into the rear of the main church, into Century Hall and to a new extension containing toilets. The other staircase (and platform lift) descends to a 'Lower Ground' level. This contains toilets, a storeroom and meeting rooms. A void or light well (fully glazed) provides some natural light/ventilation to this subterranean level. Below the new toilets, at the southern end of the proposed scheme, is an extension to the communal areas forming a 'living' space. The new extension involves the breaching of the existing brick boundary wall and railings to Station Road to create an access point into the new extension off Station Road.
- 2.3 The primary concept behind the new extension is to physically link the three buildings on the site – the Church, Century Hall and the Café. Its location is such that it is housed in a deep 'area' to the west of the church allowing a lower ground level for additional accommodation/use. The lower ground floor would provide seven en-suite bedrooms with communal kitchen, dining area and lounge. The extension has been designed and formulated to allow inclusive access to all of the three buildings bringing the three disparate buildings around a focal and communal hub. The design concept of the extension is 'contemporary' with the use of structural glass, zinc cladding and a cladding (stone colour).
- 2.4 The proposals involve the retention of Chapel House (as a curtilage-listed building) with a small extension/alteration and convert it to 2 No. apartments. The modern conservatory is to be removed and replaced by a rendered 'box' with a flat roof over.
- 2.5 This proposal presents an updated design of a previously granted Listed Building and Planning Application (ref:20/01035/LBAT and 20/01034/FUL) and the subsequently

approved variations to Condition 2 (Approved Plans) (ref:22/01278/VCOND and 22/01279/VCOND). Following the approved variations to Condition 2 noted above, the proposed design has been further amended primarily as a result of the successful Levelling Up Fund (LUF) 'Ashbourne Reborn' bid by Derbyshire Dales District Council, which was granted in March 2023. The Link Community Hub project is a key component of the wider bid and so a review of the scheme was taken to best meet the Levelling Up Fund criteria.

2.6 The review included:

- Omission of the new housing and sale of that land that is no longer required to make the project financially viable. In place, a community garden is proposed.
- Further upgrade of the existing Gateway accommodation and sub-division into family sized hostel-style rental spaces. Chapel House will be similarly developed.
- Further upgrade and renovation work to the existing building group, including a full re-roof of the Church and Century Hall

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017

- S2: Settlement Hierarchy
- S3: Development within Defined Settlement Boundaries
- S8: Ashbourne Development Strategy
- PD1: Design and Place Making
- PD2: Protecting the Historic Environment
- PD3: Biodiversity and the Natural Environment
- PD7: Climate Change
- PD8: Flood Risk Management and Water Quality
- HC1: Location of Housing Development
- HC15: Community Facilities and Services
- HC19: Accessibility and Transport
- EC6: Town and Local Centres

Ashbourne Neighbourhood Plan 2021

- ACA 1 – Ashbourne Central Area
- DES 1 – Design
- AH 1 – Ashbourne Heritage
- COM 1 – Community Facilities

Ashbourne Conservation Area Appraisal

3.2. Other:

- The National Planning Policy Framework (2021)
- National Planning Practice Guide

4.0 RELEVANT PLANNING HISTORY:

05/00616/FUL	Siting of storage container for a temporary period of 12 months (retrospective)	PERC	11/10/2005
05/00806/LBALT	Alterations to listed building - Single storey extension	WDN	25/10/2005
05/00807/FUL	Single storey extension	PERC	09/11/2005
T/16/00016/TCA	Works to trees within the Conservation Area of Ashbourne	PER	03/03/2016

19/00595/FUL	Proposed construction of 11 no. apartments, link extension and two storey extension to Church and demolition of Chapel House and Horsa hut	WDN	19/07/2019
19/00596/LBALT	Demolition of Chapel House, extensions to Methodist Chapel/Century Hall and external and internal alterations	WDN	19/07/2019
20/01034/FUL	Extensions and alterations to existing church and associated buildings, conversion of Chapel House to 2 no. apartments, construction of 8 no. apartments and demolition of hut building	PERC	12/03/2021
20/01035/LBALT	Extensions, internal and external alterations to existing church, associated buildings and Chapel House	PERC	12/03/2021
22/01278/VCOND	Variation of condition 2 (approved plans) of planning application no.20/01034/FUL to allow for alterations to approved design.	PERC	15/03/2023
22/01279/VCOND	Variation of condition 2 (approved plans) of listed building application no. 20/01035/LBALT to allow for alterations to approved design	PERC	15/03/2023
23/01093/LBALT	Construction of extensions, internal and external alterations to existing church, associated buildings and Chapel House including demolition, creation of community garden and associated works.	PCO	
0992/0726	ALTERATIONS TO LISTED BUILDING	A	28/10/1992
0497/0246	Construction of pedestrain access ramp	A	16/05/1997

5.0 CONSULTATION RESPONSES

Ashbourne Town Council

- 5.1 No Objection. Members asked that flood alleviation be taken into account in relation to adjacent properties and also the surface water run-off.

Highway Authority

- 5.2 There are no objections to the proposed development from a traffic and highway point of view subject to a condition in respect of details of the ramp facility on Station Road and submission of a Section 278 Agreement.

Director of Housing (DDDC)

- 5.3 No comments

Tree and Landscape Officer

- 5.4 The proposals include construction of a ramped access and landscaping works within the root protection area (RPA) of the large retained large mature beech tree located in the SW corner of the site. Ground works and permanent surfacing within the RPA has the potential to be harmful to this protected tree (due to its location within a conservation area) and is contrary to current best practice according to BS 5837 (2012) Trees in Relation to Design, Demolition and Construction to Construction – Recommendations. The potential harm may foreseeably include the tree's decline and may reduce its stability. It is recommended that the RPA should ideally remain completely undeveloped with no changes made to the existing ground surface levels, no excavations and no new permanent surfacing. It is suggested that it may be acceptable to construct an access through the RPA by elevating it above the ground, perhaps on screw mini-piles which would minimise potential harm to the tree. It is recommended that the applicant should reconsider the proposals in light of my comments and submit updated proposals for approval pre-determination.

Environment Agency

- 5.5 Response awaited and shall be included within late representations or reported verbally at committee.

Lead Local Flood Authority

- 5.6 Response awaited and shall be included within late representations or reported verbally at committee.

Derbyshire Wildlife Trust

- 5.7 Response awaited and shall be included within late representations or reported verbally at committee.

Historic England

- 5.8 No comments.

Force Designing Out Crime Officer

- 5.9 No objections to the amended scheme and there are no comments to make related to matters of crime and disorder.

Archaeology (DCC)

- 5.10 With regard to below-ground archaeological remains, the proposal site is within the medieval core of Ashbourne as defined in the Extensive Urban Survey compiled by Derbyshire County Council and English Heritage in 2001. The site lies within medieval component 12 'settlement along the south side of Church Street', an area of long narrow burgage plots with boundaries running back to Henmore Brook. The applicant has submitted an archaeological desk-based assessment which makes a reasonable assessment of archaeological context and potential.

The previous applications attracted a recommendation for conditioned archaeological work because of the proposed new build elements to the rear. These have now been removed from the proposals and replaced with the proposed community garden where groundworks will be relatively unintrusive. It is therefore recommended that there is no need for archaeological involvement within the current scheme.

Environmental Health

- 5.11 No objection.

Cllr A Bates

- 5.12 No objection.

Design and Conservation Officer (Derbyshire Dales)

5.13 It is considered that the principle of a modern, contemporary, extension within the courtyard is an acceptable proposal in this context but this is heavily reliant on its constructional details and materials and its relationship and abutments etc. with the adjacent buildings. It is considered that the use of a zinc cladding (subject to approval of a sample and its proposed colour finish etc.) in combination with the extensive use of structural glass will convey a relatively 'light' architectural infill to the courtyard and will be complimentary to the ornate period architecture, detailing and materials etc. of the three existing buildings surround it. It is considered that the proposed replacement structure/building to the rear of Century Hall is an acceptable replacement of the existing structure and would be complimentary to the concept of the overall scheme and to this part of the site/context. The single-storey extension to form a 'living' space is considered an contemporary extension that would sit comfortably between the two projecting elements of the south elevation of the building and provide additional accommodation for the basement and its access and connectivity to the proposed community garden area. The proposal to breach the listed boundary wall/railings is regrettable as this forms an existing continuous boundary to this side of the site. However, in considering the principle of a new extension and entrance in this location a breach of the boundary would be needed. Two new stone gateposts (matching those to Century Hall) are proposed where the boundary wall/railings is breached. Subject to exemplary detailing between the breached wall/railings and the new stone posts (and altered existing railings) it is considered that this traditional approach to this particular element is an appropriate way forward presenting an existing, but altered, connection to the past and architecturally enclosing and defining the area of the new extension. In terms of its impact on the listed buildings it is considered that the proposals have been carefully considered and junctions/abutments etc, have been thought through. Subject to exemplary detailing and external materials/finishes etc. it is opined that the new extensions would be complimentary to the existing historic buildings, its context and present a readable and definable narrative to the architectural ensemble of the building grouping.

6.0 REPRESENTATIONS RECEIVED

6.1 One letter of representation has been received which is summarised below:-

- a) There is a strong objection to the active waterfront within the creation of the community garden as it would leave all properties along the Henmore Brook more vulnerable to flooding.
- b) The existing flood wall installed by the EA after the 2016 flood was overtopped and if water levels continue to rise the wall is already too low without the steps.
- c) There is a concern for the impact on wildlife especially bats.
- d) Henmore Park is not a park but a floodplain.
- e) There has been little enforcement in the past regarding replacement trees.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact upon heritage assets and the character and appearance of the area
- Impact on residential amenity
- Impact on trees and ecology
- Flood Risk
- Highway safety

Principle of development

7.2 The site includes both principle Grade II Listed Buildings together with curtilage Listed Buildings within Ashbourne Conservation Area, occupying a prominent site on the main route through the centre. The site is within the town centre of Ashbourne but is not allocated

as Primary Shopping Frontage. The buildings are used by Ashbourne Methodist Church for community uses and the proposed extensions and alterations would create a new Link Community Hub as part of the Derbyshire Dales District Council 'Ashbourne Reborn' levelling-up transformation. The principle of the link extension and extensions and alterations to the rear of the church and Chapel House were established in the granting of Planning permission in 2021 with a variation of condition granted earlier this year.

7.3 Below is a summary of the amendments to the previous approvals:

1. Amendment to doors on northeast elevation of Cornerstone to provide access for external seating outside the church frontage – set back from Church Street.
2. Addition of re-roofing works to several elements of the existing building arrangement to ensure longevity and to minimize future maintenance requirements. All areas of re-roofing will be reinstated to match the existing materials/details. Lightning protection installed if required to main Church.
3. Amendments to the scale and appearance of the proposed flat roof extension between the main Church and Century Hall building. The footprint is increased slightly so that it can provide enough space for the required toilet facilities. The appearance is amended to better reference elements of the existing buildings.
4. Addition of a proposed extension to the lower ground level Gateway accommodation that provides a communal living area fronting onto the community garden.
5. Addition of a community garden and landscaping scheme to the rear site in place of the proposed residential accommodation and includes a proposed accessible access route directly from Station Road to the new community gardens.

7.4 Within settlement boundaries Policy S3 allows development that:- is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located, retains existing buildings that make a positive contribution to the area and the proposed access and parking provision is appropriate. The proposal would result in the retention and repair of all the existing buildings within the site that have a significant positive contribution to the Conservation Area and would include both the improvement to the existing buildings together with residential accommodation within the town centre.

7.5 Ashbourne is identified in the Local Plan as one of the three main towns within the district which are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres. Policy S8 specifically seeks to promote the sustainable growth of Ashbourne whilst seeking to safeguard its important role as a historic market town serving a wide rural hinterland. The policy goes on to state that this will be achieved by protecting and enhancing the historic environment and supporting the development of new housing on sustainable sites. The principle of residential accommodation within a town centre is considered acceptable and the proposal

7.6 Policy HC15 seeks to maintain and improve the provision of local community facilities and services by supporting proposals which protect, retain or enhance existing community facilities. The justification for this proposal is that it would connect all three buildings into one complex providing a single street-level access and by removing the fixed pews in the main worship space and addressing the heating, toilet and catering issues. This would achieve the ambition of the Methodist Church to become a 7 day-a-week church and community hub, providing such things as a large performance space, small and medium size rooms as well as halls for private hire and public use (with catering facilities), a coffee shop and open safe space which would be a community hub and drop-in centre. The church at present supports significant voluntary activity (conducted both by church members and those that are not) and with the modernisation of the premises it is expected that this activity would expand further, for the benefit of the local community.

7.7 The physical requirements in order to achieve this include:

- providing a clear, visual link into the Worship space from the new entrance foyer and from Station Road. The central position of the opening is symmetrical in the west façade when viewed from both the entrance foyer and from inside the worship space which is reflective of the existing symmetry to the interior of the worship space.
- The central position of the link building would accommodate the flow of people into and out of the worship space, particularly at the end of services when the congregation gather together. Building users would be able to stand on the galleried landing to either side of the opening so as not to restrict movement. This is particularly important for larger community events which the church is intending to host as a suitable venue does not exist in Ashbourne. The double doors also allow full access for DDA compliance
- A secondary single door into the worship space is proposed at the northern end of the galleried walkway, the purpose of which is to enable late arrivals to join services without disturbing others or allowing parents/carers quiet access/egress with children when the area is partitioned as a crèche.

Impact upon heritage assets and the character and appearance of the area

7.8 Policy PD1 requires development to be high quality that respects the character, identity and context and contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.

7.9 As the buildings are Listed and within a Conservation Area, Policy PD2 is relevant which seeks to conserve heritage assets in a manner appropriate to their significance, taking into account the desirability of sustaining and enhancing their significance and ensuring that development proposals contribute positively to the character of the built and historic environment. It states that any proposed works should be informed by a level of historical, architectural evidence proportionate to their significance. Extensions and alterations are required to demonstrate how the proposal has taken account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset.

7.10 Policy PD2 requires proposals that affect a heritage asset and/or its setting to demonstrate how it has taken into account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset. The application is accompanied by a detailed Heritage Statement (HS) which assesses the significance of the assets taking account of the Conservation Area Character Appraisal and views that allow the significance of the assets to be appreciated. In respect of views the report states:-

“The church is prominent in views in both directions along Church Street, identified in the Conservation Area Character Appraisal as key views and allowing the elaborate design of the front elevation to be appreciated. Although both the church and Century Hall are prominent in views north along Station Road, these are not identified as key views and only the church is identified as a prominent building in the streetscape”.

The conclusion of the report is that the harm caused by the development is offset by substantial public benefits with the proposals considered beneficial overall.

New Extension to Church:

7.11 It is considered that the principle of a modern, contemporary, extension within the courtyard is an acceptable proposal in this context but this is heavily reliant on its constructional details and materials and its relationship and abutments etc. with the adjacent buildings. Some details have been submitted and these show that as light a touch (i.e. in terms of abutments and junctions etc.) as possible is being proposed. The junction or abutment of the new

extension with the west elevation of the church is the most important. The proposal is to join the new extension roof at the horizontal transom point to the run of five tall, semi-circular, headed windows. Due to their height the original window frames were designed to be divided with a (painted timber) transom at half their height. In earlier iterations of the scheme the roof junction at this point was a flat roofed abutment with a narrow glazed clerestory detail. Following concerns raised about the solidity and robustness of such a junction a proposal, as now submitted, has been formulated whereby the junction/abutment is a sloping structural glass roof. The abutment detail with the transom has been submitted and this is considered to be satisfactory. Whilst glass is never truly 'invisible' the size and shape of the sloping glass roof at this point/junction would allow the lower part of the tall windows to have some visibility thus preserving, as much as possible, the western elevation of the church.

- 7.12 It is noted that the basement windows to the courtyard side of the main church (and those to the basement of Century Hall) would be fully concealed by the proposed extension. The original design concept of the main church (and in some respects to Century Hall) was for these particular windows to have a less architectural/decorative treatment than those to the main body of the church/upper part of Century Hall. This is reflected in the design of their openings and their window frames. In this regard, there is considered to be more scope to subsume these particular windows within the proposed 'Lower Ground' floor level. It is noted, however, that they would be visible/exposed within the internal circulation areas of the lower level allowing the original architectural treatment and the sense of a modern 'infill' to the courtyard to be appreciated.
- 7.13 The proposed introduction of sections of fibre cement/porcelain cladding (stone colour) is a contemporary way of representing ashlar stonework. In the areas proposed this is considered to be acceptable. The remaining external material for the main extension is zinc cladding (and structural glass). It is considered that the use of a zinc cladding (subject to approval of a sample and its proposed colour finish etc.) in combination with the extensive use of structural glass will convey a relatively 'light' architectural infill to the courtyard and will be complimentary to the ornate period architecture, detailing and materials etc. of the three existing buildings surround it.
- 7.14 The current south-western element of the church is to be demolished and replaced. The current projection is of two-storeys (originally a stilted upper floor only the lower, open part, being filled in in the later 20th century) with a dual pitched roof over. Its proposed replacement, on a similar footprint and scale, is to contain a garden entrance lobby and toilets to the first floor and is to be constructed in matching brickwork with a zinc clad coped parapet to a flat roof and stone copings. The windows are to be modern. It is considered that the proposed replacement structure/building is an acceptable replacement of the existing structure and would be complimentary to the concept of the overall scheme and to this part of the site/context. The single-storey extension to form a 'living' space for the residential units in the basement sits between the two projecting elements to either side. It is to have a sloping zinc roof (subject to detailing and finish colour etc.) and its south facing wall is to be gully glazed. It is considered that this contemporary extension would sit comfortably between the two projecting elements of the south elevation of the building and provide additional accommodation for the basement and its access and connectivity to the proposed community garden area.
- 7.15 The proposal to breach the listed boundary wall/railings is regrettable as this forms an existing continuous boundary to this side of the site. However, in considering the principle of a new extension and entrance in this location a breach of the boundary would be needed. Two new stone gateposts (matching those to Century Hall) are proposed where the boundary wall/railings is breached. Subject to exemplary detailing between the breached wall/railings and the new stone posts (and altered existing railings) it is considered that this traditional approach to this particular element is an appropriate way forward presenting an

existing, but altered, connection to the past and architecturally enclosing and defining the area of the new extension.

7.16 In conclusion, it is considered that a modern, contemporary, extension within the courtyard (and to the southern end) would be acceptable. In terms of its impact on the listed buildings it is considered that the proposals have been carefully considered and junctions/abutments etc, have been thought through. Subject to exemplary detailing and external materials/finishes etc. it is opined that the new extensions would be complimentary to the existing historic buildings, its context and present a readable and definable narrative to the architectural ensemble of the building grouping.

Chapel House:

7.17 Whilst the property has been, historically, enlarged it remains a curtilage-listed building. It is considered that the replacement conservatory is generally acceptable but this should be clad in an appropriate brickwork (not render). The amended plans have reinstated the chimney, removed the balustrade and altered the patio door to a window and therefore the proposed works to Chapel House would be deemed acceptable.

Development in curtilage:

7.18 The proposed removal of the 'pre-fab' structure and the modern lean-to to the small shop are considered acceptable. The proposed landscaping and formation of a community garden adjacent to the Henmore Brook is considered an acceptable use of this plot of land which contributes to the setting and context of the building complex.

7.19 In terms of proposed development affecting a listed building(s), the 1990 Act places a requirement on an Authority to 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. As a new architectural entity being imposed into a grouping of existing listed/historic buildings it is considered that there will be an element of harm to the character and appearance of the listed/historic buildings and to the setting of the historic/listed buildings. However, under the guidance of the NPPF, it is considered that the proposed new extensions would not constitute substantial harm to the significance of the designated heritage assets. The NPPF advises that where a proposal(s) will lead to less than substantial harm that harm should be weighed against the public benefits of the proposal.

7.20 It should be acknowledged that in dealing with developments that include such significant listed buildings the use of renewable energy etc.. may not be appropriate, however, the scheme would utilise and ensure the future use of all the historic buildings and in doing so would provide capital for maintenance and possible investment to improve their energy efficiency in accordance with Policy PD7.

7.21 The public benefits of the scheme are considered substantial and are twofold. The proposal would not only ensure the future of these prominent Listed Buildings of a high significance within the town; it would also provide a flexible community facility not currently found in the area. The glazed link extension subject to exemplary detailing and external materials/finishes controlled by conditions would be complimentary to the existing historic buildings, its context and present a readable and definable narrative to the architectural ensemble of the building grouping. The proposals are considered to lead to less than substantial harm to the significance of the ensemble of historical buildings through both the attached extension and to the character and appearance of Ashbourne Conservation Area. When this is weighted against the significant public benefits and the consequence of providing a viable use for all of the existing buildings to secure not only the future of the church but the long term community use of the buildings; these public benefits are considered to outweigh the harm to the heritage assets.

Impact on residential amenity

7.22 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts. An assessment of the impact of the conversion and extension of Chapel House on the adjacent residential properties to the north east is required. The nearest property is located adjacent to the south eastern corner of the site and is two storey. The distance between the rear elevation of Chapel House and the nearest dwelling (Lambourne View) is 23m with the existing property at an angle with the boundary and faces north west. In 2017, planning permission was granted for a single storey garage extension within the rear garden and extending from the rear gable and this appears to be under construction. The floor plans submitted with the application indicate the ground floor windows in the rear gable serve secondary windows and the first floor window in the rear gable is also secondary as there is another window to the room on the south western elevation. The land to be used as a community garden would not give rise to unacceptable levels of disturbance or noise associated with such use in this town centre location to justify refusal on such grounds. On the basis of the above assessment, the impact on the residential amenity of neighbouring properties is not considered significant and the proposal complies with Policy PD1.

Impact on trees and ecology

7.23 The Arboricultural Impact Assessment submitted with this application which surveyed Six individual trees, Two were classified as category B quality and four were classified as category C quality. One tree group was surveyed and found to be of category C quality. Where there are impacts within retained tree RPAs, mitigation measures will be required. An Arboricultural Method Statement can provide full mitigation details and specifications. The Tree Officer has raised concerns regarding proposed works within the RPA of the retained mature Beech Tree. In terms of the community garden, this is to be the final phase of construction and as such all landscaping works to the south of the site and within 8m of Henmore Brook can be subject to condition as these would need separate EA approval and additional protected species surveys before the detail of this design can be finalised.

7.24 An update to the Preliminary Roost Assessment (PRA) was undertaken by EMEC Ecology in June 2023, a suite of bat emergence and re-entry surveys of buildings and structures associated with Ashbourne Methodist Church were completed between July and September 2023. The recommendations are for a further survey of the Church roof void to try and establish the presence or absence of the long eared brown bats they've found droppings from but not actually seen. The purpose of the survey is to try and confirm when the bats are actually using the roof void as the droppings have been increasing but no bats have been observed during any of the survey visits, it could be a maternity roost (used during the summer) or a hibernation roost (used during the winter). The latest survey was carried out in the summer so a maternity roost is looking less likely, the new survey would cover the winter period to see if there are hibernating bats. If bats are still not observed during this additional survey that would mean it probably is a maternity roost but one that is not used every year. The additional survey needs to be carried out Dec '23-Feb'24 which will mean it's not available until after the decision deadline.

7.25 A full European Protected Species Mitigation Licence (EPSML) must be sought from Natural England once further survey information has been gathered regarding the brown long-eared bat roost in B1. An EPSML can only be applied for once full planning permission is in place and all relevant planning conditions have been discharged. The licence application process includes the production of a method statement outlining a detailed mitigation, monitoring and maintenance strategy, the implementation of which is a condition of the licence. The implementation of a mitigation strategy is likely to be subject to seasonal constraints and would depend on the type of roosts present on Site. Mitigation recommendations for roosting

bats have not been made the submitted ecology report as the method statement, including the mitigation strategy, will form part of the required licence which would require assessment and approval from Natural England. Derbyshire Wildlife Trust comments shall be reported within late representations or verbally at committee as no response had been received at the time of writing this report.

Flood Risk

7.30 The majority of the site lies within Flood Zone 2 with a small part to the south located within Flood Zone 3. The Henmore Brook is a main river located adjacent to the southern site boundary. The Environment Agency (EA) Flood Map for Planning suggests the site partially located within Flood Zone 3 of the Henmore Brook, however, the Flood Map confirm the site currently benefits from EA maintained flood defences. The submitted Flood Risk Assessment is currently being reviewed by the EA and Lead Local Flood Authority and their revised comments and any conditions recommended shall be included within late representations. Based on the fact that the scheme which included new build accommodation where the community garden is proposed the Flood Risk and surface water drainage impacts are significantly reduced with this scheme and it is likely that the FRA would demonstrate that the proposed development is at an acceptable level of flood risk subject to the recommended flood mitigation strategies being implemented, however, without comments from the relevant consultees this has yet to be confirmed.

Highway safety

7.31 Policy S3 requires development to have appropriate access and parking provision and Policy HC19 seeks to ensure that development can be safely accessed in a sustainable manner and adequate parking is provided. The site is located within the town centre of Ashbourne and is thus accessible by a choice means of transport and there is on-street parking on Station Road and a number of public car parks in close proximity to the site. Due to the constraints of the site vehicle access and car parking provision is not possible and the Highways Authority have no objections to the lack of provision based on its sustainable town centre location with on-street parking restrictions and town centre car parks. The agent is in negotiations with the Highways Authority as part of the boundary wall fronting the existing yard to Station Road and the retaining wall below this are within the ownership of Derbyshire County Council. Works within this area are therefore likely to require a formal agreement prior to any works in this area being carried out. Overall, the Highways Authority has no objections to the proposed work subject to this formal agreement.

7.32 Conclusion

This proposal represents the aspirations of the Methodist Church to retain and utilise all the buildings within the site with a view to the future provision of a flexible community building for the use of both by the Church and the residents of Ashbourne. The harm to the significance of the Listed buildings and harm of the scheme to the character and appearance of the Conservation Area have been assessed in detail and on balance it is considered that the less than substantial harm identified is outweighed by the very clear and substantial public benefits of the scheme. Subject to no objections being raised by Derbyshire Wildlife Trust, the EA and the LLFA with or without changes that do not materially alter the development being applied for the proposal would accord with the relevant local plan policies and guidance with the NPPF and a recommendation of approval is put forward on this basis.

8.0 RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer, to grant planning permission subject to the following conditions, following confirmation from Derbyshire Wildlife Trust, the EA and the LLFA that they raise no objections with or without

changes that do not materially alter the development being applied for and any additional conditions that they deem appropriate.

1. Subject to no objections being raised by Derbyshire Wildlife Trust, the EA and the LLFA with or without changes that do not materially alter the development being applied for 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 permitted shall be carried out in accordance with the following plans:-

Location Plan 01

Schedule of Work to Listed Buildings 4085 Rev A

Proposed Site Plan 4085-03A

Proposed Lower Ground Floor Plan 4085-04A

Proposed Upper Ground Floor and First Floor Plans 4085-05A

Proposed Roof Plan 4085-06A

Proposed Elevations 4085-07A

Landscape Strategy Plans 1288 001B, 002B, 100, 101, 102B, 200, 201, 202, 301, 302, 401, 402, 501A, 502B, 503 and 504

Chapel House – Proposed Plans and Elevations 4085-09-D

Indicative Sections 4085-10A

Indicative Details 4085-11

unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt.

3. Prior to the commencement of the link building, a noise mitigation scheme shall be submitted in writing and approved in writing by the Local Planning Authority detailing sound insulation measures and implemented in accordance with the approved scheme.

Reason:

To ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017)

4. Construction hours shall be restricted to the hours of 8am to 6pm Mondays to Friday, 8am to 1pm on Saturdays and no working at all on Sundays and Bank Holidays.

Reason:

In the interests of preserving the amenity of neighbouring residents in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017)

5. The proposed development shall be carried out in accordance with the recommendations within the Arboricultural Impact Assessment September 2023.

Reason:

To ensure the health of the retained trees in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017)

6. Full constructional details of all new external window and door joinery and/or metal framed windows and doors (including finish colour) shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include depth of reveal, details of heads, cills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan.

7. The rooflights hereby approved shall be of the conservation type with a single vertical glazing bar and mounted flush (i.e recessed) with the roof slope.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan.

8. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before works commence on the facing walls or roof of the building(s). The works shall thereafter be constructed in accordance with the approved details.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan

9. A sample of the brick and details of the proposed brick bond (together with a sample panel of brickwork [1 sq.m] erected on site) to be used for the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before works commence on the construction of the exterior walls of the building(s). The development shall thereafter be constructed in accordance with the approved details.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan

10. Full construction details shall be submitted for the following prior to installation:-
 - detailing between the breached wall/railings and the new stone posts (and altered existing railings)
 - The new 'open metal staircase' on the north eastern elevation.

The works shall thereafter be constructed in accordance with the approved details.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan.

11. Notwithstanding the submitted landscape scheme, details for works within the RPA of the Beech tree and with 8m of Henmore Brook shall be submitted and approved in writing by the Local Planning Authority prior to any landscaping works and thereafter implemented in accordance with the approved details.

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

12. The development hereby approved shall be implemented in full accordance with the Preliminary Ecological Appraisal and Preliminary Roost Assessment by EMEC Ecology Sept 2023 Bat Emergence and Re-entry Surveys October 2023 This report requires updated emergence surveys to be carried out prior to commencement of the development and if any direct impacts on bats that might arise be covered by a protected species licence from Natural England.

Reason:

In order to safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

13. No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason:

In order to safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain in accordance with Policy PD3 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 Beech Tree and design of Chapel House extension.

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.

This decision notice relates to the following documents:

Schedule of Work to Listed Buildings 4085 Rev A
Location Plan 01
Schedule of Work to Listed Buildings 4085
Existing Site Plan 4085-02
Proposed Site Plan 4085-03A
Proposed Lower Ground Floor Plan 4085-04A
Proposed Upper Ground Floor and First Floor Plans 4085-05A
Proposed Roof Plan 4085-06A
Proposed Elevations 4085-07A
Landscape Strategy Plans 1288 001B, 002B, 100, 101, 102B, 200, 201, 202, 301, 302, 401, 402, 501A, 502B, 503 and 504
Chapel House – Existing Plans and Elevations 4085-08A
Chapel House – Proposed Plans and Elevations 4085-09-D
Indicative Sections 4085-10A
Indicative Details 4085-11
Narthex Screen and Organ Screen 4085-12
Location of Retained Pews 4085-13
Indicative Visualisation 4085 15
Existing Lower Ground Floor Plan FOS-726_1
Existing Upper Ground Floor Plan FOS-726_2
Existing First Floor and Loft Plan FOS-726_3
Existing Roof Plan FOS-726_4
Existing North and West Elevations FOS-726_5_1
Existing South and East Elevations FOS-726_5_2
Existing Return Elevations FOS-726_5_4
Cornerstone Café Existing External Elevations FOS-726_5_5

Archaeological Desk Based Assessment
Heritage Statement by Jenny Wetton Conservation August 2023
Design and Access Statement
Arboricultural Impact Assessment Sept 2023
Flood Risk Assessment by BWB dated May 2023
Preliminary Ecological Appraisal and Preliminary Roost Assessment by EMEC Ecology Sept 2023
Bat Emergence and Re-entry Surveys October 2023

Additional Information from the Environment Agency

1. An environmental permit for flood risk activities will be required for any works within 8m of the watercourse at the appropriate juncture, as detailed below.

Environmental permitting regulations (EPR)

This development will require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Henmore Brook a designated 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

2. Section 4.19 of the FRA states that: -

The ground conditions (Sandstone group bedrock), indicate a potential for infiltration and soakaways should be the primary method for the disposal of surface water. A response from Derby County Council, included as Appendix 5, states that the north half of the site is potentially suitable for use of free-draining SuDS.

However any discharge of surface water into the ground behind the proposed flood defence scheme for this site, will have to be taken into account in the detailed design of both the flood defence and surface water drainage system, so as not to negatively impact on the proposed new defences.

3. It would appear from the proposed layout as shown on Drawing Nos. 02 Revision H (Proposed Site Plan), 07 Revision B (Environment Agency - Site layout and sections), that the kitchen/lounge to Block A Apartment 4 will be constructed within the existing bank slope to Station Road, and therefore the proposed kitchen and western facing window/s may be below existing ground levels.