
7. SECTION 73 APPLICATION FOR THE VARIATION OF CONDITION 2 (APPROVED PLANS) OF APP/M9496/W/16/3157101 TO ADD SIDE EXTENSION – FORMER RUTLAND ARMS, CALVER ROAD, BASLOW (NP/DDD/0317/0226, P.5887, 7/3/17, 425122/372391, MN)

APPLICANT: NEW RIVER RETAIL PROPERTY UNIT TRUST

Site and Surroundings

The application site is a traditional building sited on the western side of Calver Road, Baslow. Whilst described by the applicant as 'The Co-operative Food Store', the application site was the former Rutland Arms public house and the change of use to a store that was approved by the Authority in 2015 (and revised on appeal in 2016) has not yet been implemented.

The building is believed to date from the late 1800s and has a two storey triple-gabled element which projects from the rear wall of the main building, with a further gabled extension projecting northwest off this and beyond the northwest elevation of the main building. There are also extensions to the northwest elevation in the form of two single storey mono-pitched lean-to extensions. These abut each other for some of their length, creating a partially dual pitched addition. There is also a flat roofed extension adjoining the north corner of the main building. This has a parapet wall to the top of the walls with a roof lantern above.

The building is constructed of coursed gritstone under a slate roof, with detailing in gritstone, including full windows and doors surrounds and quoins. The windows and doors are of timber construction. Most of the building has overhanging roof verges with barge boards, whilst the later extensions have flush pointed verges.

To the northwest of the building is the former pub car park, which has two accesses onto the A.623 Calver Road, although these are currently blocked to prevent unauthorised access. The front boundary of the car park is marked by a low stone wall. There is a yard area between the building and the car park and also a store/garage that is set behind the building line of the main building. To the rear the building is a former beer garden that faces towards the river.

The River Derwent runs immediately to the west of the site and is spanned by Baslow Bridge, which is sited very close to the south of the pub. The bridge is Grade I Listed Building and a Scheduled Ancient Monument. The bridge is constructed of sandstone ashlar, and there is a gable roofed watchman's booth to the northeast end. The bridge is dated 1608 by inscription.

The property occupies a prominent roadside and corner position in the Conservation Area, fronting the A623 and the road serving Baslow Bridge. Over the bridge to the west lie the properties comprising Bubnell. The buildings in the area are of varying ages, types, and sizes, whilst most share materials of natural coursed gritstone and either blue slate or stone slate roofs.

The adopted Conservation Area Appraisal for Baslow and Bubnell describes the area around the building as being the core of the village. It identifies that there are a mix of uses here, but that it is the services provided by this area and the people they attract that makes this the hub of the village community. The application building is referenced in the Appraisal only for its role in 'closing' the view to the west.

Proposal

This application seeks a variation to Condition 2 (approved plans) of permission APP/M9496/W/16/3157101 (itself a variation of the original 2015 permission – see History below).

The existing permission granted the change of use of the building from public house to an A1 shop use, including alterations to the building to facilitate such a change.

The applicant now seeks to vary the approved plans to allow an extension to the north western end of the building.

This would partially replace a monopitched extension at this end of the building, and would also increase the overall length of the rear half of the building. Its form would be partially two storey with a pitched roof, extending on the same building line of the existing building, before stepping down to single storey under a pitched roof.

RECOMMENDATION:

It is recommended that the application be **APPROVED** subject to the same conditions as previously imposed by Appeal decision APP/M9496/W/16/3157101, with variation to Condition 2 (approved plans) to include the addition of the extension, and additional conditions to protect the ecological interests of the site:

- 1) Development within 3 years from 22 October 2015.
- 2) Development in complete accordance with amended plans.
- 3) All new stonework to match the existing stonework.
- 4) Window details to be agreed.
- 5) Details of window blanking to be agreed.
- 5) External lighting to be agreed
- 6) Details of any external refrigeration, air conditioning, motors or fans to be agreed
- 7) The hours of deliveries and refuse collections restricted to 0700 to 2000 on Mondays to Saturdays and 1000 to 1600 on Sundays and Bank Holidays only.
- 8) Access visibility splays maintained in accordance with approved plans
- 9) Construction site layout to be agreed
- 10) Delivery Management Plan to be agreed
- 12) Traffic Management Plan to deter roadside parking to be agreed

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- 13) Parking provided prior to use commencing**
 - 14) No door fronting a highway to open outwards.**
 - 15) No access ramps to be constructed within the highway**
 - 16) Permitted development rights for extension withdrawn**
 - 17) Flood mitigation measures to be implemented**
 - 18) Method statement/construction environmental management plan dealing with the treatment of the river corridor to be agreed**
 - 19) Initial soft-strip of the external features of the buildings to check for bats required**
 - 20) Removal of vegetation to be completed outside of the breeding bird season**

Key Issues

The Authority must determine whether planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, as has been requested, or whether planning permission should be granted subject to the same conditions as those imposed as part of the previous permission, in which case the current application should be refused.

The key issue in making this assessment is considered to be the impacts of the extension on the character and appearance of the parent building and its setting.

History

2016 – APP/M9496/W/16/3157101 – Appeal allowed for the extension of delivery and refuse collection hours previously refused by the Authority

2016 – NP/DDD/0216/0116 - Permission refused for the extension of delivery and refuse collection hours

2015 – NP/DDD/0115/0040 - Permission granted for change of use of public house to A1 shop use, including alterations and extensions

2005 – Permission granted for the erection of new signage scheme to public house

1995 – Temporary permission granted for erection of sign at public house

Consultations

Derbyshire County Council - Highways

No objections subject to no impact on approved parking, manoeuvring or turning space.

Derbyshire Dales District Council

No response at time of writing

Baslow Parish Council

The Council are concerned that the Co-Op are trying to get their original plans by a series of appeals. They gained the additional delivery hours based on not having enough storage for less deliveries, now they are looking to alter the internal staircase which gives more storage so would mean that less deliveries would be possible and so the original hours need not have altered.

Environment Agency

The development represents minor development and the Agency's standing advice should therefore be followed.

(Full response available on the Authority's website)

PDNPA – Conservation

The proposed rear extension will elongate the existing rear wing out of proportion to the main architectural frontage of the historic building, and will also imbalance the rear elevation. Although the full-height roof of the existing rear wing does project beyond the front wing, the extent of projection is relatively small and the main frontage of the non-designated heritage asset remains the dominant element. By extending this roofline as proposed, with the further slightly lower extension (the ridge of which will still be above eaves height), the rear wing will become a dominant feature, extending in total for more than half the width of the architectural frontage to the building, and detracting from the historic character and appearance of the historic building, undermining its architectural integrity and harming its significance. The 2-storey extension will be prominent within the conservation area when viewed from Calver Road, closing off glimpses between trees of the hills to the south-west. The extension will also be clearly visible from the grade I listed bridge.

I would suggest that a 2-storey extension, as proposed, would be inappropriate, in terms of impact on the historic character and appearance of the non-designated heritage asset and the conservation area. If some form of extension here is essential, this should ideally be single-storey. At a push, the existing 2-storey rear roof could extend to align with the gable end of the lean-to extension on its north-east side (but no further), with any remaining extension to the north-west being single-storey (pitch-roofed).

PDNPA – Ecology:

No objections subject to conditions to protect ecological interests:

No development shall take place until a method statement/construction environmental management plan has been submitted to and approved in writing by the local planning authority, dealing with the treatment of the River Derwent corridor, along with its aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works.

The contractor must carry out an initial soft-strip of the external features of the buildings affected by the proposed works to check for bats, taking appropriate steps if any are found. Due to proximity to the river corridor external lighting requires prior approval by the Authority. The removal of vegetation should be completed outside of the main breeding bird season.

(Full responses available on the Authority's website)

Representations

At time of writing 27 letters of objection have been received.

The grounds for objection are summarised as follows:

- The previous application made reference to the garden being made available for community use, but this is no longer referred to in the applicants supporting statements.
- The extension requires a new application rather than one to vary of the existing permission.
- The site notice was not positioned as to properly advertise the application.
- The approved extension of delivery hours means that extra storage space is no longer required and the applicant should be required to justify why they now require extra space, or be prepared to reduce the hours of delivery.
- The extension would detract from the appearance of the building and the surrounding historic environment.
- The store would become too large to serve only the local and visiting population
- The extension would lead to an increase in traffic movements, reducing highway safety and amenity.
- The extension would reduce pedestrian safety.
- The extension would result in a loss of parking space.
- The extension would result in a loss of space for deliveries to be made.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L2, L3, HC4, HC5.

Relevant Local Plan policies: LC4, LC5, LC6, LC8, LC10, LC17, LC21, LS1.

Core Strategy policy GSP1 reiterates that the Authority has a statutory duty to foster the social and economic welfare of local communities in the National Park whilst GSP2 states opportunities to enhance the National Park should be acted upon.

Core Strategy policies DS1 details the development strategy for the National Park. It identifies Baslow as a named settlement.

Core Strategy policy HC4 permits the change of use of buildings providing community services, which includes both public houses and shops, to another community use.

Policy HC5 of the Core Strategy requires that any new shops and related activities are of an appropriate scale to serve the needs of the local community and the settlements visitor capacity. Local Plan policy LS1 reiterates some of these points, adding that there must be adequate facilities for the storage and disposal of goods, waste, and delivery of stock.

Core Strategy policy GSP3 and policy LC4 of the Local Plan seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy LC4 also notes, amongst other things, the particular attention will be paid to the impact of developments on the amenity, privacy and security of nearby properties.

Local Plan policy LC5 states that development in conservation areas should assess and clearly demonstrate how the existing appearance of the conservation area will be preserved and, where possible, enhanced.

Core Strategy policy L2 states that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. LC17 reiterates this position, stating that development will not be permitted unless adequate information is provided about its likely impact on the special interests of a site.

Core Strategy policy L3 requires development to conserve historic assets. Local Plan policy LC6, which states that any applications for development affecting listed buildings must clearly demonstrate how the building will be preserved and enhanced and why the development is desirable or necessary.

Local Plan Policy LC8 requires that the conversion of buildings of historic or vernacular merit must be able to accommodate the new use without changes that would adversely affect their character. It describes such changes as including significant enlargement or other alteration to form and mass, inappropriate new openings, and major rebuilding.

Local Plan Policy LC10 addresses shop fronts, requiring a design and appearance that conserves the character and appearance of a building and its locality.

Local Plan policy LC21 resists development that would have adverse impacts in terms of pollution or disturbance.

It is considered that these policies are consistent with the core planning principles set out in paragraph 17 of the National Planning Policy Framework.

Paragraph 109 of the Framework states that the planning system should contribute to and enhance the local environment by preventing development from contributing to unacceptable levels of noise pollution.

Part 12 of the NPPF addresses the historic environment in detail, with Paragraph 135 stating that in weighing applications that affect non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset.

Overall the Development Plan is considered to be in accordance with the policies in the Framework when taken as a whole because both documents seek to support the prosperity of rural communities, and promote the retention and development of local service provision, including local shops and public houses. Both documents also seek to secure high quality design that would conserve the valued characteristics of the National Park.

Assessment

Principle

The proposed extension formed part of the original application before being omitted part way through the process by the applicant. This was removed when it became apparent that a bat survey was required if the extension was included and one had not been carried out at that time. The extension clearly formed part of the original proposal and it is therefore acceptable for the current proposal to be considered as a variation to that permission, rather than requiring a completely new application.

The Authority approved the change of use of the public house to a shop in 2015, and a variation to conditions (hours of delivery) relating to that scheme was approved on appeal in 2016. Both

permissions remain extant and could be implemented. The principle of the acceptability of the change of use is therefore already established, as is the acceptability of the alterations and extensions to the building that were approved as part of the development.

As there have been no relevant changes to planning policy or other materials changes since permission was granted, the unchanged elements of the development are still considered to be acceptable subject to the same conditions that were previously imposed.

This report does not therefore revisit the unchanged elements of the proposal and focuses solely on the proposed extension to the north west of the building and its associated impacts.

Design impacts

The Authority's Conservation Officer has commented that the proposed extension would over elongate the appearance of the building. They advise that it would be better if the extension was single storey or, if that is not possible, that the two storey element projects only so far as the mono-pitched element in front of it.

In terms of the effect of elongation of the building, Planning Officers do not consider that this impact would be as pronounced in practice as it appears on plan. Due to the significant setback of the extension from the front elevation, it would not dominate the building and the break in the building line would be large. To the rear, the elevation is interrupted by the projecting triple gabled projection, breaking up its length, and views of this elevation are also less direct – being primarily at an angle from the road and bridge to the south, and partially obscured by trees in some views. Planning Officers therefore consider that the extension would not result in the appearance of over elongation of the building.

Changing the extension to single storey as recommended by the Authority's Conservation Officer would not be acceptable to the applicant, as the purpose of the extension is to accommodate the lift shaft. The alternative suggestion of a reduction in length would have a negligible effect on the appearance of the extension, serving to reduce the two storey element by only approximately 50cm in length.

Planning Officers also consider the extension to represent some enhancement over the approved arrangement in terms of form and detailing. This end of the building currently consists of two mono-pitched roof extensions that do not reflect the form of the main building. They run in different directions to each other and have staggered gable ends. The replacement extension would resolve this, replacing the rear mono-pitched addition with something of simpler form that better reflects the buildings character.

In addition, the previously approved external staircase, railing, and scissor lift would no longer be required, being replaced by a door at ground level. This would simplify the detailing of this part of the building. The extension would also match the existing building in terms of materials.

Overall, the impact of the elongation of the building is considered to be modest and is outweighed by the fact that the design is acceptable in other regards and that it would achieve a more resolved and simple appearance to this end of the building. The extension is therefore considered to conserve the appearance of the building as required by planning policy.

For these same reasons it is also considered to have a less than significant impact on the character and appearance of the Conservation Area, and to conserve the significance of the Listed bridge.

This is subject to detailed design conditions being imposed to control materials and construction details, including pointing, window and door details, and rainwater goods.

Delivery and noise impacts

The change in the design of the goods access to the building would lead to a minor reduction in the noise generated by deliveries, as they would no longer have to be manoeuvred onto and off from the approved outdoor scissor lift, instead being rolled directly in to the building.

The increase in size of the building overall is modest, and so it is not considered that this would result in a significant increase in delivery traffic to the site.

Some objectors have stated that the increased storage space means that the timeframes for deliveries should be reduced as the currently permitted timings may no longer be necessary. In dealing with the 2016 appeal the Planning Inspector found the extended delivery times to be acceptable and there would therefore be no planning reason to revert to the previously imposed delivery restrictions. Moreover, the Inspector made a full award of costs against the Authority for failing to substantiate the reasons for refusal, relying on the advice of the Environmental Health Officer, who did not provide any technical rebuttal of the applicant's noise assessment.

Highway safety

As noted above, it is not considered that the degree of extension proposed would generate significant additional traffic.

The extension results in no loss of car parking space, nor does it encroach on to any area of land accessible to members of the public. It would also not result in any loss of space for deliveries, as the extension would not extend beyond the building line of the previously approved external staircase.

The proposal is therefore considered to have no adverse highway impacts.

Amenity

As detailed above, the proposal is not considered to raise any concerns in relation to noise; if anything noise from deliveries would be slightly reduced by the revised arrangement.

The proposed extension is considered to be sufficiently far from any neighbours as to not be overbearing or overshadowing, and provides no additional potential for overlooking.

The development is therefore considered to conserve neighbouring amenity as required by policy LC4.

Ecology

The proposal involves extension of the existing gable of the main building, affecting the roof. A bat survey has therefore been undertaken and submitted in support of the application.

The Authority's Ecologist has reviewed the submitted ecological information and has no objections subject to a number of conditions to protect bats and the other ecological interests of the site, which arise due to its proximity to the river corridor.

Officers agree that the addition of the extension does give rise to the potential for further ecological impacts and so it is recommended that these conditions are imposed if permission is granted.

Other matters

Size of store

The increase in floorspace that the extension would result in above that of the approved scheme is modest and is not considered to have a significant effect on the likely catchment area of the store. On this basis the store is still considered to be of a size appropriate to the needs of the local community and the settlements visitor capacity, as required by policies HC5 and LS1.

Flood risk

The site is within Flood Zone 2. The Environment Agency advises that the application represents minor development within the flood zone and that their standing advice should be followed. This requires applicants to make sure that floor levels are either no lower than existing floor levels or 300mm above the estimated flood level, and to consider the need to take flood resistance and resilience measures if they are not 300mm above flood level. The applicants submitted flood risk assessment indicates that finished floor levels will be 600mm above the 1 in 100 year plus climate change level. Therefore no further flood mitigation measures beyond those secured by the previous permission are considered to be required for the extension.

Environmental management

No environmental management measures have been proposed, although the development would be required to comply with building regulations. Given the scale of extension proposed, this is considered sufficient for the development to comply with the Authority's environmental management and climate change policies.

Justification for extension

Some objectors have commented that restricted storage space was the reason that the applicant previously applied for (and received on appeal) an extension to delivery hours and that additional storage space is therefore not required, or should at least be justified.

However, there is no requirement from a planning perspective for the applicant to justify the extension in terms of storage space, aside from the requirement of policy LS1 to ensure that the store would have sufficient storage space. It was accepted that the store had adequate storage space when permission was granted previously and this proposal would only serve to increase that space, therefore raising no conflicts with planning policy in this regard.

Advertisement of application

The site notice was affixed to the application building adjacent to the highway serving Baslow Bridge. This was clearly visible when approaching the site from the village centre and fulfils the Authority's obligations with regard to public advertisement of the application.

Conclusion

The scale and design of the proposed extension are considered to conserve the character and appearance of the building, conservation area, and wider area. Due to the small scale and the position of the extension it would not result in any significant additional traffic, highway safety, amenity, or noise issues. Subject to appropriate conditions, the ecological interests of the site are also considered to be conserved.

Taking all of the above factors in to account, and in the absence of any further material considerations, the proposal is considered to be in accordance with the policies of the Development Plan and the Framework.

The application is therefore recommended for approval.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil