

**9. FULL APPLICATION - CHANGE OF USE FROM DWELLING TO LETTING BEDROOMS FOR THE DEVONSHIRE ARMS PUB AND HOTEL, WITH ASSOCIATED INTERNAL ALTERATIONS. INSERTION OF TWO CONSERVATION ROOF LIGHTS ON THE REAR ELEVATION. EXTERNAL WORKS TO FORM CAR PARKING WITHIN THE GARDEN AND WIDENING OF VEHICLE ACCESS AT 1 DEVONSHIRE SQUARE BEELEY (NP/DDD/1217/1234, P5872, 42697/367453, 11/12/2018/ALN)**

**APPLICANT:   DEVONSHIRE HOTEL GROUP**

**1.   Site and Surroundings**

- 1.1. 1 Devonshire Square is a residential property located on the south western edge of Beeley village, opposite the Devonshire Arms public house. The site is within the Beeley Conservation Area. The property is a 4-bedroomed detached dwelling. It has three floors, the top floor being within the roofspace. It fronts directly onto Devonshire Square with gardens to the west side and rear. It is constructed in coursed natural gritstone under a blue slate roof.
- 1.2. The property also sits within the Environment Agency's Flood Risk Zone 3 – land with a high probability of flooding (1 in 100 or greater annual probability of river flooding).

**2.   Proposal**

- 2.1. Planning permission is sought for the change of use of the dwellinghouse (C3) to letting rooms in association with the Devonshire Arms public house (C1). The submitted plans show that four letting rooms would be provided in total, each with associated en-suites. Two bedrooms would be laid out on the ground floor, and two on the first floor. A lounge would be provided on the second floor, in association with the larger of the first floor units.
- 2.2. The only change to the appearance of the building would be the insertion of two conservation rooflights on the rear (north facing) roofslope. Externally a new patio would be laid to the rear of the property and to the side (west) an existing lawned area would be surfaced with gravel to provide parking for up to four vehicles. The existing vehicular access would be widened by 1200mm.
- 2.3. An existing detached stone outbuilding in the rear garden of the property would be used for storage in association with the public house. A timber shed in the rear garden would be removed.

**3.   RECOMMENDATION**

**That the application be APPROVED subject to the following conditions:**

- 1. 3 year implementation time limit.**
- 2. Adopt amended plans.**
- 3. Implement landscaping scheme.**
- 4. The premises, the subject of the application, shall not be taken into use until the existing vehicular access has been modified in accordance with revised application drawing number 028-17\_008 Rev E.**
- 5. The premises the subject of the application shall not be taken into use until off-street parking has been provided in accordance with the application drawing and constructed with a solid bound material for the first 5m from the highway. The parking shall be maintained thereafter free from any impediment to its designated use.**

6. The proposed gate shall be hung so as to open inwards and shall remain in an open position during occupation of the premises.
7. Flood mitigation measures.
8. Landscaping scheme shown on amended plan no. 028-17\_008 to be implemented
9. Timber shed in rear garden to be removed before accommodation first brought into use.
10. Rooflights to fit flush with roofslope with a central glazing bar.
11. Details of any external lighting to be submitted and approved.

#### 4. **Key Issues**

- The principle of the loss of the dwellinghouse.
- Highway and parking issues.
- Impact on Conservation Area.
- Flood risk issues.

#### 5. **Relevant Planning History**

- 5.1. March 1996 – planning permission granted for off-road parking area.
- 5.2. October 2017 – pre-application advice sought for change of use from dwellinghouse to letting rooms.

#### 6. **Consultations**

- 6.1. Highway Authority – recommended that any widening of the access takes place on the eastern side to maximise distance from the junction. No objections to amended plans subject to conditions to secure provision of access and amendments and parking
- 6.2. District Council – no response.
- 6.3. Parish Council – objects on the following grounds (in summary):
  - Non-compliance with national and local policies. In particular the Core Strategy talks about fostering a sense of place and building resilient communities which the proposals would go against. The proposals would also have a negative impact on living conditions and community; and access and increased traffic levels.
  - Local needs – over the last 10 year Beeley has seen a number of properties become holiday lets and second homes which have an impact on the local community and the provision of long term housing options for people wishing to live in the village.
  - This is the 5<sup>th</sup> house to be requested to be converted to pub accommodation in the village. The previous 4 houses were converted through 2 previous planning permissions in 2007 and 2011.
  - Concerns about light pollution.

- Traffic generation/access/road safety issues. The proposals will generate at least 4 cars causing strain in a high vehicle part of the village. The access is on a complicated junction and the proposals would compound the issue.
- Concerns about capacity of drains and sewers.
- Impact on the Beeley Conservation Area.
- Concerns about risks of flooding.
- Query the number of full time equivalent jobs that is it stated would be created (3-5)
- Query whether a bat report should have been submitted.
- Supportive of removal of leylandii hedge.

Environment Agency – response setting out suitable flood mitigation measures agreed by the applicant, above those initially proposed with the application.

Lead Local Flood Authority (Derbyshire County Council) – refers to standing advice.

## **7. Representations**

7.1. 14 letters of objection have been received. Three of those were from the same objector. Of the remaining 11, eight were 'pro forma' style identical letters with addresses and signatures of the objectors placed upon them. The following issues are raised:

- Non-compliance with national and local policies
- Vehicle access and road safety issues
- Car parking provision
- Light pollution
- Capacity of infrastructure
- Risk of flooding – flooding is often not from Beeley Brook but from surface water running down Chesterfield Road.
- Concerns about sustainability of local facilities including the church, village organisations, schools if number of permanent residents are reduced.
- Four other dwellings already become annexes to the Devonshire Arms

## **8. Policies**

8.1. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

### National Planning Policy Framework

- 8.2. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
- 8.3. Paragraph 28 states that plans should support sustainable tourism and leisure development that benefit businesses in rural areas, community is and visitors and which respect the character of the countryside.
- 8.4. Para 70 states that decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

### Development Plan policies

- 8.5. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
- 8.6. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
- 8.7. Core Strategy policy RT2 allows for the change of use of a traditional building of historic or vernacular merit to serviced or self-serviced holiday accommodation except where it would create unacceptable landscape impact in open countryside.

Relevant Core Strategy (CS) policies: GSP1, GSP2, GPS3, DS1, L3, RT2, CC5.

Relevant Local Plan (LP) policies: LC4, LC5, LC8, LT11, LT18.

## **9. Assessment**

### **9.1. Background**

- 9.2. The accommodation proposed is intended to be used in association with the Devonshire Arms. The Devonshire Arms (grade II listed) is located on the opposite side of the square to the application site.
- 9.3. In 2006, following planning permission and listed building consent the former pub was refurbished and the first floor (which was previously office, storage and kitchen space) was converted to four letting rooms.

- 9.4. In February 2008 planning permission was granted to convert a residential property to the east of the Devonshire Arms (Brookside House) to a further four letting rooms.
- 9.5. In March 2012 planning and listed building consent were granted for the conversion of 3 cottages known as 1-3 Dove Cottages to six more letting rooms, making 14 bedrooms in total at present. The proposals would take the total number of letting rooms to 18.
- 9.6. Issue 1: The principle of the loss of the dwellinghouse
- 9.7. 1 Devonshire Square is currently a 4-bedrromed open market dwelling. The property is a traditional building within the Conservation Area and therefore in principle Core Strategy policy RT2 would support its conversion to serviced or self-catering holiday accommodation. One of the main concerns raised by the Parish Council and local objectors is that the proposals would result in the loss of a permanent dwelling in the village and that this would exacerbate an existing problem of high levels of second home and holiday ownership within the area. They are concerned that the proposals, in particular when taken cumulatively with the other conversion schemes that have been carried out in association with the pub, would have a detrimental effect on the vitality of the local community.
- 9.8. A statement submitted by the applicant argues that of the 31 houses owned by the Chatsworth Estate in Beeley, 27 are occupied by either staff or pensioners or are let on short hold tenancies. The remainder are let to the Devonshire Arms. It goes on to say that conversely of the privately owned properties in the village, 11 are holiday cottages. It states that overall the Estate makes a significant contribution to affordable housing stock by making 120 houses in total available for staff and pensioners and that the proposals would help to support the local community by ensuring the village pub remains sustainable.
- 9.9. It is clear that the level of holiday/second home use of properties in the village is seen as an issue by the local community and the challenges brought about by this trend are recognised in the Authority's Core Strategy. There are, however, considerations that might weigh against these concerns in this case. Firstly the Authority's policies do not protect open market dwellings in the same way as community facilities such as shops, pubs etc. The property is a traditional building that is considered, due to its design and prominent position in the Conservation Area, to be a heritage asset and therefore in principle its conversion to holiday accommodation would be in compliance with policy RT2. Secondly, and more crucially, the property in question could be sold or let out and used as a four-bedroomed single unit of holiday accommodation without any requirement for planning permission. Officers consider that this fall-back position must be given considerable weight. The benefits of the current proposals over the fall -back position is that with a self-catered single holiday unit occupiers would not be reliant on the Devonshire Arms for food and therefore arguably there might be less certainty of economic benefit to the immediate community.
- 9.10. Whilst no viability appraisal has been submitted to suggest that the Devonshire Arms would not be viable without the proposed additional accommodation, it is nonetheless evident that income from the proposed letting rooms would contribute in some way to its continued operation. The accommodation would also provide modest levels of employment in the village.
- 9.11. On balance, whilst the wider problem of second and holiday homes in the village is acknowledged the proposals would not, in this case, exacerbate the problem to any significant degree over and above the situation if the dwelling was used for holiday-let purposes. The proposed change of use is therefore considered to be acceptable in principle.

9.12. Issue 2: Highways and Parking

- 9.13. Saved Local Plan policy LT18 states that the provision of safe access arrangement will be a prerequisite of any development.
- 9.14. There is an existing vehicular access to the west of the dwellinghouse. The submitted plans showed the removal of a 1.2m stretch of the boundary wall to the west of the access in order to improve manoeuvring. Following comments made by the Highway Authority amended plans show a similar length of wall instead removed to the east of the access in order to maximise the distance of the access from the junction of Chesterfield Rd and Devonshire Square, which sits just to the west of the property. At present vehicles exiting the property have to reverse out onto the highway as there is no turning space within its curtilage. The proposals are to provide turning space that would enable vehicles to exit the site in a forward gear.
- 9.15. Although the access is close to a junction visibility is adequate and its use would not be intensified significantly over and above the potential use as a four bedroomed dwelling.
- 9.16. Parking space for four vehicles and a turning area would be provided by extending the existing driveway into the lawned area to the side. These areas would be surfaced with a permeable gravel. Officers are satisfied that sufficient off street parking provision would be provided to meet the needs of the development.
- 9.17. The Highway Authority has raised no objections subject to conditions to secure the provision of the access alterations and parking and consequently it is considered that the proposals accord with policy LT18.

9.18. Issue 3: Impact on Conservation Area

- 9.19. Core Strategy policy L3 requires that development must conserve and where appropriate enhance or reveal significance of archaeological, artistic or historic asset and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest. Policy LC5 also seeks to conserve the character of Conservation Area.
- 9.20. Externally there would be little change to the building itself other than the introduction of two conservation rooflights to the rear roofslope, which are acceptable. The property has unusual windows on the principle south facing elevation – these are traditional sliding sashes with a 4 over 4 arrangement, with each pane having a horizontal emphasis. It is proposed to repair and retain these and other traditional frames.
- 9.21. The main area where there is potential for impact on the character of the Conservation Area is the extended parking area. The property occupies a prominent position at the entrance to the village, but at present the parking and garden areas to the west of the house are screened from public view by a 2m high leylandii hedge that is growing along the line of the boundary wall to the property. Whilst the hedge serves a purpose as a screen, it is a non-native species which is in poor condition and which does not contribute to the character of the conservation area. It is proposed to remove the hedge and replace it with a native beech hedge. It is recognised that the new hedge would take time to mature and provide an effective screen to the extended car parking area, so a temporary hazel fence will be placed between the new hedge and the boundary wall to provide screening until the hedge is established.
- 9.22. Letters of objection have raised concerns relating to light pollution that could arise from any floodlighting. External lighting can be adequately controlled by a condition requiring the details of any external lighting to be approved by the Authority.

- 9.23. The removal of the timber shed within the rear garden is welcomed and the proposals within the garden are minor in nature and in keeping with the character of the property and its setting.
- 9.24. In conclusion subject to a condition to secure landscaping the proposals would conserve the character of the Conservation Area in accordance with GSP3 and L3.
- 9.25. Issue 4: Flood Risk
- 9.26. Core Strategy policy CC5 states that development proposals which may have a harmful impact upon the functionality of floodwater storage, or surface water conveyance corridors, or which would otherwise unacceptably increase flood risk, will not be permitted unless net benefits can be secured for increased floodwater storage and surface water management from compensatory measures.
- 9.27. The application site falls within the Environment Agency's Flood Risk Zone 3 - land with a high probability of flooding (1 in 100 or greater annual probability of river flooding). A flood risk assessment has been submitted with the application.
- 9.28. Environment Agency guidelines classify the existing residential property as a 'more vulnerable' use. The proposed new use would also be classed as 'more vulnerable'. The change of use would therefore not increase the vulnerability classification but more vulnerable uses are usually guided away from Flood zone 3a and 3b and the sequential/exception tests would normally be triggered. However in this case the building is already in place and in residential use and therefore the report considers that the tests are not required.
- 9.29. The report identifies that the risk of fluvial flooding (from Beeley Brook) is high but that an existing step at the door threshold is just above the 1 in 100 year flood scenario. The report recommends the a Flood Emergency Management Plan is produced and that flood resilience/resistance construction measures are incorporated.
- 9.30. Some of the letters of objection received express concerns about surface water flooding particularly from water running down the hill along Chesterfield Road towards the property. The submitted flood risk assessment covers surface water flooding and it confirms that the site is currently served by a surface water and foul drainage arrangement which discharges into the public sewer. The proposed change of use would not include any extensions to the footprint of the building and the proposed gravel turning area would be permeable and infiltrate at source. The path and patio are negligible areas and would shed onto the surrounding garden. As such the report concludes that there is no requirement for additional surface water attenuation. Any concerns about the capacity and maintenance of the existing surface water drains on the public highway are a matter for the Highway Authority and not relevant to the determination of this application
- 9.31. The Environment Agency has been consulted and has suggested additional mitigation measures which the applicant has agreed to. It is considered that the proposals comply with policy CC5 subject to a condition requiring the mitigation measures outlined in the flood risk assessment to be implemented.
- 9.32. Other Issues
- 9.33. Impact on Residential Amenity
- 9.34. Core Strategy policy GSP3 and Saved Local Plan policy LC4 both required that the impact on living conditions is given consideration. The nearest neighbouring property to no. 1 Devonshire Square is no. 2 Devonshire Square, which sits directly to the east. This

property is set back further from the road such that its gable end abuts the side of rear garden of no.1. There are two windows on the said gable end, the ground floor one being a small, fixed secondary window and the first floor one being a bedroom window. Whilst there would be opportunities for overlooking between this bedroom window and the bedrooms windows on the first floor of the proposed accommodation, this would no different to the existing situation given that the property is in use as a dwelling. Similarly there may be the potential for some noise emanating from the use of the proposed patio but again it is not considered that this is likely to more significant than from the established use as a large dwelling. It is acknowledged that use as letting rooms could result in different patterns of use from those that would be associated with a residential dwelling. However, given the scale of the proposed use with four bedrooms, it is considered that it would not result in harm to amenity by way of noise or other associated disturbance. Consequently the proposals are considered to accord with GSP3 and LC4.

9.35. Protected Species

9.36. Although the Design and Access Statement states that the main building would be re-roofed the agent has since confirmed in writing that in fact the roof is sound and will remain unaltered. As such there would be no alterations to the roof, other than the addition of two roof lights which are considered to have low potential for impact on bats, and a protected species survey is not required in this case.

**10. Conclusion**

10.1. In conclusion, the proposal represents an acceptable change of use of an open market dwelling to holiday accommodation. Flood risk issues have been satisfactorily addressed and can be mitigated by means of a condition; and access and parking arrangements would be adequate to meet the needs of the development. Subject to implementation of landscaping the character of the Conservation Area would be conserved. Consequently the application is recommended for conditional approval.

**11. Human Rights**

11.1. Any human rights issues have been taken into consideration in the preparation of this report.

**12. List of Background Papers (not previously published)**

None