

**6. FULL APPLICATION - ALTERATIONS AND EXTENSIONS TO EXISTING PUBLIC HOUSE TO FACILITATE CONVERSION TO CLASS A1 CONVENIENCE STORE - RUTLAND ARMS, CALVER ROAD, BASLOW (NP/DDD/0115/0040, P.5887, 20/1/15, 425122/372391, MN)**

**APPLICANT: NEW RIVER RETAIL PROPERTY UNIT TRUST**

**Site and Surroundings**

The Rutland Arms public house is a traditional building sited on the western side of Calver Road, Baslow. It 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. 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 pub car park, which has two accesses onto the A.623 Calver Road. The front boundary of the car park is marked by a low stone wall. There is a yard area between the pub and the car park and also a store/garage that is set behind the building line of the main building. To the rear the pub is a 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 pub 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 Rutland Arms is referenced in the Appraisal only for its role in 'closing' the view to the west.

**Proposal**

This application seeks to extend and alter the Rutland Arms public house, Calver Road, Baslow, to facilitate its change to an A1 shop use.

The applicant has stated that the application is for extensions and alterations to facilitate a change of use, and that the change of use itself could be carried out as permitted development under the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) ( the "GPDO").

However, the proposal is not presented as extension of a pub - the alterations and extensions are to facilitate the change of use, and the change of use is therefore considered to form part of the planning application. The starting point for the Authority is therefore to assess the entire application against the policies of the Development Plan, giving weight as appropriate to all material considerations, including the change of use that could be carried out under the provisions of the GPDO.

The physical works involve altering and extending the property to its northwest elevation. The extensions would increase the overall length of the building by 2 metres, including an increase in length of the existing two storey gable and the replacement and extension of a single storey extension. The application also originally proposed adding a single storey flat roofed extension to this end of the building, designed to incorporate an ATM cash machine. This has since been removed from the scheme, following Officer's advice, because it was considered that this element would detract from the appearance of the building and area, and could potentially lead to parking on the highway. The existing flat roofed extension would also be altered by the proposal, with the stone of northwest facing elevation being mostly replaced by a glazed door and glazing that would form the main entrance to the shop. This glazing was originally proposed to wrap around to the front elevation, but was revised following Officer advice.

Other alterations to the building itself are restricted to blocking up a rear door at first floor level with removal of associated metal staircase. The existing adjacent flat roofed garage/store would also be altered, having its roof removed, some openings blocked up, and the timber doors being replaced by timber planked doors with black mesh to the bottom to provide air flow through the space, which would house a plant and refuse area.

A widening of the two entrances to the car park is also proposed, which would involve removal of a short section of low stone wall from the side of each entrance.

**RECOMMENDATION:**

**That subject to receipt of a satisfactory bat survey, it is recommended that the application be APPROVED subject to the following conditions:**

- 1. 3 year time limit**
- 2. In accordance with revised plans**
- 3. All new walling to be natural stone to match the existing**
- 4. All new roofs to be clad with natural slates to match the existing**
- 5. Prior to installation details of the proposed windows along with details of their proposed finishes shall be submitted**
- 6. Prior to the building being taken in to the approved use the windows to be obscured in accordance with amended details**
- 7. Scheme of external lighting to be submitted prior to the new use being implemented**
- 8. Prior to the installation of any external refrigeration, air conditioning, or other motors or fans a noise survey shall be undertaken, submitted, and any mitigation agreed by the Authority**
- 9. Delivery and refuse collections limited to be between the hours of 08:00 to 18:00, Monday to Fridays, 09:00 to 13:00 on Saturdays and no deliveries on Sundays and Bank Holidays**

10. **Visibility splays and site accesses shall be maintained in perpetuity as shown on the revised plans.**
11. **No development until space has been provided within the site for the storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods and vehicles, and the parking and manoeuvring of employees and visitors vehicles in accordance with details to be submitted.**
12. **No development until a Delivery Management Plan addressing size, timing, and routing of delivery vehicles has been submitted.**
13. **No development shall take place until a Traffic Management Plan to deter roadside parking to be submitted.**
14. **Parking provided and maintained in accordance with revised plans.**
15. **Shop doors shall not open outwards.**
16. **No access ramps to the shop within the public highway.**
17. **Removal of permitted development rights for extensions and external alterations.**
18. **Flood mitigation measures to be carried out in accordance with those proposed in the submitted Flood Risk Assessment document.**
19. **Any measures arising from bat survey.**

### **Key Issues**

The key issues in assessing this proposal are:

- The acceptability of the principle of the development
- The impact of the development on the character and appearance of the building
- The impact of the development on the setting of the building, including on the Conservation Area and adjacent Listed bridge
- The impact of the development on highway safety
- The permitted development rights relating to the building

### **History**

2005 – Permission granted for the erection of new signage scheme

1995 – Temporary permission granted for erection of sign

### **Consultations**

Highway Authority – No objections relating to the proposal on the basis that the change of use would constitute permitted development. Whilst not objecting, some concerns are raised regarding some elements of the proposal including bollards adjacent to the entrance, the external ATM, and the relocation of a lamp post. These elements have since been omitted. More detailed comments include:

- No access ramps should be sited within the public highway
- The shop doors should not open outwards over the public highway

- There is a potential for increased delivery vehicles to increase on-road parking to the detriment of the free flow of traffic on the highway and visibility from the egress. Therefore suggest that existing waiting restrictions (double yellow lines) are extended.
- The development is likely to lead to an increase in turning traffic at the site, but not necessarily an increase in vehicle numbers on the immediate road network
- There are no recorded collision incidents in the vicinity of the site in at least the last 3 years
- The site would not meet the recommended maximum parking standards, but would be closer to them than the extant pub use
- The applicant could consider relocating the cycle park away from the proposed delivery area.

District Council – Environmental Health – No objection subject to the control of delivery and refuse collection timings, and the undertaking of noise surveys in relation to the installation of potential refrigeration or air conditioning motors.

Parish Council – Object to the proposal on the following grounds:

- Harmful effect on the character and appearance of the building, Listed bridge, and conservation area
- Highway safety including increased traffic, increased pedestrian movements and associated road crossing risks, and impacts of delivery vehicles on parking provision
- Inadequate parking/loading/turning provision
- Size of store not proportionate to local need
- Increased noise disturbance
- Increased light pollution
- External ATM will attract dangerous roadside parking

PDNPA Conservation – Recommends that the application is refused, considering that the development would lead to a significant and irreversible loss of character and features to a fine vernacular building that plays a crucial townscape role in the conservation area. Specifically:

- There is a lack of heritage assessment provided with the application
- The building would be converted from a pub to a food store in a way that adversely affects its character; the outside appearance would bear no relationship to its gutted interior
- The proposal would involve substantial loss of historic building fabric
- The blanked-out windows would harm the character and appearance of the conservation area
- The rear extensions will add a non-traditional flat roof, and elongate the existing rear wing out of proportion with the main frontage, detracting from the conservation area

PDNPA Ecology – Bat survey required.

Environment Agency – No objections to the proposed development as submitted. Advice provided for the applicant in relation to assessment of potentially contaminated land and removal of any contaminated waste from the site.

English Heritage – Do not wish to comment in detail, but refer the Authority to the advice of their Conservation Officer and the English Heritage guidance on the setting of heritage assets

### **Representations**

At time of writing 97 letters of representation have been received. 93 object to the proposals, whilst 4 are written in support. The grounds for both objection and support are summarised below. The full version of each letter of representation can be read on the Authority's website.

In addition to the individual letters of representation received, a petition attracting 700 signatures titled '*Baslow does not require a second village/convenience store*' has been submitted. This was

held in the existing village SPAR shop and Post Office and the signatures were collected between 18 January and 17 February 2015. A second petition of 150 signatures was submitted alongside this petition, having been held at the SPAR shop in the neighbouring village of Calver under the title '*Residents of Calver do not require more convenience stores in the area*'. It is not stated when this petition was carried out, other than over a two week period.

The grounds for objection raised by the individual representations are summarised as follows:

- The village already has sufficient convenience goods provision and there is no need for a further shop.
- The development poses a threat to other businesses and their employment within the village, including the existing convenience store, the Post Office, and the surgery pharmacy.
- The development will lead to increased traffic on the highway around the site, posing an increased highway safety risk.
- The development will lead to increased pedestrian activity, including an increased need to cross the main road in a dangerous location, posing an increased highway safety risk, particularly for children.
- Increased numbers of delivery vehicles generated by the development would cause an obstruction and hazard to users of the highway.
- There is insufficient on-site parking proposed, which will lead to on-road parking and waiting, posing an increased highway safety risk. Related to this, users of the new shop would make use of the limited parking outside existing nearby shops, reducing their custom from passing trade.
- Were the existing convenience shop forced to close, support of local suppliers would be lost as well as the additional community services offered, such as home deliveries for elderly customers.
- The proposed signage would be inappropriate and out of keeping, harming the appearance of the building and its setting.
- The change of use and/or the alterations and extensions would harm the character and appearance of the building, the Conservation Area, and the adjacent Listed and Scheduled Baslow Bridge.
- The development would result in the loss of the pub, which is a valued community facility.
- The shop would be occupied by a national chain with no local interest and would detract from the rural and independent character of the village.
- The proposed use would lead to increased noise to the detriment of nearby residents, including as a result of opening hours exceeding those of the current use.
- Increased traffic levels would lead to higher levels of pollution.
- The submitted traffic survey is inadequate and/or inaccurate and does not take account of local factors.
- The location is not accessible on foot to some residents.
- The pavement widths and barriers around the site lead to inadequate pedestrian access.
- If the development is undertaken and the retailer later pulls out it could leave the village with no convenience store provision (based on the assumption that the existing store would have been put out of business between times by the increased competition).
- The internal blanking out of the windows would have a detrimental effect on the appearance of the building and its setting.
- The external cash machine (ATM) would lead to harm to the buildings appearance, littering, and parking on the roadside in a position contrary to safe use of the highway.
- The development would lead to the loss of views of the Listed Baslow Bridge from the pub garden.
- There is no requirement for further employment in the village.
- It would be premature to determine this application prior to the determination of the application that has been made to the district council for the pub to be listed as an Asset of Community Value.
- The lighting from the development would harm the amenity of nearby residents.
- An insufficient heritage assessment has been made of the building.

- The cycle storage area is at risk of being hit by delivery vehicles.

The grounds for support raised by the representations are summarised as follows:

- The position of the existing convenience store is difficult for elderly and infirm residents to walk to.
- This area of the village is poorly served by convenience stores, and the development would provide an accessible shop for Bubnell residents.
- Parking and vehicular access would be better at the proposed store than is the case for the existing store.
- The development would provide a fuller range of products than is currently available in the village.

### **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 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.

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 and 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 services, 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.

### **Wider Policy context (if relevant)**

Since this application has been submitted an application has been made to Derbyshire Dales District Council requesting that the pub be listed as an Asset of Community Value (ACV). Under the Localism Act 2011, community organisations and parish councils can nominate 'assets' to be included in a 'list of assets of community value'. If the authority deems the asset to have community value and includes it on their 'assets of community value' list then if the owner of a listed asset then wants to sell it a moratorium period will be triggered during which the asset cannot be sold. This is intended to allow community groups time to develop a proposal and raise the required capital to bid for the property when it comes onto the open market at the end of that period.

In addition, ACV listing can be a material consideration when a planning authority is determining a planning application affecting such an asset. The Department for Communities and Local Government's non-statutory guidance on ACVs states that *"it is open to the local planning authority to decide whether listing as an ACV is a material consideration if an application for change of use is submitted, considering all the circumstances of the case"*.

The application site is located within the Baslow and Bubnell Conservation Area, and so the Baslow and Bubnell Conservation Area Appraisal is also a material consideration in the assessment of this application.

### **Assessment**

#### **Principle**

##### *Change from use from pub*

The development would result in the change of one community use to another and would not result in the unavailability of any such service within the village; it would create a further shop and the village would still benefit from two further pubs. The proposed shop would increase the breadth of convenience products available within the village, and in this sense would improve local service provision within the village, as encouraged by policy HC4 of the Development Plan.

As noted in the policy section above, since this application has been submitted an application has been made to Derbyshire Dales District Council for the pub to be listed as an Asset of Community Value (ACV). At time of writing that application is still outstanding. If it is approved then Officers would be obliged to consider whether the building's listing as such an asset is a material planning consideration and to make an assessment of how much weight to give to this status. In addition to national planning policy – which seeks to support the sustainability and growth of rural communities – and regardless of the ACV application, the community value of the pub is already a material consideration because the Authority has a duty to consider the social well-being of its communities when carrying out its statutory purposes, as reiterated by policy GSP1. This is reflected in the Core Strategy and Local Plan policies referred to above.

The level of use of the current pub has not been established and no assessment has been made of its business model or service offering. Officers have therefore assessed its community value on the basis that the pub is, or could be, run as a successful business. As well as offering a useful community facility for eating and drinking, successful pubs can also act as important social hubs within village settings.

As previously stated, the pub is one of three available within Baslow, the other two being towards the eastern end of the village. Both of these serve food as well as drinks. There are also a number of other restaurants, a hotel and a cafe within the village. The change of use of the pub to a shop would not therefore leave local people without sufficient local provision for eating and drinking out, or without the social benefits noted above that pubs can provide.

Having considered these points, the social and community impacts that the loss of the pub would result in are considered to be low, and are afforded only limited weight in assessing the application. The proposal is, in effect, replacing one form of community facility with another.

#### *Proposed use*

Officers have considered the scale of the development relative to local shopping needs and the settlements visitor capacity, as is required by policies HC5 and LS1. Baslow village has a population of just over 1000 residents. The pub is situated on a main road used by both residents and visitors, as well as by those passing through the village on the A623 and A619. Whilst some objectors have stated that they consider the population of Baslow to be insufficient for a store of the proposed size to be viable, it is considered that its location means some of the store's custom would be likely to come from visitors to the village and those passing through on other journeys, as well as from local residents.

However, the shop would not be of such a size that the service it could offer would be likely to attract visitors from outside of the nearby area or outside of the National Park. In terms of size, the shop would be commensurate – relative to the village population – with the established convenience stores of other Peak District villages, including those at Calver, Tideswell, Bradwell and Bakewell.

Taking account of all of these factors, the proposed store is considered to be commensurate with the likely local demand and visitor capacity of the area, and in accordance with adopted policy.

Some objectors have raised concerns regarding the impacts of the proposed development on the existing convenience store within the village, as well as the Post Office and surgery-based pharmacy (including a knock-on effect to the surgery itself). Whilst Officers understand the desire to support longstanding local businesses, matters of competition are not material planning considerations. The Post Office can be considered to be a community facility in its own right, but there is no evidence to suggest that if the existing shop were to close that the Post Office would not be relocated to another site within the village. Similarly, there is no evidence of a potential impact on the pharmacy, or that any such impact would lead to a loss of the surgery. Some representations also object to the application on the grounds that it would introduce a national retail chain to a village with a generally rural and independent retail offering, and that this is unwanted. The identity or nature of the occupant of the shop is not a material planning consideration and so no weight should be given to this matter.

#### **Design and visual impacts**

The alterations and extensions applied for are described in the 'Proposal' section above. The Authority's Conservation Officer has objected to the proposal on grounds relating to the impacts of these works. Whilst recognising that most of the works could be carried out under permitted development rights, he considers that the development would be harmful to the character of a non-designated heritage asset. Some of his objection relates to the internal alterations that would be undertaken were the development to proceed, along with a concern over the impact of the extension on the buildings appearance, and a loss of historic fabric.



Internally, the opening up of the ground floor to accommodate the shop floor would result in the removal of the majority of dividing walls (some of which would be historic fabric) and of the bar counter. The Conservation Officer considers that these changes would result in a building in which the interior appearance and use bear no relation to the external appearance, and that this has the effect of harming the building's character.

As a non-listed building, works to the inside of a building would not usually fall under planning control, limiting the weight that can be given to these changes. Nonetheless, the building has been identified as a non-designated heritage asset and the NPPF requires applications to take account of the effect of development on the significance of a non-designated heritage asset when determining applications. It goes on to state 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. The applicant's heritage statement provides little detail with regard to the impacts of the proposed works to the building's appearance, but the nature and scale of the proposed alterations are such that it is considered an assessment of the application can still be made based on the information available.

The primary significance of the Rutland Arms is its role in the street scene and contribution to the character and appearance of the conservation area, being a historic and mostly traditionally designed building that occupies a prominent corner plot, and is also adjacent to Scheduled and Listed Baslow Bridge. The internal works would not alter the building's external appearance in its setting (with the exception of internally screening the windows, which is discussed later in this section of the report). Officers also give weight to the fact that, regardless of this application or the change of use of the building, internal alterations could be made without the permission of the Authority. Officers therefore consider that very little weight can be given to the Conservation Officer's comments, or those of objectors, in relation to the internal alterations.

In terms of the form of the proposed extensions, as described in the proposal section above, the Conservation Officer considered that they would add a further non-traditional flat roofed element and elongate the existing rear wing out of proportion with the main architectural frontage, detracting from the conservation area's appearance. The flat roofed element has since been removed from the proposal as noted above. Officers disagree with the Conservation Officer's view in regards to the impact of the elongation of the extension. In terms of form, it simplifies a somewhat jumbled arrangement of roof and wall slopes, resolving the appearance of the extension. By virtue of being so significantly set back from the front elevation it does not compete with it, nor is it significantly more prominent in the conservation area. Its massing remains subordinate to the parent building, and the proportions of the extension would better reflect those of the main building than the current extensions do. The Conservation Officer has also advised that the building does not have sufficient architectural or historic interest to justify the statutory listing of the building, as has been suggested by some of the objectors

The alterations to the existing flat roofed extension, as amended, would accommodate the main entrance to the shop. The front, road-facing, wall of the extension would be increased in height by approximately 600mm but would otherwise remain unchanged. This means that from the front and when approaching from the south the appearance of the building would be largely unaffected. The new shop front would be visible on approach from the north. It is considered that in these views it would be seen as a modern and unfussy intervention to a later part of the building. It is therefore not considered to have a significant effect on the building's overall character and appearance.

The impacts of the extensions on Baslow Bridge have been considered, as it is an important historic structure. The extensions would be to the northern end of the building, which is the furthest from the bridge and faces away from it. In most views the extension and bridge would not be seen together. Some views of the extension would be afforded from the bridge, but these would be partial and the matching materials proposed would mean that it did not appear prominent or out of keeping. English Heritage have been consulted for their views in relation to

the listed bridge and raise no objections. The impact on the setting of the bridge is therefore considered to be very low and in accordance with policy LC6.

The applicant has advised that they are proposing to retain the ground floor windows but to blank them internally for security purposes. This is considered to have an unfortunate effect on the building's appearance and its setting in the conservation area, as the light and activity behind the windows add life and vitality to the street environment and conservation area. However, the Authority has limited powers to reasonably control this. If the Authority were to require that the windows themselves remain unobscured, there would still be no control over the internal layout of the shop. The applicant has advised that the layout would include shelving around the internal face of the external walls so if the windows are unobscured then views into the building would be of the back of these shelves, affording no views of people or lights, and having a more detrimental effect than if the windows were screened.

As a result, Officers have sought to minimise the impacts of screening the windows, considering this to be preferable to leaving the matter completely uncontrolled. The applicant had originally proposed to screen the windows internally with a grey film adhered to the rear side of the glass. Officers considered that this would deprive the windows of any depth, as neither the internal part of the window frames or the internal window rebate would be visible. Officers have therefore negotiated to secure a grey-coloured board in line the internal face of the wall across the openings. Whilst still not allowing views in to the building this will mean that when viewing the windows from an angle it will be less apparent that they have been obscured, and where it is apparent the windows will still retain some depth and character.

The alterations to the garage/store would facilitate its use as a plant area and for the storage of refuse. This building has a low impact on the appearance of the site. Whilst of non-traditional design, its low height and recessive position mean that it does not appear prominent. The replacement of the timber doors would have a low impact on the building's appearance, with the black mesh required to ventilate the space being limited to the bottom 300mm of the openings. The removal of the flat roof and fascia is considered to both improve the structure's appearance and reduce its prominence. Overall, the impact is therefore considered to be an improvement and in accordance with policies L3, LC4, and LC5.

The removal of a small amount of the low stone walling adjacent to the site entrances is considered to have an insignificant effect on the appearance of the site due to the limited amount of removal and the fact that the wall's low height reduces its role and importance in the street scene.

English Heritage have advised that they do not wish to make specific comment on the application, other than providing a standard reply that refers to the advice of the Authority's Conservation Officers.

Overall, and based on the assessments above, it is considered that the extensions and alterations conserve the character and appearance of the property and wider area and therefore accord with policies L3, LC4, LC5, LC6, LC8, and LC10.

Whilst the proposed extensions and alterations are considered to conserve the character and appearance of the building, further extension or alteration has the potential to cause harm in these regards. If permission is granted, some further extension could be carried out under permitted development rights. If the application is approved it is therefore considered necessary for permitted development rights for alterations and extensions to be withdrawn.

## **Signage**

There have been a number of objections to the proposed signage for the shop. The signage does not form part of this application however and is controlled under the advertisement consent regime. Depending upon its final positioning some of the signage would be likely to benefit from 'deemed consent' under that legislation (i.e. no further permission would be required), whilst

some could require a separate application to the Authority for 'express consent'. In order to make it clear that the signage is not part of this application, the applicant has omitted it from the revised montage illustration.

## Highway matters

### *Parking*

In terms of parking requirements, the 'Adopted Car Parking Standards in Derbyshire' included in the Local Plan is now very outdated. The more recently adopted standards (2005) of the Derbyshire Dales District Local Plan are a better representation of currently advised parking standards for this area. The applicant has used these to calculate that a food shop of the size proposed would require a maximum of 16 parking spaces. However, they have not accounted for the provision of staff parking spaces, which for a building of this size would amount to a maximum provision of 4 further spaces, totalling 20. The application proposes 13 spaces. The applicant has provided results from surveys monitoring parking levels for food shops that indicates provision of 13 spaces, even if 4 spaces are reserved for staff, would be sufficient during peak periods.

A number of objectors have stated that the survey findings do not account for local factors in arriving at these conclusions, noting that these are skewed towards urban areas rather than rural villages. No contrary, evidenced data has been put forward to contradict the survey findings, however, and the Highway Authority has found the figures regarding potential parking requirements to be "reasonably robust".

The parking provision should also be considered in the context of the existing use of the site. For a pub of this size, with a beer garden, the maximum number of parking spaces required would be much higher, around 90 spaces according the Highway Authority's calculations. Officers calculate it to be closer to 50, but it is nevertheless clear that the change of use proposed would result in a significant reduction in the requirement for parking spaces. In light of this, there are no sustainable objections to the proposed level of parking provision, as it represents an improvement over the existing use and is likely to be sufficient to meet demand.

The provision of a cycle store is welcomed, encouraging the use of sustainable transport when visiting the site. The Highway Authority has noted that the applicant could consider moving the cycle park elsewhere within the car park to improve the safety of its use. However, they did not object to its proposed position and Officers do not consider this poses a significant safety risk; the cycle park would be clearly visible to those using the car park, and, whilst adjacent to the delivery area, it does not impede access to it.

### *Traffic and pedestrian movements*

Due to the siting of the building on the main road it is expected that many visits to the proposed store would be combined with other journeys, or that they would replace trips to other convenience stores outside of the village. This accords with comments from the Highway Authority, which notes that around 85% of visits are likely to be pass-by or diverted and already be on the network. The shop would be unlikely to attract additional traffic from outside of the village, as the closest settlements of notable size, Calver and Bakewell, already benefit from larger convenience shops. In addition, it is noted that were the pub to run successfully then it could become a destination venue within the area, attracting visitors from a wider catchment and resulting in additional vehicular visits.

Nevertheless, it is still considered that there would be different patterns of movements between the two uses and that the frequency of vehicles entering and leaving the car park would be likely to be higher under the proposed use, especially during the daytime. Adequate visibility at the site entrances is therefore an important consideration here. Visibility distances in each direction from the site entrances accord with those advocated by the *Manual for Streets* and *Manual for Streets 2*, and there is also clear visibility across the adjacent pavements due to low boundary walls long the car park perimeter.

The applicant has proposed that deliveries would be made by 8m long vehicles and have demonstrated that 10m vehicles could access and leave the site in forward gear without encroaching over parking spaces and would have satisfactory exit visibility. However, because the frequency of deliveries would be likely to increase under the proposed use, and because the 'dwell time' for customer vehicles would be reduced, it is possible that deliveries could lead to increased impediment of parking spaces and risk of vehicles parking on the highway. At this point of the road, this would be detrimental to the safe and efficient use of the highway. The Highway Authority has recommended that the double yellow lines adjacent to the existing site are extended across its entire frontage to reduce the likelihood of customers or delivery vehicles stopping here.

It is noted that the applicant could undertake a scheme for change of use only with similar impacts in this regard under permitted development rights, without the need to meet such conditions. However, the application seeks permission for a scheme which requires permission and which brings such matters under the Authority's control. It is therefore considered reasonable and necessary that a scheme of traffic management for this section of road, which could comprise double yellow lines or another parking deterrent such as an extension of the roadside railings, is required to be agreed with the Authority in consultation with the Highway Authority by a "Grampian" style planning condition, which would require discharging before any development is undertaken.

In addition, the possibility of concurrent deliveries and deliveries by vehicles larger than those proposed mean that it is considered necessary for a condition requiring a delivery management plan to be agreed by the Authority prior to the change of use taking place. These two conditions would mitigate any adverse impacts to a reasonable level, particularly taking account of the currently unregulated deliveries that could be made to the site under the extant use.

In terms of impact on pedestrian activity, it is considered that the proposed use would lead to some increase in on-foot visitors to the site. The stretch of the A623 adjacent to the pub is a well-used and at times busy road. It already serves as a crossing point for the pub itself, as well as for shops, a restaurant, and the church. In addition Baslow Bridge provides the main pedestrian link between the houses of Bubnell Lane and Baslow village, and from there people are also required to cross the A623 to access most village services. The pub's position close to a bend in the road does reduce visibility to the south east when crossing the road. A central pedestrian refuge is in place on the road some 30m east of the pub, aiding crossing of the road, but visibility to the north west at this point is still less than would be desirable. The road bends towards the north west as it passes the pub and straightens out, and crossing the road 30m north west of the pub gives sight lines of over 60 metres to the south east and over 100 metres to the north west.

Some objectors have referred to accidents at this location, including repeated damage to the refuge bollards, and the potential for these to be increased under the proposed use. However, the Highway Authority has advised that no accidents have been recorded within the vicinity of the site with the last 3 years, and they do not raise any concerns regarding the potential increased level of pedestrian activity at this location. Consequently, there are no grounds for objection in this regard.

Whilst the narrow pavement around the pub is not ideal in terms of pedestrian access, this is an existing situation outside of the applicant's control, and affects the existing use in the same manner in which it would affect a shop. There would be some improvement in access to the building due to the door being set away from the narrow section of pavement that restricts access to the current door, and by virtue of it being wider than is currently the case. This would make access for disabled people and those with prams/buggies easier.

### **Permitted development rights**

The Town and Country Planning (General Permitted Development) Order 1995 (as amended) (the "GPDO") is a material consideration in assessing this application. This permits the change of use of a building from an A4 use (which includes pubs) to an A1 shop use. This does not grant

permission for any external extensions or alterations required to facilitate the change of use however, which is the reason that this application has been submitted. However, a smaller extension than that currently proposed could be carried out under permitted development rights following conversion to a shop under a different provision of the GPDO. This therefore represents an alternative 'fall-back' option for the applicant if this application is refused.

To weigh the significance of this fall-back position in assessing the application, its impact in planning terms relative to the current proposal must be assessed. As assessed above, the design and form of the proposed extensions is considered to be acceptable, and they provide only minor additional floorspace that would not result in a significantly larger or busier shop than would otherwise be the case. The fall-back position would not result in significantly less harm than the current proposal in these regards.

In terms of the change of use of the site, impacts such as parking, delivery times, noise generation, light pollution, and changes to flood risk would be outside the control of the Authority if the fall-back position was to be taken up. In these regards the fall-back position therefore has the potential to have more harmful planning impacts than the scheme currently proposed, under which the Authority could control such matters.

The applicant has not directly stated that they intend, or indeed would be able, to convert the building to a shop under these provisions were this application to be refused. However, the relatively small degree of extension and alteration currently proposed to facilitate the conversion would indicate that it would be possible for a conversion to be undertaken as permitted development. This therefore represents a realistic fall-back position for the applicant, with a reasonable likelihood that they would pursue such a conversion were this application to be refused.

Given the above assessment, the permitted development rights of the applicant are given significant weight in favour of the current proposal.

### **Noise**

Environmental Health officer has been consulted and has raised no objections to the proposal on noise grounds subject to deliveries being restricted to take place only between 8:00 and 18:00 Monday to Friday and 9:00 to 13:00 on Saturdays with no Sunday or bank holiday deliveries. They have also advised that there is the potential for additional refrigeration or air conditioning motor noise to be generated, and that the applicant must carry out a noise survey to establish potential impacts, with the findings and any required mitigation to be agreed in writing by the Planning Authority prior to installation. Due to the site being within a residential area Officers agree with this assessment, and it is recommended that if permission is granted that both of these matters are controlled by planning conditions. Subject to such conditions, the application is considered to accord with policies LC4 and LC21.

### **Pollution**

As identified earlier in the report, it is considered that most traffic utilising the site will already be on the highway network. As the proposed use of the site would contribute no further pollution than the extant use in other regards pollution impacts are considered to be low and therefore in accordance with Policy LC21.

### **Lighting**

External lighting also has the potential to impact on nearby properties if not properly controlled, as well as the character and appearance of the conservation area. For this reason, if permission is granted it is considered necessary that any external lighting should be subject to the prior approval of the Authority. This could be controlled by planning condition.

## **Flood risk**

Much of the site is within Flood Zone 2. However, the use type would change from one that the Environment Agency (EA) class as 'More Vulnerable' (drinking establishments) to one that would be classed as 'Less Vulnerable' (shops). The EA raise no objections to the proposal. The applicant has undertaken a flood risk assessment as part of their submission, which confirms that the existing floor levels would remain unchanged, and demonstrates that both these and car park ground levels would provide sufficient flood resistance and access routes were such an event to occur. Based on the change of use, the EA's advice, and the subject to the development being carried out in accordance with the proposed mitigation measures (finish floor levels), there are no objections to the proposal on flood risk grounds. This could be secured by planning condition.

## **Protected species**

At time of writing the applicant is in the process of undertaking an ecological survey to assess the potential impact of the development on bat activity. This is required because the development proposes altering a part of the existing roof, where the two storey extension would adjoin the existing building. It is expected that this report will be submitted before the Planning Committee meeting. Should this demonstrate that no evidence of bat activity or occupation of the building has been found, and that the building is not suitable for such use, then the development would be considered acceptable in this regard.

However, should the report suggest that there is the potential for such activity or that further survey works are recommended – or if the survey report is not available before the Committee Meeting – then Officers would recommend that the application should be refused, as the impact on this protected species cannot be fully assessed. And adverse impacts cannot be ruled out, contrary to policies L2 and LC17.

## **Appeal decisions**

One objector has requested consideration of a planning appeal that was dismissed by the Planning Inspector following the refusal of planning permission for the change of use of 'The Porcupine' public house, London, to a shop (Appeal ref: APP/G5180/A/14/2217362), considering this to be a similar proposal to the current application. Whilst the application was also for a change of use from a pub to a shop, the proposal differs from that currently proposed in a number of significant ways. That application involved substantially extending the existing building. It was also considered by the Inspector to be the last remaining pub in the local centre. It also had substandard access visibility and replaced existing landscaping with additional car parking space. This is therefore considered significantly different from the current proposal.

A further appeal decision that allowed the change of use of 'Somerset House' public house, Chesterfield, to a shop has been brought to Officers' attention by the Highway Authority in support of its consultation response. This proposal included a similar level of extension to that proposed under the current application, albeit to the rear of the property, and resulted in a larger reduction in parking provision than is proposed by the current application. However, the setting of the building is considered to be suburban, rather than rural.

In allowing the appeal, the Inspector accepted that the pub was well used and was listed as an Asset of Community Value, and noted that the Framework seeks to guard against the unnecessary loss of valued facilities and services. He acknowledged local concerns regarding the effect that the proposed use would have on local businesses, and concerns relating to the increased number of comings and goings that a retail store could generate. He gave great weight however to the fact that the pub could be converted into a retail store without planning permission and determined that overall the other factors did not justify withholding planning permission. Due to its parallels with the current application, this decision is given some weight.

## **Conclusion**

Officers have assessed the application against all relevant planning policy and all other material considerations. Whilst there is significant local objection to the proposal, it is considered to comply with both national and local planning policies. All other material matters have also been considered and are either considered to be acceptable, or can be made acceptable by the imposition of planning conditions. This is subject to the findings of the outstanding bat survey, which has the potential to result in an objection on ecological grounds or to require additional measures.

It is also relevant that the applicant could pursue a scheme under permitted development rights that could have more significant impacts than those that this planning permission would result in, by virtue of the fact that the Authority would have no control over matters that would be brought under some control if permission for this application is approved with conditions.

The application is therefore recommended for approval, subject to conditions, and to the findings of the bat survey.

## **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