

6. FULL APPLICATION - CHANGE OF USE AND ALTERATIONS TO EXTERNAL ELEVATIONS TO CREATE CLASS A1 CONVENIENCE STORE WITH ASSOCIATED SERVICING, REFUSE, PLANT AND PARKING AREAS (REVISED DESCRIPTION) - 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 within Baslow village. It occupies a prominent roadside and corner position in the Conservation Area, fronting the A623 and the road serving Baslow Bridge. 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 window and door 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 behind (west) the site and is spanned by Baslow Bridge, which is sited very close to the south of the pub. The bridge is a Grade I Listed Building and a Scheduled Ancient Monument. The bridge is constructed of ashlar sandstone and there is a gable roofed watchman's booth to the northeast end. The bridge is dated 1608 by inscription. Over the bridge to the west of the river are the properties which comprise Bubnell. The buildings in the area are of varying ages, types, and sizes, but most have traditional 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 change the use of the Rutland Arms public house to an A1 shop use, including alterations to the building to facilitate such a change. Extensions were originally proposed as well but have since been omitted by the applicant along with a proposed external cash machine. These extensions were omitted because the results of the bat survey, required because the extensions would affect the roof eaves of the original building, were inconclusive, meaning that harm to this protected species as a result of the extensions could not be ruled out.

When the application was originally considered by Members in March 2015 the change of use could have been undertaken under the property's permitted development rights, with only the physical development requiring planning permission. However, the replacement of the Town and Country Planning (Permitted Development) Order 1995 with a revised and consolidated version, combined with the recent listing of the building as an Asset of Community Value, have removed the applicants permitted development rights to change the use of the building from a pub to a shop. These matters are addressed in more detail later in the report.

The physical works involve altering the northwest elevation. The existing flat roofed extension would now be the main area of external alteration made 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.

Other alterations to the building comprise blocking up a rear door at first floor level. The applicant is also proposing to remove the associated metal staircase, but this is outside of the application site area and therefore does not form part of this application. The applicant is also proposing to obscure the buildings windows internally.

The detached flat-roofed garage/store would also be altered by 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:

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. Prior to installation, precise details of the proposed windows along with details of their proposed finishes shall be submitted for written approval by the Authority**
- 5. Prior to the building being taken into the approved use amended details of the method in which the windows are to be obscured shall be submitted for written approval by the Authority**
- 6. Scheme of external lighting to be submitted for written approval by the Authority prior to the new use being implemented**
- 7. 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 in writing by the Authority.**
- 8. 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**
- 9. Visibility splays and site accesses shall be maintained in perpetuity as shown on the revised plans.**

10. No development shall take place 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 and approved in writing by the Authority.
11. No development shall take place until a Delivery Management Plan addressing size, timing, and routing of delivery vehicles has been submitted and approved in writing by the Authority.
12. No development shall take place until a Traffic Management Plan to deter roadside parking has been submitted and agreed in writing.
13. Parking provided and maintained in accordance with revised plans.
14. Shop doors shall not open outwards.
15. No access ramps to the shop within the public highway.
16. Removal of permitted development rights for extensions and external alterations.
17. Flood mitigation measures to be carried out in accordance with those proposed in the submitted Flood Risk Assessment document.

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

1995 – Temporary permission granted for erection of sign

2005 – Permission granted for the erection of new signage scheme

Consultations

A full re-consultation was undertaken on the application in June 2015 because of changes to the application description and following legislative changes in April 2015 that removed the permitted development rights of the building for a change of use from an A4 public house to an A1 retail use. Unless indicated otherwise, the responses below are those received in response to the application as originally proposed.

Highway Authority

Initial consultation response

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.

Further consultation response following the March 2015 Planning Committee meeting, in response to Member requests for further highway safety information when deferring the application, and in response to the removal or permitted development rights for the building

- At the March Committee Members queried the discrepancy between the accidents noted by objectors and the lack of accidents reported by the previous Highway response. In response, the Highway Authority advises that the Police records they have access to show that there have been no recorded injury accidents within 200m of the site.
- Members queried the adequacy of the parking provision at the March meeting. In response the Highway Authority has nothing further to add to their previous response, other than to reinforce that adopted parking standards are maximum standards and not minimum standards
- Similarly, the Highway Authority also has nothing to add to their previous response with regard to delivery vehicles accessing the site.
- The Highway Authority is aware that the applicant will not benefit from permitted development rights to convert the building from a pub in to shop, whereas they did at the time they provided their original comments. Despite this, the Highway Authority previously reviewed the Transport Statement and considered it to be robust. However, even where it can be demonstrated that levels of traffic may be increased as a result of development proposals, the Highway Authority still has to have evidence to demonstrate that the harm caused by the extra traffic would be so severe as to require intervention (either by mitigation or rejection of the proposals). It is not incumbent upon applicants to address all of the pre-existing limitations of the highway network, only those where the development can be demonstrated to have a sufficiently large and harmful effect. Additionally, recorded injury accidents show no such incidents within 200m of the site.
- The proposals would re-use an existing building and the Highway Authority has taken commensurate use into its consideration of the proposals.
- Matters raised within the previous consultation response would still need to be addressed; Namely a revised location for the ATM [now omitted from scheme], imposition of Traffic Regulation Order, agreement of Delivery Management Plan, agreement of the relocation of the street lighting column [now omitted from scheme] and associated signage.

In conclusion the Highway Authority is not aware of any highway safety issues that would justify a reason for refusal that could be substantiated at appeal.

District Council – Environmental Health

Initial consultation response

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.

Further response based on Members request at the March 2015 Planning Committee meeting for the applicant to provide additional information relating to proposed plant items and related noise

Cannot make an informed decision as the specification sheets submitted by the applicants contain several models. For instance, noise levels for one of the units is 60dB which would be a concern. The applicant needs to carry out a noise survey to determine noise levels and any remediation required. This report must be submitted in writing for the approval of the Planning Authority. As river noise will form a large part of any background noise these surveys should ideally be carried out when the river flow is at its lowest.

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

Response based on the revised proposal that omits the extensions to the building

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

PDNPA Ecology: Bat survey required [Scheme since revised to remove extension that necessitated this]

Environment Agency

Initial consultation response

No objections. Advice provided in relation to assessment of potentially contaminated land and removal of any contaminated waste from the site.

Response to re-consultation

No objections - It is noted that the floor levels will remain the same and there will be no work within 8 metres of the river.

English Heritage

Same response received to both initial consultation and re-consultation

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 199 letters of representation have been received - this includes responses received during the most recent consultation period, those submitted during the applications original consultation period and revised or repeated representations from some individuals that have been made during the most recent consultation period. 167 object to the proposals, whilst 32 are written in support. 1 of the letters of objection has been provided on behalf of a local group called Baslow SOS (Save Our Shop). The letter does not state how many people it is representing. 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 representation letters, a petition with 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 with the signatures collected between 18 January and 17 February 2015. A second petition of 150 signatures was submitted alongside the first, 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 threat to other businesses and their employment within the village, including the existing convenience store, the Post Office, and the surgery pharmacy.
- The increased traffic on the highway around the site, posing an increased highway safety risk.
- The 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 loss of the pub, which is a valued community facility – as evidenced by its listing as an Asset of Community Value (ACV).
- 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.

- No consultation was undertaken by the developer with local people prior to the application being made
- 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 (Officer note – ATM now omitted from proposal).
- 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 extensions will reduce the amount of light to some neighbouring properties (Officer note- extensions now omitted from proposal).
- The development would result in the loss of visitor accommodation, contrary to the economic health of the village.

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.
- The development would provide an accessible shop for Bubnell residents, many of whom are elderly, without the need to use car or public transport
- The pub has become the 'dead centre' of Baslow
- It would provide a much-needed ATM
- It would be a stimulus for trade in nearby shops
- As a convenience store the building can still be a focal point to a village.
- It is an ideal location for a convenience store
- It would provide the required investment for the appearance of the building to be restored and maintained
- It would not be viable for the Rutland Arms to be run as a community pub
- There is little evidence that efforts are being made to utilise this facility by the community
- There are already several other community venues in the village
- It will meet the needs of the Chatsworth caravan site as well as passing trade
- There are three other public houses within the village that offer excellent facilities for both the residents of Baslow and for visitors
- The planning system should not prevent healthy competition, and the existing shop has a monopoly
- Baslow can support two convenience stores
- It will create employment for local people
- It would alleviate the need to travel to Bakewell or Chesterfield for convenience shopping

- 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, 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.

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 28 is also particularly relevant here as it guards against the unnecessary loss of valued facilities and services, particularly where it would reduce a community's ability to meet its day-to-day needs.

Paragraph 70 of the Framework also addresses local services, seeking to ensure that they are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community. It is considered that the intent of this part of the Framework is to support proposals for the growth and prosperity of established local services however, and so this is less pertinent.

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.

Wider Policy context

Since this application was heard at the March Planning Committee meeting the pub has been listed as an Asset of Community Value (ACV). Under the Localism Act 2011, if the owner of a listed asset 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"*.

An important legislative change relating to the listing of the building as an ACV has also been made since the application was last heard by Members. This is the replacement of the GPDO with an updated and consolidated version that came in to effect on 15 April 2015. This removes permitted development rights for the change of use of buildings from an A4 (drinking establishments) use to either A1 (shops) or A2 (financial or professional services) use where they are listed as Assets of Community Value.

In addition, 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 of use from a public house to retail

The development would result in the change from 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.

The community value of the pub is also 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. Additionally, the ACV listing requires Officers to consider whether the building's listing as an ACV is a material planning consideration and to make an assessment of how much weight to give to this status.

The listing of the building as an Asset of Community Value and the volume of letters of objection received in relation to the proposal make it clear that at least a proportion of the local community place significant value on the Rutland Arms as a public house.

The level of use of the current pub has not been established – although both objectors and supporters of the proposal have made reference to its current underuse – 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.

There has been representation that suggests local people are seeking to obtain the required funding and support to make an offer to buy the building and to run it as a community pub. Whilst this does indicate that the pub use is of value to at least some members of the community, there is no indication of the level of support for, or the progress of, such proposals. In addition, the pub is not currently for sale. As a result of these factors, Officers cannot give this matter any significant weight.

Some objectors have noted that the proposal would result in the loss of visitor accommodation, to the detriment of the village and intent of local and national planning policy. The Rutland Arms is not a hotel however, it is a pub. Whilst it is stated that rooming has previously been offered at the pub this is not currently the case, and there can be no assurances that the establishment will offer such a service in the future. In addition there is other visitor accommodation available in the settlement, including 11 at the Devonshire Arms and more than 20 at the Cavendish Hotel, as well as other bed and breakfast accommodation in close proximity to Baslow. This argument is therefore afforded very limited weight.

Having considered all of the points above, 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. Whilst officers recognise that different places – even of the same type of facility – can meet different local needs, the range of alternative provision in Baslow in terms of both public houses and meeting places is such that residents' ability to meet their day-to-day needs would not be compromised.

Overall, the change of use away from a pub is considered to be compliant with the intent of the Development Plan and the Framework in these regards, particularly given that a change of use to another community facility is proposed.

Proposed use

Officers have considered the scale of the proposed development to ascertain whether it is proportionate to the local shopping needs and the settlements visitor capacity, as 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. Indeed, at the March 2015 planning committee meeting officers reported that a local Councillor had contacted the Authority, stating that he had been in correspondence with the Post Office and that they had advised that they have no plans to close any offices and that the resignation of an agent would result in only a temporary closure whilst they seek a new operator. There is also no evidence of a potential impact on the pharmacy, or that any such impact would lead to a loss of the surgery.

Since the March Planning Committee meeting the applicant has made further comment on this matter, noting that it is common for small convenience stores such as the existing Spar and the proposed scheme to trade in close proximity to one another without adversely affecting turnover. They have used a geodemographic programme to point out that this already occurs in a number of rural settlements similar to Baslow. It is not apparent what criteria are used to identify 'similar' settlements however. In any case, and as noted above, matters of competition are not material to this planning application.

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 can be given to this matter.

Design and visual impacts

As noted above, the extensions that were originally proposed have since been omitted from the scheme, leaving the alterations described in the 'Proposal' section above as the extent of proposed physical works. The Authority's Conservation Officer's views on the revised scheme have been sought since the March Committee meeting, as Members had some concerns that his previous objections were contrary to the Officer recommendation. Whilst some of the grounds for his objection have been removed (those relating to the now-omitted extensions) he maintains his objection to the proposal on grounds relating to the impacts of the remaining proposed works. 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, how the internal use would relate to the external appearance, the impact of obscuring the windows on the buildings appearance, and the 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. Since the application was last presented to Members it has been confirmed by English Heritage, in a response to a request for the building to be listed, that they do not intend to list the building because it lacks architectural distinction in form and detail, has been internally remodelled losing significant plan form and detail, and has only local and not national historical importance. Nonetheless, the building can be considered a non-designated heritage asset and the Framework requires applications to take account of the effect of development on the significance of a non-designated heritage asset when determining applications. The applicant's heritage statement and their supplementary statement submitted since the last committee meeting provide 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 the 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.

It is accepted that the change of use itself could have an impact on the character and appearance of the area and the village, which can be affected by the mix of uses as well as by the appearance of the buildings. The settlement and conservation area would retain a mix of uses however, and it is not considered that the use of the current building as a pub is integral to the character and appearance of the area.

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 alterations on Baslow Bridge have been considered, as it is an important historic structure – described in the Baslow and Bubnell Conservation Area Appraisal as being a unique feature that adds to the individuality of central Baslow. The alterations to the northern end of the building, which is the furthest from the bridge and faces away from it, would not be seen in views with the bridge. The only alteration (other than the screening of the windows, addressed below) that would be seen in conjunction with the bridge would be the removal of the external staircase and the blocking up of the rear door at first floor level. Providing that this is undertaken

in stone to match the main building, its impact and prominence would be low, and would not be considered to harm the setting of the bridge. English Heritage (now Historic England) have been consulted for their views in relation to impacts on the listed bridge prior to the applicant omitting the extensions and they 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. As the removal of the extensions serves only to reduce the impact of the development they have not been re-consulted since.

Members raised queries at the March Planning Committee meeting regarding the proposed use of the beer garden if the development were to proceed, considering that this could impact upon the setting of the bridge, as well as on the building itself. This area is outside of the application site area. However, since the last Planning Committee meeting Officers have obtained further details of the proposed use of this space from the applicant. The applicant has advised that there are no plans to alter the beer garden or use it as part of the development. They consider that due to the change in levels across the site that it would not be suitable for storage – and in any case such a use would not be permitted if the development were to be approved, with the land being outside of the application site area. The applicant's client, the Co-operative, has advised them that they would be willing to maintain the garden at their cost and make it available for community use.

The impact of the development on the setting of the bridge is therefore considered to be very low and in accordance with policy LC6, the wider Development Plan, and the Framework.

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 by the Authority's Officers 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 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.

Overall, and based on the assessments above, it is considered that the 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 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 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

It is noted that the consultation response initially provided by the Highway Authority took account of the fact that the applicant could undertake the change of use under the buildings permitted development rights, without the need for further planning permission. Their revised comments have been made in the knowledge that these rights are no longer in place. Their position remains unchanged however, and overall they do not raise objection to the proposal, subject to certain matters being controlled by the Authority. Their more detailed responses are included below where applicable.

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.

When Members last considered this application they raised some concerns regarding the levels of parking provision. Officers have therefore re-consulted the Highway Authority to ask if they have

any further comment to provide in this regard. They have advised that they have nothing to add to the comments provided previously. 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. This was something that Members requested evidence of at the last committee meeting. A plan showing the 'swept path' for delivery vehicle movements within the site was included by the applicant as part of their original submission. The Highway Authority was also contacted for further comment, but did not wish to add to their previous response in this regard.

Despite adequate manoeuvring space within the site, 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 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.

Due to the possibility of concurrent deliveries and deliveries by vehicles larger than those proposed Officers recommended in the report previously presented to Members that if permission was granted a condition requiring a delivery management plan to be agreed by the Authority prior

to the change of use taking place should be imposed. Members subsequently requested that further details from the applicant of what the delivery management plan would control were put forward. The applicant has since advised that they are still willing to enter in to such an arrangement by planning condition and provided some further information - but have not at this stage put forward a site-specific delivery management plan.

They have, however, advised that the Co-operative uses a software program which enables deliveries to be programmed to specific times of the day when customer car parking demand is low, reducing impact on the local highway network. They have also stated that the frequency of deliveries for a store of this size is anticipated to total 9 per week; 6 fresh food deliveries (frozen on the same vehicle) and 3 ambient deliveries per week. Refuse would be collected under the same management regime. They have also noted that noise from deliveries could be reduced by a requirement to turn off vehicle engines whilst deliveries are loaded/unloaded and turning off reversing alarms whilst in the delivery area.

Whilst these systems would reduce impacts associated with deliveries, Officers still consider that a condition requiring the agreement and implementation of a delivery management plan is required, because the information provided is not specific in terms of timings, vehicles movements, or vehicle sizes. Officers consider that this, in combination with the condition relating to traffic management detailed above, 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 or collisions have been recorded within the vicinity of the site within the last 3 years, and they do not raise any concerns regarding the potential increased level of pedestrian activity at this location. As Members queried the discrepancy between accidents reported by objectors and the Highway Authority, Officers have asked the Highway Authority if they have any further information to provide in this regard. They have advised that the information previously provided represents the full records available to them, and that they have nothing to add to their previous comments in this regard. 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 (GPDO) is a material consideration in assessing this application. This generally permits the change of use of a building from an A4 use (which includes pubs) to an A1 shop use.

When the application was presented at the last committee meeting the application building would have benefitted from this provision, and it therefore represented an alternative ‘fall-back’ option for the applicant if this application is refused. Whilst this would have enabled them to change the use of the building to a shop they would not have been able to undertake the external physical works that were proposed without making a planning application.

The building has now been listed as an Asset of Community Value and, as explained earlier in this report, this and the amendment of the GPDO in April 2015 means that the building no longer benefits from these permitted development rights.

The ‘fall-back’ position for the applicant is therefore no longer a material consideration in assessing this application.

Noise

The 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. At the last committee meeting Members requested further details of the likely impacts of such installations. The applicant has since provided information of the range from which the 3 units proposed to be installed externally would be selected. The further views of the Environmental Health officer have been sought on the proposed units. As only the ranges have been identified at this stage – and not the specific units – and because a survey of the existing ambient noise levels has not been undertaken, their recommendation remains unchanged.

Officers are of the view that it would be likely that a combination of selecting quieter units and the implementation of a scheme of sound proofing would be able to overcome any adverse noise impacts caused by this part of the development, and therefore it would be appropriate and acceptable for a condition in line with Environmental Health Officers recommendation to be imposed, were permission to be granted.

Subject to such a condition, and one controlling delivery times as recommended by the Environmental Health officer, 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 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

The Authority's Ecology Officer advised that a bat survey should be undertaken in their consultation response. This was due to the previously proposed extensions altering the eaves of the roof of the building, potentially disturbing or harming bats and reducing their habitat. As the extensions have since been omitted the survey is no longer required, and there are considered to be no impacts on protected species. The application therefore accords with policies L2 and LC17.

Appeal decisions

A number of Appeal and Planning Authority decisions have been brought to Officers attention in the representations for consideration in relation to the current proposal. Whilst this application has to be determined upon its own merits, each appeal has been assessed to determine if it is material to the consideration of the current proposal and, if so, how much weight it should be afforded. A short summary of how each has been assessed can be found below.

Somerset House public house, Chesterfield: Appeal allowed for conversion of public house to shop

The property benefitted from a permitted development 'fall-back' position that would permit a change of use to a shop, which makes it significantly different from the current proposal. It is also outside of the park where different local planning policies apply. It is therefore attributed limited weight.

The Porcupine public house, London: Appeal dismissed for conversion of public house to shop

This proposal involved substantially extending the existing building and the building was also the last remaining pub in the local centre. It had substandard access visibility and replaced existing landscaping with additional car parking space. It is also outside of the park where different local planning policies apply. The decision is therefore afforded limited weight.

Angel Hotel public house, Sheffield: Planning permission refused for the conversion of public house to public house with 2 attached dwellings and construction of 2 new dwellings

This proposal is materially different in nature to that being considered, and is outside of the park where different local planning policies apply. The decision is therefore afforded very limited weight.

Golden Lion public House, Camden: Appeal dismissed for conversion of public house with ancillary accommodation to public house with flats above and erection of 3 storey extension

This proposal is materially different in nature to that being considered, and is outside of the park where different local planning policies apply. The decision is therefore afforded very limited weight.

The Cross Keys public house, London: Appeal dismissed for conversion of public house to dwellinghouse, including extension and alteration

This proposal is materially different in nature to that being considered, and is outside of the park

where different local planning policies apply. The decision is therefore afforded very limited weight.

The Feathers public house, London: Appeal dismissed for conversion of public house to dwellinghouse, including extension and alteration

This proposal is materially different in nature to that being considered, and is outside of the park where different local planning policies apply. It is therefore afforded very limited weight.

9 Phene Street, London: Appeal dismissed for conversion of public house to dwellinghouse, including extension and alteration

This proposal is materially different in nature to that being considered, and is outside of the park where different local planning policies apply. It is therefore afforded very limited weight.

Purbeck Hotel, Swanage: Appeal dismissed for conversion of public house to retail units, apartments and houses

This proposal is materially different in nature to that being considered, and is outside of the park where different local planning policies apply. It is therefore afforded very limited weight.

Bull Ring Inn, Hereford: Appeal dismissed for change of use of land ancillary to public house for erection of 2 dwellinghouses

This proposal is materially different in nature to that being considered, and is outside of the park where different local planning policies apply. It is therefore afforded very limited weight.

The Chesham Arms, London: Enforcement notice upheld by appeal relating to the unauthorised change of use of first floor of public house to dwellinghouse.

This proposal is materially different in nature to that being considered, and is outside of the park where different local planning policies apply. It is therefore afforded very limited weight.

Conclusion

Officers have assessed the application against all relevant planning policy and all other material considerations. Whilst there is more local objection to the proposal than there is support, 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.

The application is therefore recommended for approval, subject to conditions.

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