

<b>APPLICATION NUMBER</b>		2400625VCOND	
<b>SITE ADDRESS:</b>		Market Place And Victoria Square, Ashbourne, Derbyshire, DE6 1EX	
<b>DESCRIPTION OF DEVELOPMENT</b>		Variation of conditions 2, 4 and 8 of planning application no. 23/00959/LBALT - Various changes to related conditions	
<b>CASE OFFICER</b>	Chelsea Johnston	<b>APPLICANT</b>	Derbyshire County Council
<b>PARISH</b>	Ashbourne	<b>AGENT</b>	N/A
<b>WARD MEMBERS</b>	Cllr Peter Dobbs Cllr Stuart Lees	<b>DETERMINATION TARGET</b>	18 <sup>th</sup> September 2024
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Market Place and Victoria Square are District Council owned and managed public space/ land. The District Council is also the accountable body for the Ashbourne Reborn Programme, within which Derbyshire County Council is acting as delivery partner for the Highways and Public Realm project.	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For members to consider the extent of works and impact on the heritage assets engaged.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• the Grade II listed surface and setting of surrounding listed buildings;</li> <li>• the character and appearance of this part of Ashbourne Conservation Area, and;</li> <li>• below ground archaeology</li> </ul>

<b>RECOMMENDATION</b>
Recommended for approval subject to conditions.

## 1. THE SITE AND SURROUNDINGS

- 1.1 The surface of the Market Place, Ashbourne is grade II listed (listed 1974). The listing description states that the surfacing is “18th century or early 19th century or earlier” and includes the “paved surface of the Market Place and flanking pavements. Mostly limestone setts with some flagstones. Raised pavements to the west and north-eastern sides
- 1.2 The surface of the adjoining Victoria Square is also grade II listed (listed 1974). The listing description states that the surfacing is “18th century or early 19th century or earlier” and includes the “paved surface of limestone setts and flagstones with narrow modern surfaced footway through centre”. Located within Victoria Square is an historic, 19th century (1864) lamp post on a stone plinth/base that is grade II listed (listed 1974).
- 1.3 The listing of surfaces is rare and their statutory protection is based on their age, extent, materials and their contribution to the character and appearance of the town. The statutory listing affords protection and recognises the importance and significance of the surfaces of both Market Place and Victoria Square.
- 1.4 Surrounding and bounding the Market Place and Victoria Square are a large number of listed buildings whose setting and context is the Market Place and Victoria Square.

## 2. DETAILS OF THE APPLICATION

- 2.1 The application which has been submitted relates to the ‘Ashbourne Reborn’ project which has government funding through the ‘levelling up’ programme. Listed Building Consent was granted on 15<sup>th</sup> November 2023 under ref: 23/00959/LBALT for various works at Market Place and Victoria Square, Ashbourne.
- 2.2 The works approved under 23/00959/LBALT are summarised as follows:
  - The removal of the car parking to Market Place (and removal of thermoplastic lines);
  - Provision of a disabled bay and three short stay parking spaces (dermarcated by setts) to the north of no. 5 Market Place;
  - Repairs to existing limestone setts and sandstone flagstones;
  - Introduction of new areas of stone surfacing to areas of tarmac;
  - Installation of new electricity points (for events), some up-lighters and bollards;
  - Removal of old/existing and provision/installation of new street furniture to both areas, and
  - Provision of new trees and associated tree pits within the Market Place.
- 2.3 Further to detailed design and in response to feedback from local partners represented on the Ashbourne Reborn Highways and Public Realm Project Control Board, minor modifications are now proposed to the layout of the consented scheme, specific to the Market Place. The proposals seek to improve the use and layout of the space whilst maintaining the design principles and integrity of the original scheme.
- 2.4 This planning application therefore seeks to vary condition 2 (approved plans), condition 4 (schedule of work/methodology) and condition 8 (samples of pointing or re-pointing of the gaps between limestone setts and flagstone) of planning application no. 23/00959/LBALT.
- 2.5 *The minor modifications proposed are summarised in the table below:*

<b>Proposed modification</b>	<b>Justification</b>
Consented trees, bollards and bike racks moved 1m south-west to accommodate	The amendment is necessary to maintain the required 2m margin from the adopted highway and visibility splay from Union

three car parking spaces along the north-west boundary of the Market Place  Sam Grisman – clean and green – manger	Street junction. The parking bay shall be demarcated using contrasting coloured setts to create a visual representation of a parking bay (i.e. same approach as used elsewhere within the consented scheme);
The four consented feature lights moved inwards slightly towards the monument.	This amendment is required to prevent damage from vehicular overrun and maintain symmetry;
Removal of the lighting column adjacent the pedestrian crossing on Buxton Hill replaced with a smaller car parking sign in the same location.	Following preparation of the lighting design for the scheme (by AECOM) a lighting column is no longer required in this location
Addition of a motorcycle bay suitable to accommodate approx. six motorcycles. The M/C symbol on the ground is to be created using contrasting-coloured setts supported by a sign as per the consented approach to demarcating the disabled car parking bay.	The need for dedicated motorcycle parking provision in order to avoid encroachment onto the Market Place has been raised by local partners during the design process. The proposed location of the motorcycle parking bay has been designed to respect the desire lines into the site off Buxton Hill and can be accommodated between the trees to the south-east
Proposed benches brought forward into the Market Place slightly to allow additional cycle and motorcycle parking behind (offset distance 1.2m).	The proposal maintains sufficient space to maintain access

### 3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

#### 3.1 National Planning Policy Framework (2023) - Conserving and Enhancing the Historic Environment

National Planning Practice Guide (2014)

Historic England Advice Note 2 - Making Changes to Heritage Assets (2016)

### 4. RELEVANT PLANNING HISTORY

4.1 23/00959/LBALT Various proposed works at Market Place and Victoria Square – Granted

4.2 13/00058/LBALT Alterations to listed building - Application of painted ground markings for the control and regulation of car parking – Granted.

### 5. CONSULTATION RESPONSES

#### Archaeology (Derbyshire County Council)

5.1 No objection as archaeological works are covered by an extant WSI

#### Ashbourne Town Council

5.2 No objection.

#### Local Highway Authority (Derbyshire County Council)

5.3 No objection.

Design and Conservation Officer (Derbyshire Dales District Council)

5.4 No objection.

Trees and Landscape Officer (Derbyshire Dales District Council)

5.5 No objection.

## **6. REPRESENTATIONS RECEIVED**

6.1 No representations have been received to date.

## **7. OFFICER APPRAISAL**

### Introduction - Background

- 7.1 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act also requires local authorities, in exercising their planning functions to pay special attention to the desirability of preserving or enhancing the character and appearance of land and buildings in a conservation area.
- 7.2 Listed Building Consent was granted on 15th November 2023 under ref: 23/00959/LBALT for various works in and around Market Place and Victoria Square, outlined within paragraph 2.2 of this report. This permission is therefore deemed extant. As such, it is not necessary to reconsider the principle of the development, which will continue to comprise a mix of public realm improvement works as part of the 'Ashbourne Reborn' project.
- 7.3 The minor amendments proposed as part of this planning application are a result of detailed design considerations and feedback from local partners represented on the Ashbourne Reborn Highways and Public Realm Project Control Board. The amendments proposed are specific to Market place and are set out within paragraph 2.5
- 7.4 The changes proposed to the overall layout are minor and will not result in any additional harm to the Grade II listed surface and setting of surrounding listed buildings: the character and appearance of this part of Ashbourne Conservation Area previously assessed. The Statutory Consultees consider the proposed changes acceptable and there have been no representations received.
- 7.5 With regards to condition 8, a number of concerns were raised about the durability of a 'traditional lime-based mortar' owing to the high usage of the surface. A lime-based mortar was deemed too sacrificial in composition to endure everyday wear and tear, and the applicant is in discussion as to a more robust specification. The DDDC Design and Conservation Officer has no objection to the variation of this condition which proposes to exclude the need to provide a traditional lime base mortar for the pointing and repointing of the gaps between the limestone setts and flagstone.
- 7.6 It is considered that the proposals, in general terms, constitute an enhancement of the surfaces of both areas and retain historic character and appearance.
- 7.7 With conditions to control any new materials used and pointing, method of fixing of the street furniture, the design of the street lighting, location of commercial bins and details of

any enclosures to minimise the impact on the listed surfaces, the works are considered to be acceptable and it is recommended that permission be granted on this basis.

- 7.8 As alluded to previously The Development Control Archaeologist and District Council's Conservation Officer have both pointed to the likelihood of works revealing archaeological deposits/remains of significance given that they have been open areas from the medieval period. An archaeological watching brief is recommended and is secured by condition to ensure that any archaeology of significance is appropriately recorded.
- 7.9 Having regard to the above assessment, it is recommended, that planning permission is granted subject to the recommended conditions.

## 8 RECOMMENDATION

That planning permission granted subject to the following conditions:

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: This is a statutory period which is specified in Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990

2. This consent relates solely to the application plan no's, DR-ZZ-0100 005 P01, DR-ZZ-0100-006 P02, DR-ZZ-0100 007 P02 as updated by ASHREB-ACM-GEN-GEN-SK-LA-0100007, DR-ZZ- 0100 008 P01, DR-CH-0100 014 P01 and DR-LA-3000 006 P01.1 and Public Realm Material Palette and Guidance on the rehabilitation of natural stone pavements documents received by the Local Planning Authority on the 7th September 2023 and as updated on 23 July 2024.

Reason: For clarity and in the interests of proper planning

3. No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:
  - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Any WSI should be authored by the archaeological company appointed to undertake the work in the field and this be in consultation with this office. The WSI should set out the timing and sequencing for the implementation of the monitoring and be undertaken by an appropriately qualified and experienced archaeologist.

Reason: To safeguard the identification and recording of features of historic and/or archaeological interest associated with the site.

4. A proposed schedule of work/methodology for the fixing type/method of each new element of street furniture, including signage, shall be submitted and approved by

the Local Planning Authority prior to its installation and implemented in accordance with the approved details.

Reason: In the interests of conserving the character and appearance of the listed surfaces, setting of adjacent listed buildings and the character and appearance of this part of Ashbourne Conservation Area in accordance with the aims of the National Planning Policy Framework (2023)

5. Details of the lighting columns shall be submitted and approved by the Local Planning Authority prior to their installation and implemented in accordance with the approved details.

Reason: In the interests of conserving the character and appearance of the listed surfaces, setting of adjacent listed buildings and the character and appearance of this part of Ashbourne Conservation Area in accordance with the aims of the National Planning Policy Framework (2023)

6. Details of the location and any enclosure of the commercial bins areas within the Market Place/Victoria Square shall be submitted to and approved in writing by the Local Planning Authority prior to installation and implemented in accordance with the approved details.

Reason: In the interests of conserving the character and appearance of the listed surfaces, setting of adjacent listed buildings and the character and appearance of this part of Ashbourne Conservation Area in accordance with the aims of the National Planning Policy Framework (2023).

7. Samples of any new materials to be used in re-surfacing works (including demarcation and symbol setts) shall be submitted to and approved in writing by the Local Planning Authority prior to being laid. The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of conserving the character and appearance of the listed surfaces, setting of adjacent listed buildings and the character and appearance of this part of Ashbourne Conservation Area in accordance with the aims of the National Planning Policy Framework (2023).

8. Before application, details of the method, composition and colour of pointing shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be constructed in accordance with the pointing details so approved.

Reason: In the interests of conserving the character and appearance of the listed surfaces in accordance with the aims of the National Planning Policy Framework (2023).

9. Before works begin on the pointing/re-pointing to fill joints to create a more level surface, a sample panel shall be inspected and approved by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of conserving the character and appearance of the listed surfaces in accordance with the aims of the National Planning Policy Framework (2023).

10. Prior to the commencement of works within the root protection area of the retained tree details of its protection, and how the gaps between the surfaces will be treated and services provided so as to not prejudice the health of the tree shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter proceed in accordance with the approved details.

Reason: To safeguard an important feature in Victoria Square in the interests of conserving the character and appearance of this part of Ashbourne Conservation Area in accordance with the aims of the National Planning Policy Framework (2023).

**NOTES TO APPLICANT:**

1. The Local Planning Authority have prior to the submission of the application entered into positive and proactive discussions with the applicant to minimise the impact of the works on the heritage assets engaged.