

# Planning Committee 2024

<b>APPLICATION NUMBER</b>		24/00522/FUL	
<b>SITE ADDRESS:</b>		Royal Oak House Alfreton Road The Cliff Tansley Derbyshire DE4 5FY	
<b>DESCRIPTION OF DEVELOPMENT</b>		Change of use of part completed holiday flat and unused restaurant to two storey dwelling.	
<b>CASE OFFICER</b>	Edward Vaudin	<b>APPLICANT</b>	Mr James Neville
<b>PARISH/TOWN</b>	Tansley	<b>AGENT</b>	N/A
<b>WARD MEMBER(S)</b>	Councillor Steve Flitter Councillor Joanne Linthwaite Councillor David Hughes	<b>DETERMINATION TARGET</b>	15 <sup>th</sup> November 2024
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Five or more unresolved objections	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>- Principle of the conversion of the existing commercial use</li> <li>- Impact on the character of the building and surrounding area</li> <li>- Impact on amenity for future occupiers and neighbouring properties</li> <li>- Parking and highways</li> </ul>

<b>RECOMMENDATION</b>
<ul style="list-style-type: none"> <li>- The proposal of converting from a restaurant to dwelling is acceptable in principle in accordance with Policy S3 of the Local Plan.</li> <li>- The proposed development is not considered to have any significant impact on the character of the building or surrounding area.</li> <li>- The proposed development is not considered to result in any unacceptable impact on future occupiers or occupiers of neighbouring properties.</li> <li>- The proposed development is not considered to result in any unacceptable impact on highway safety or the road network.</li> <li>- Overall, it is considered that the proposal complies with all relevant policies of the development plan and it is therefore recommended that planning permission be granted subject to the conditions detailed in Section 8 of this report.</li> </ul>

## 1.0 THE SITE AND SURROUNDINGS

- 1.1 The former Royal Oak Public House is located on the north side of Alfreton Road (A615). The building is a traditional two storey building that comprises of two parts; one part gritstone and one part rendered. It is understood that the building was originally a farmhouse and became a public house in the late 19th Century. To the east of the main building there is a two storey outbuilding set at 90 degrees and a later single storey extension beyond. The public house has a car park to the north and west side of the main building which is accessed off the main road to the west of the building. The building was last in use as restaurant which utilised all of the stone section of the building and the ground floor of the rendered section with the first floor in residential use.

## 2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the change of use of part completed holiday flat and unused restaurant to two storey dwelling.

## 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan 2017  
S1 Sustainable Development Principles  
S2 Settlement Hierarchy  
S3 Development within Settlement Boundaries  
PD1 Design and Place Making  
PD3 Biodiversity and the Natural Environment  
HC19 Accessibility and Transport  
HC21 Car Parking Standards
- 3.2 Other  
National Planning Policy Framework (December 2023)  
National Planning Practice Guidance

## 4.0 RELEVANT PLANNING HISTORY

24/00685/FUL	Conversion and extension of barn to form single storey dwelling.	Pending Decision	-
24/00698/OUT	Erection of two dwellings with approval being sought for access	Pending Decision	-
22/00334/FUL	Change of use from public house/restaurant with ancillary residential accommodation to 1no. dwellinghouse and 2no. self-contained holiday lets with associated external alterations	Permitted with Conditions	18/05/2022
15/00822/FUL	Conversion and alteration of building to provide manager accommodation	Permitted with Conditions	12/01/2016
05/00227/ADV	Erection of replacement fascia signs and 1 no. totem sign	Permitted with Conditions	27/04/2005
0797/0415	FREE STANDING SINGLE SIDED SIGN BOARD	Approved	04/09/1997

## 5.0 CONSULTATION RESPONSES

5.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Position	Date	Comments
Local Highway Authority (Derbyshire County Council)	No objection	20/09/2024	No objection to the application subject to conditions.
Derbyshire Wildlife Trust	No objection	16/10/2024	If any works to external roof coverings or eaves, or the internal roof / loft space will be required to facilitate the change of use, then a Preliminary Bat Roost Assessment (PBRA) will be required.  No objection overall subject to conditions.
Tansley Parish Council	No objection	22/08/2024	No objection – happy there is sufficient room to manoeuvre vehicles on site.

## 6.0 REPRESENTATIONS RECEIVED

6.1 Eight letters of representation were received objecting to the application. The contents of these representations are summarised as follows:

- Impact on highway safety due to insufficient access
- Insufficient parking provision
- Impact on flooding / drainage
- Impact on local services (e.g. education, healthcare)
- Insufficient accuracy of plans and proposal
- Loss of privacy
- Insufficient bin storage space
- Insufficient footpath width

6.2 It should be noted that the majority of the representations received address both this application and two other separate applications at the same site of references 24/00685/FUL and 24/00698/OUT.

## 7.0 OFFICER APPRAISAL

### Principle of development

7.1 The site is located within the defined settlement boundary of Tansley which is a third-tier settlement in accordance with Policy S2 of the Local Plan.

7.2 Policy S3 of the Local Plan states that within defined settlement boundaries, planning permission will be granted for development where:

- a. the proposed development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located;
  - b. it does not adversely affect the purposes of the Peak District National Park or is harmful to its valued characteristics;
  - c. it protects the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site and its buffer zone;
  - d. the proposed development retains any existing buildings that make a positive contribution to the character and appearance of the settlement;
  - e. the access would be safe and the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development;
  - f. it would have a layout, access and parking provision appropriate to the proposed use, site and its surroundings; and
  - g. it does not conflict with any other relevant policy of this Local Plan.
- 7.3 Criteria 'b' and 'c' are not relevant in this case as the site is not located within the Peak District National Park, Derwent Valley Mills World Heritage Site or its buffer zone.
- 7.4 Criteria 'a' and 'd' will be assessed in the character section of this report.
- 7.5 Criteria 'e' and 'f' will be assessed in the parking and highways section of this report.
- 7.6 Criterion 'g' shall be assessed throughout the report as the application is assessed against the relevant policies within the Local Plan.
- 7.7 Planning permission was granted for the change of use of the public house/restaurant use on site into one dwellinghouse and two self-contained holiday lets under application reference 22/00334/FUL. It is unclear whether works have ever commenced pursuant to this permission and in any case, it is an extant permission until May next year. It is understood that the Royal Oak has not operated as a public house since 2016 and between 2016 and 2021 it operated as a restaurant instead. Given that firstly, extant permission exists for the property's conversion and secondly, its last use was as a restaurant, it is not considered that the proposal would result in the loss of any community facility and the principle of converting away from the existing lawful use has been established.

### Character

- 7.8 Policy PD1 seeks to ensure that any development is of a high-quality design that respects the character, identity and context of the Derbyshire Dales landscapes. This is supported by Policy PD5 which seeks to protect, enhance and restore the landscape character of the Plan area.
- 7.9 Policy S3 requires retention of existing buildings that make a positive contribution to the character and appearance of the settlement and safe access can be achieved. The proposed conversion seeks to retain these prominent buildings adjacent to the road boundary that make a positive contribution to the settlement.
- 7.10 The Royal Oak Public House is a prominent traditional building within the street scene of Tansley and is considered to make a notable positive contribution to the character of the area.
- 7.11 The proposals primarily consist of internal changes to the building, however external changes include the removal of the rear stairwell extension and minor changes to the rear fenestration to support the change of use. These changes are not considered to result in any significant harm to the character of the building or surrounding area. To ensure the fenestration changes are appropriate, it is considered necessary to recommend a condition

requiring details of materials for any new windows and doors. Furthermore, in order to protect the character of this building as a dwellinghouse, it is considered necessary to revoke permitted development rights.

#### Amenity for future occupiers

- 7.12 Paragraph 135(f) of the NPPF states that planning policies and decision should ensure that developments, among other things, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.13 The proposed dwelling would comply with the Nationally Described Space Standards for a two-storey three-bedroom four-person dwelling. Each habitable room would have good access to daylight and outlook and would be afforded sufficient privacy in its context.

#### Impact on neighbour amenity

- 7.14 In line with Policy PD1 of the Local Plan, development must achieve a satisfactory relationship to the nearby properties such that it does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing, noise, light pollution or other adverse impacts on local character and amenity.
- 7.15 In this case, the proposals consist primarily of internal works, but also include the demolition of the timber rear extension. It is not considered that any of the proposed conversion works would result in any adverse impacts on the amenity afforded to neighbouring properties.

#### Parking and highways

- 7.16 Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.17 The Local Highway Authority have considered this application in tandem with the proposals to erect two new dwellings to the rear of the Royal Oak as well as convert the barn into a dwelling, so as to address the cumulative impact on traffic and highways.
- 7.18 Two car parking spaces are proposed per dwelling which is considered acceptable.
- 7.19 The baseline for potential vehicle movements from this site is the established restaurant use on site, which at maximum intensity could generate several vehicle movements at any one time. It is considered that by comparison, the residential dwellings would result in less vehicle movements than the lawful use of the site. Trip generation is therefore considered to be low by comparison and in any case not warrant the need for a Transport Statement or Assessment.
- 7.20 The access to the site is located on a bend on Alfreton Road which currently has limited visibility to the east when egressing the site. The Applicant has agreed to improve the visibility of the access by removing a section of wall on the east side of the access. The Highway Authority is satisfied that this will improve the visibility of the access.
- 7.21 Sufficient space is available within the site for vehicles to access and egress the site in a forward gear.
- 7.22 Overall, it is considered that the proposal will not result in any unacceptable impact on highway safety and there would not be any severe residual cumulative impact on the road network. Conditions are recommended to ensure the parking and access are implemented

in full prior to the occupation of the dwellings, the same applies to the provision of sheltered and secure cycle parking.

## **8.0 RECOMMENDATION**

### **8.1 To grant permission subject to conditions as set out below with delegated authority to the Director of Place and Economy to approve any amendments to those conditions as deemed necessary.**

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason:

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the following approved plans:

170/001 Location Plan received 17/06/2024

170/002 Block Plan received 17/06/2024

174/006 Side Elevations received 05/08/2024

174/005 Front and Rear Elevations received 05/08/2024

174/004 Ground and First Floor Plans received 05/08/2024

174/034/001 Parking Layout received 20/08/2024

24/108/010 Visibility Splay Plan received 17/10/2024

Reason:

For the avoidance of doubt.

3. Within 56 days of the commencement of development, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- a) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- b) hard surfacing materials.

The hard and soft landscaping shall be implemented in accordance with the approved details and retained thereafter.

Reason:

To ensure a satisfactory landscaped setting in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

4. Within 56 days of the commencement of development, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications, and numbers of features, which will include (but are not limited to) the following:

- universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
- integrated / external bat boxes.
- insect bricks / towers.
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.

- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

A statement of good practice including photographs shall be submitted to the local planning authority to fully discharge this condition, demonstrating that the enhancements have been selected and installed in accordance with the approved Plan.

Reason:

To ensure the development positively contributes to the biodiversity of the area in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

5. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

Reason:

To safeguard protected species.

6. Notwithstanding the submitted details, all new external window and door joinery and/or metal framed glazing details shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include depth of reveal, details of heads, cills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The development shall be carried out in accordance with the approved details.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

7. Prior to erection, details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with the approved details prior to the development being first brought into use.

Reason:

In the interests of visual amenity and the character and appearance of the area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan 2017.

8. No part of the building shall be occupied until the areas indicated on the submitted plans to be set aside for car parking have been permanently provided in accordance with the details as shown in drawing ref: 175/034/001. The parking areas shall be retained as such thereafter.

Reason:

To ensure that parking provision is made on the site for the transport generated by the development.

9. No part of the development shall be occupied or brought into use until the existing vehicular access on Alferton Road is provided with a visibility splay as defined on drawing ref: 24/108/010 which is cleared of all obstructions to visibility exceeding 600mm above

carriageway level. The visibility splay shall subsequently be maintained free of any visual obstruction thereafter.

Reason:

In the interest of highway safety.

10. No part of the building hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason:

To promote sustainable travel and healthy communities.

11. No building works shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason:

To safeguard protected species.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to the dwelling hereby approved and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilage of the dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To preserve the character and appearance of the original building and its surroundings in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan 2017.

13. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interest of highway safety.

## **9.0 NOTES TO APPLICANT**

The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial concerns with the application relating to highways and ecology.

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.