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File No. CHE/16/00046/LBC &
CHE/16/00045/FUL

Planning Committee Date:
3rd April 2017

Plot No. 2/4695

ITEM 5

LISTED BUILDING CONSENT – EXTENSION AND RE-MODELLING OF OUTBUILDING TO ALLOW FOR CONVERSION AND EXTENSION TO CREATE 1. NO.3-BED DWELLING, INTERNAL ALTERATIONS AND CHANGE OF USE TO ASHTON LODGE TO CREATE 4-BED DWELLING AND ERECTION OF DETACHED GARAGE/ANNEX BUILDING (REVISION TO APPLICATION CHE/15/0079/LBC).

PLANNING PERMISSION - EXTENSION AND RE-MODELLING OF OUTBUILDING TO ALLOW FOR CONVERSION AND EXTENSION TO CREATE 1. NO.3-BED DWELLING, INTERNAL ALTERATIONS AND CHANGE OF USE TO ASHTON LODGE TO CREATE 4-BED DWELLING AND ERECTION OF DETACHED GARAGE/ANNEX BUILDING (REVISION TO APPLICATIONS CHE/15/00078/FUL).

Ward:

St Helens

Local Plan:

Abercrombie Street Conservation
Area/Listed Building

1.0 **CONSULTATIONS**

Ward Members	No comments received.
Chesterfield Civic Society	No comments received.
Victorian Society	Objections.
Historic England	Did not support the original application. Do not wish to be consulted on further proposals.
Highways Authority	No objections

CBC Tree Officer	No objections, subject to conditions
Derbyshire Wildlife Trust	No objections, subject to conditions
Site Notice & Advert and neighbours	2 objections from local residents

1.2 The above comments are considered in detail in the main body of the report starting from paragraph 5.20.

1.3 The proposals were advertised in the local press and by site notice. The statutory period of publicity has expired.

2.0 **THE SITE**

2.1 28 Abercrombie Street (aka Ashton Lodge) is a grade II listed building located within the Abercrombie Street Conservation Area, close to Chesterfield town centre. The building dates from around 1840 and is an example of a detached Victorian villa of the period. Abercrombie Street is noted for a high proportion of listed buildings and large detached/semi-detached villas, as well as the leafy character derived from a significant number of mature trees.



Figure 1. Ashton Lodge - Sheffield Road elevation

2.2 The property stands on an embankment facing Sheffield Road (figure 1). Views to the rear of the property off Abercrombie Street tend to be more hidden by mature trees and existing boundary treatments.

2.3 Gated vehicle access into No. 28 is provided off Abercrombie Street. The access leads to a hard surfaced car parking area to the rear of the property and which would have been cut into sloping land.

2.4 In terms of architectural detailing, No. 28 is noted for Ashlar stone work, quoins, hipped slate roof, sash windows, stone bays, and rectangular fan light. The official listing description is as follows:

Circa 1840. Ashlar with quoins and band at 1st floor. Hipped slate roof with wide eaves. 2 storeys. 2 windows unbarred sashes 1st floor. Ground floor has stone bays with cornice and parapet, centre French casement otherwise plain glazing. Façade to Abercrombie Street has door with rectangular fanlight, doorcase now missing. Included for group value in relation to the group of buildings at entrance to Abercrombie Street.

2.5 There are a number of Tree Preservation Orders (TPOs) within the curtilage of No. 28 which contribute a significant amount to the character and setting of the listed building and wider conservation area.

2.6 28 Abercrombie Street was last used as an Architects studio (B1 use class) but the building is now vacant and unoccupied.

3.0 RECENT PLANNING HISTORY

3.1 The following applications for 28 Abercrombie Street were submitted:

- CHE/15/00078/FUL & CHE/15/00079/LBC - Demolition of existing attached single storey extension, erection of a garage, internal modifications to listed building and erection of 3 detached houses. APPLICATIONS WITHDRAWN.
- CHE/14/00219/COU - Change of Use from office to a single dwelling. GRANTED CONSENT.
- CHE/08/00738/OUT- Existing garden to be subdivided for erection of 4 bedroom dwelling, and associated parking and amenity space. REFUSED.
- CHE/07/00182/LBC - Repair existing stone boundary wall and install 1 no. new set of gates to Abercrombie Street. GRANTED CONSENT.

4.0 THE PROPOSAL

4.1 The application was originally submitted and validated in early 2016 but significant revisions to the application were submitted and validated in November 2016. The original application proposed part demolition of an

ancillary building with an extension forming a 3-bed dwelling in its place as well as a large detached 4-bed dwelling on the rear (west) lawn, including changes to the boundary wall and access. Through discussion with the applicant it was considered that this amount and scale of development would have a substantial impact on the setting and character of the listed building and wider conservation area (including impact on trees) so the applicant submitted revisions. The revised application is described as follows:

Extension and re-modelling of outbuilding to allow for conversion and extension to create 1. No.3-bed dwelling, internal alterations and change of use to Ashton Lodge to create 4-bed dwelling and erection of detached garage/annex building (revision to applications CHE/15/00078/FUL and CHE/15/0079/LBC).

4.2 In accordance with paragraph 128 of the National Planning Policy Framework the applicant has included a Design, Access & Heritage Statement (Philip E. Heath, BA, IHBC) which provides an historic overview of the building as well as justification for the proposed works.

4.3 The applications are also accompanied by:

- Photographs of interiors
- Existing and proposed elevation drawings/floor plans.
- Planning Statement (*CT Planning*)
- Arboricultural Impact Assessment (*Ben Bennett, Tree & Woodland Consultancy*)
- Bat & Bird Survey (*Christopher Smith, MRICS, MSc, CEnv*)
- Coal Mining Risk Assessment Report (GIP Ltd)

Description of proposals

The extension and re-modelling of existing outbuilding to allow for the conversion to one 3-bed dwelling.

4.4 Currently attached to the Lodge's northern elevation are ancillary buildings made up of 3 smaller sections which comprise (from south to north): a 2-storey building currently used as a toilet (ground floor) and kitchen/WC (first floor); a 1-storey office building; and a 2-storey store building. These buildings would have been constructed at a later date to the Lodge and they are not referred to in the formal listing description. These buildings therefore have less significance. However they do contribute to the Lodge's

setting given their period character and building materials (natural slate roofs, timber windows, stone headers/sills, etc). Internally, as the applicant's Design, Access & Heritage Statement confirms, there are no significant decorative or architectural features in these ancillary buildings as they have been stripped back for modern office usage.

4.5 The applicant is proposing a change of use of these ancillary buildings to create one 3-bed dwelling, including kitchen, living room, lobby and bathroom. Proposed external changes (shown at figure 2) are as follows:

- A remodelling of the 2-storey end building's western elevation to include a 1m increase in building height (measured to the roof ridge) and the extension/projection of the western elevation by an additional 1m.
- The removal of existing steps/fenestration on the 2-storey end building and replacement with 2 new windows and 1 door.
- Changes to the other ancillary buildings to include alterations and re-positioning of existing windows and door; installation of a conservation roof light; and raised and reconstructed traditional chimney stack.
- Changes to the eastern elevation to include alterations to existing window and introduction of a French style door.

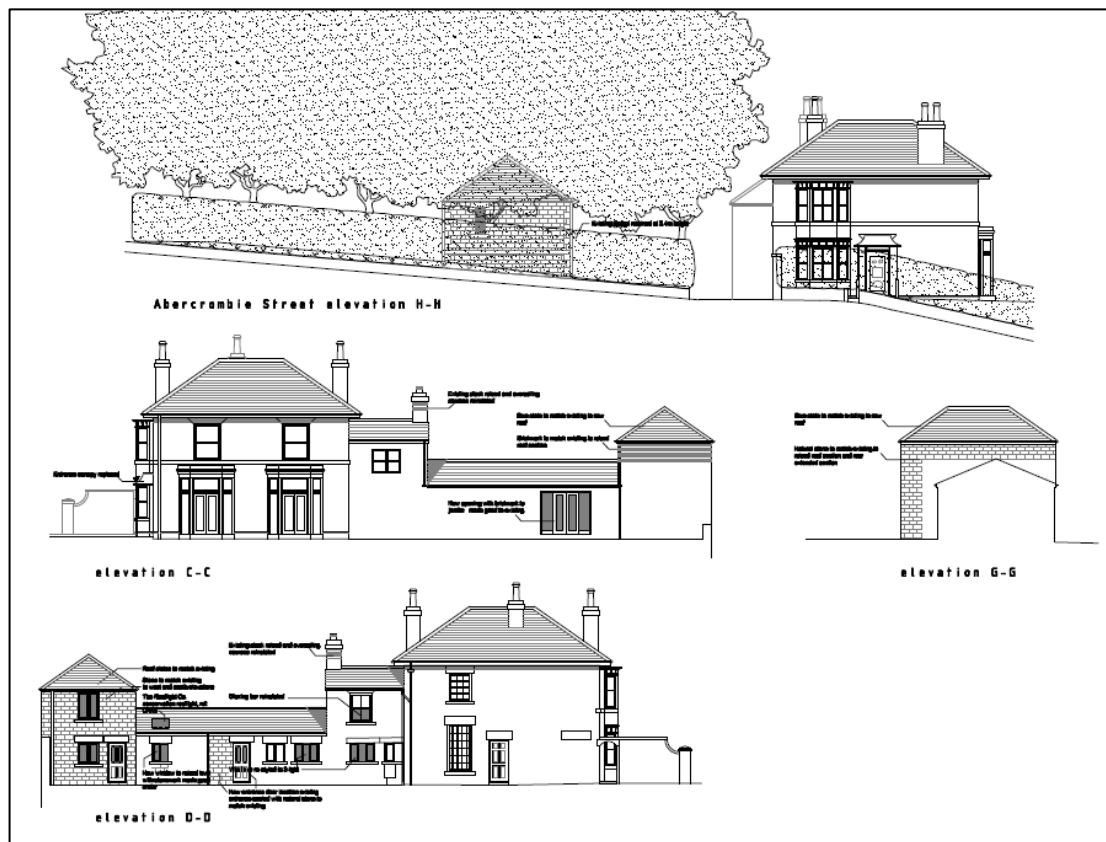


Figure 2: Proposed external works to Lodge and ancillary buildings

Internal alterations and change of use to Ashton Lodge to create one 4-bed dwelling

- 4.6 The Lodge was until recently occupied as an Architect's studio with a reception room, 2 offices, a meeting room (all ground floor) and 4 offices (first floor).
- 4.7 The applicant's Design, Access & Heritage Statement confirms that excluding internal sash window linings, a fitted cupboard, cornicing (all on the ground floor) and staircase with balustrade, there are no internal features of note.
- 4.8 Excluding the introduction of a Regency style door canopy on the southern elevation and removal of a former timber water closet (added at a later date on the northern elevation), there are no proposed external changes to the listed Lodge.
- 4.9 The applicant is proposing 1 kitchen, 1 dining room, 1 living room and 1 hallway on the ground floor of the Lodge. The first floor would comprise 4 bedrooms, 1 bathroom and 1 shower room. The new rooms would utilise the existing layout; excluding the removal of the former water closet (which can be accessed internally and is now part of the stair landing), there are no proposals to alter or remove existing internal walls or make significant changes to the interior of the building.

Erection of an ancillary detached garage/annex building

- 4.10 The applicant is proposing a new detached twin double garage and granny annex building accessed off the rear hard surfaced area which would face the rear west elevation of the Lodge and ancillary buildings (figure 3). The double garage/granny flats would be ancillary to each of the proposed 3-bed and 4-bed dwellings, i.e. they would not be separate dwellings and garages, but would be ancillary accommodation under the ownership of the respective dwellings.

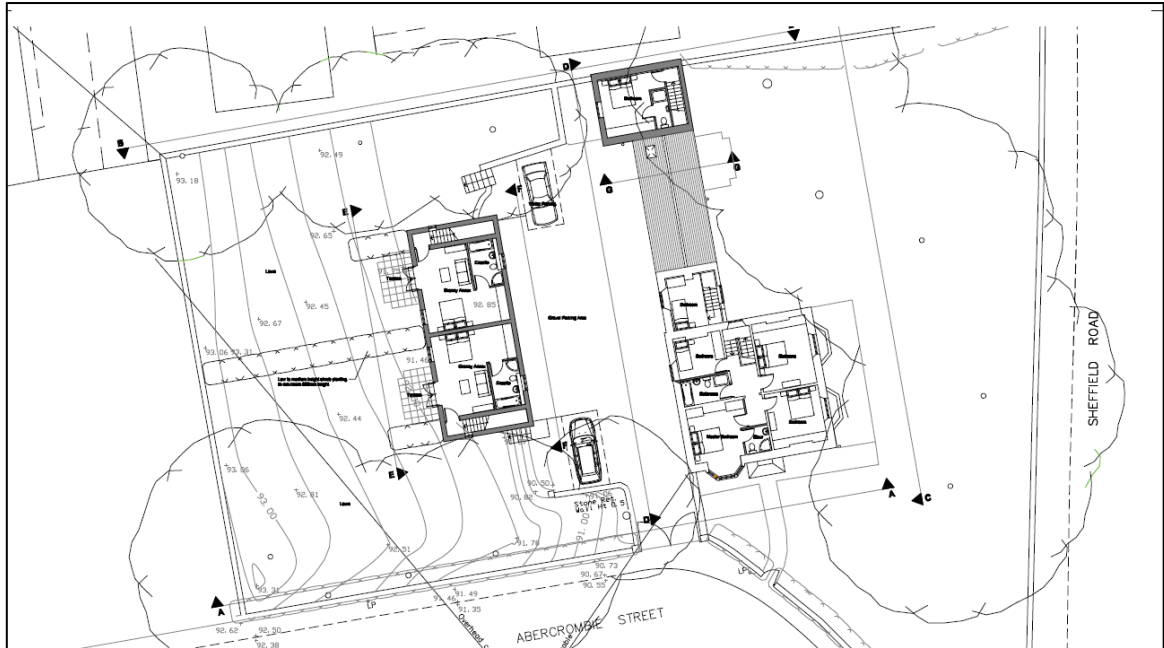


Figure 3. Proposed floor plan

- 4.11 The building would encroach 4.5m into the existing lawn area. A relatively small and low section of an existing stone retaining wall would be removed to accommodate the development. Given the rising level of the lawn the applicant is proposing to construct the rear of the building's ground floor (the garages) partly cut into the ground, hence the height of the front elevation from ground to eaves would measure 4.5 but the rear elevation height from lawn to eaves would measure 3.5 m.
- 4.12 The size of the building is 12m (l) x 6m (w). This is in the context of the existing lawn area measuring approximately 30m x 19m; the length of Lodge and ancillary buildings measuring 27m; and the highest point of the Lodge measuring 6m from ground to eaves. The proposed annex can be considered to be subordinate in scale to the combined existing buildings and wider curtilage.
- 4.13 The proposed granny annexe/garage has been designed simply and would be constructed in natural stone for the southern and eastern elevations (with light stone tooling to match the existing Lodge stonework). The north and west elevations would be rendered and the roof tiles natural blue slate roof (figure 4). There is a lack of clarity about window materials but this would be conditioned to ensure traditional flush casement or sash period timber windows are installed.



Figure 4. Proposed elevations.

- 4.14 The interior of the building would consist of 2 double garages on the ground floor and 2 granny annexes on the first floor each comprising sitting bedroom and kitchen in one area and a separate ensuite. Doors on the ground floor western elevation would provide access to internal stairs which in turn would provide access to the granny annexes.
- 4.15 To the rear of the ancillary building, a hedgerow is proposed (to delineate the rear lawn area into 2 separate spaces). Each granny annex would have a small terraced area (2.5m X 3.5m) presumably constructed of some form of hard surfacing (appropriate natural materials can be secured by condition).

5.0 **CONSIDERATIONS**

National Planning Policy Framework (NPPF)

- 5.1 *Conserving and enhancing the historic environment* - sets out the government's approach to conserving the historic environment with the emphasis on local planning authorities taking into account the desirability of enhancing heritage assets including listed buildings.
- 5.2 *Delivering a wide choice of high quality homes* - local planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.
- 5.3 *Requiring good design* - good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Local Plan: Core Strategy

- 5.4 *CS19 Historic Environment* - sets out the council's approach to the preservation and enhancement of the historic environment. The Council will do this through the protection of designated heritage assets and their settings, including listed buildings.
- 5.5 *CS4 Infrastructure Delivery* – the Council operates a Community Infrastructure Levy and new residential development will be charged according to CIL zone and amount of gross internal floor space.
- 5.6 *CS18 Design* - all development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context.

Legislation

- 5.7 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.

- 5.8 Under the current amended Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015, local planning authorities are only required to consult with the Historic England or National Amenity Societies if the works are to a grade I or grade II* listed building or there are 'relevant works' (defined as demolition of a principal building of a grade II listed building).

Assessment of applicant's proposals

The extension and re-modelling of an existing outbuilding to allow for the conversion to one 3-bed dwelling.

- 5.9 The applicant is proposing to remodel the end 2-storey ancillary building in matching materials which is appropriate. The loss of steps and

rearrangement, re-orientation or introduction of windows and doors are not considered to represent a significant loss of historic or architectural character (the ancillary buildings are not part of the Lodge's formal listing, hence their architectural and historic significance stems primarily from the contribution they make to the character and setting of the listed building and wider conservation area). The height increase of 1m would still leave the building subordinate to the main dwelling.

- 5.10 Subject to clarity about proposed materials and window arrangements (which should reflect the period character of the listed building and existing ancillary buildings) it is considered that these elements of the applicant's proposals are acceptable. Conditions placed on the listed building consent can ensure appropriate materials and methods are used.
- 5.11 Other proposals to the ancillary buildings such as re-orientation of doors and windows and introduction of a conservation style skylight are considered acceptable, again subject to appropriate materials which can be secured by condition.
- 5.12 Overall, what is being proposed overall is not dissimilar to typical barn conversions whereby underutilised ancillary buildings of historic interest and character are refurbished and sustained via a new residential use. Subject to careful attention to materials and windows and door profiles, it is considered that the proposed changes are in keeping with the setting and character of the listed building and wider CA.

Internal alterations and change of use to Ashton Lodge to create one 4-bed dwelling

- 5.13 The applicant has robustly demonstrated via a Design, Access & Heritage Statement that the proposals will not have an adverse impact on any significant internal features of the main Lodge building. The interior of the Lodge has been modernised for office use, hence excluding fittings such as cupboards and cornicing, there are no original internal features (there are no proposal to remove or alter these features). The proposed room layout would not result in any extra subdivision or over-compartmentalisation of the interior space.
- 5.14 Excluding the proposed removal of a former water closet (attached to the northern elevation) and the introduction of a Regency style door canopy on the southern elevation (which is considered an attractive and appropriate

addition) there are no proposed external changes. Whilst the former water closet has some character and is an unusual feature, it is accepted that the structure is somewhat incongruous, and that its removal would reintroduce the original northern elevation, including the proposal to reinstate a period arched fanlight window.

It is most likely that the building was constructed originally as a dwelling house.

Erection of an ancillary detached garage/annex building

- 5.15 The proposed ancillary building arose partly as a result of conversations with Officers. Recent proposals to develop separate and detached dwellings on the lawn were resisted on the basis that a separate residential dwelling or dwellings with attendant infrastructure (parking, access hardstanding, etc) would have a substantial impact on the open character and setting of the listed building and wider conservation area (as well as potentially damaging the root protection areas of existing mature trees).
- 5.16 Consequently it was accepted that some form of ancillary development subordinate in scale to the Lodge may be acceptable if it could be demonstrated that impacts on the setting and character of the Lodge and wider conservation area were carefully considered and the proposals were consistent with Local Plan policies regarding the protection and sustaining of heritage assets.
- 5.17 It is considered that the applicant's proposed granny annex/garage is an acceptable addition to the curtilage of the Lodge. The proposed building when combining the scale of the Lodge, ancillary buildings and wider curtilage, would not dominate the setting. It is also simple in design and would be constructed in materials to match the vernacular of the Lodge and ancillary. Its scale and style could be compared to a traditional coach house or other type of ancillary building which would often be found in the curtilage of this type of Victorian or Georgian property (albeit a modern version designed for motor cars and living accommodation).
- 5.18 Excluding two small terraced areas to the rear there would be no additional hardstanding or access requirements. In term of visual impact on the Lodge, the annex/garage would impact on the less sensitive eastern elevation - it is the southern and eastern elevations that are primary and have the most significance.

5.19 The annex would take up only a small proportion of the existing lawn area, hence the open character of this area would, to a large extent, be retained. Moreover, the annex would be partially cut into the lawn by around 1m, reducing the height of the building, which in turn would lessen the impact on the setting of the listed building and wider CA. Views to the building from immediate street scene and CA would be largely obscured by the existing boundary wall, hedgerow and mature trees.

Consultation comments

Highways

5.20 Derbyshire County Council as Highways Authority have no objection in principle to the proposals, but recommend that the proposed internal double garages should measure 6m x 6m on the basis that the proposed 5.5m X 5.5m is a little tight. They also state it would be beneficial if existing viability was improved.

5.21 *Officer response* – an increase of the interior space of the garages to 6m x 6m is not considered necessary given that there is existing additional off-road car parking to serve the development. Improvement to visibility is not considered necessary as the existing access has successfully served an Architect's studio for a number of years (likely to have generated more vehicle movement than the proposed residential use). Alterations to the access point could also result in damage to the historic boundary walls and adjacent protected trees.

Derbyshire Wildlife Trust (DWT)

5.22 DWT generally support and agree with the conclusion of the bat and bird survey which accompanies the revised applications. The survey concludes that no evidence of the presence of bats was identified and no bats were recorded emerging from the building during the evening emergence bat survey. There was also no evidence of nesting birds, but ivy on the outbuilding was considered to be a suitable location. DWT have no objections subject to conditions ensuring that proper bird protection measures are undertaken during the relevant months prior to removal of vegetation and a bat roosting and bird nesting enhancement strategy is submitted to the LPA prior to commencement of development.

Officer comment – DWT's recommendations can be secured by conditions.

CBC Tree Officer

- 5.23 The Council's Tree Officer has been consulted on the revised applications. He is satisfied that the protected trees on site can be retained with limited effects on the rooting systems subject to the protection measures recommended in the applicant's Arboricultural Impact Assessment being carried out. He comments that prior to any terrace work commencing, further details are requested which identify the proposed construction methods. He also confirms that the proposed pruning works of T28 Sycamore and Beech T11 to facilitate development is acceptable, subject to being carried out to professional standards.

Officer comment – recommended protection measures and appropriate construction methods can be secured by conditions.

Coal Authority

- 5.24 The application falls within a defined Development High Risk Area. The Coal Authority confirms that there is a recorded mine entry in the north-west corner of the site of recorded and probably unrecorded underground coal workings. The Coal Authority also confirms that the applicant's Coal Mining Risk Assessment Report has been informed by appropriate and up-to-date information and correctly identifies that the mine entry has been filled and capped to an industry standard.
- 5.25 The proposed annexe building would not be located over the area in question. Nevertheless, the Coal Authority recommends prior commencement conditions on any planning consent to ensure that further site investigations are undertaken.

Officer comment – these recommendations can be secured by condition.

Historic England

- 5.26 Historic England commented on the application prior to the revisions and considered that the proposed demolition of the 2-storey end ancillary building was not justified by sufficient information and that a proposed detached 4-bed house would erode the character and setting of the Lodge and wider CA. Historic England drew attention to the normal statutory and planning policy requirements and requested not be consulted further on the proposals.

Officer comments – revisions were made to the original application in response to Historic England and Officer comments. It is considered that the revised proposals, which now retain the buildings have been considered in the context of the relevant policy and statutory frameworks.

Victorian Society

- 5.27 The Victorian Society commented on the application prior to the revisions. They highlighted the aims of the Abercrombie Street Conservation Appraisal which confirmed that large and semi-detached Victorian villas make a significant contribution to the character of the CA. They considered the pre-revision application inappropriate as the erection of a detached 4-bed dwelling and part demolition of the end extension building would erode the character and setting of the Lodge and wider conservation area.
- 5.28 The Victorian Society considered the revised applications and requested that their objections were maintained.

Local residents

- 5.29 Neighbours at 26 Abercrombie Street objected to the original and revised proposals on the basis that they are contrary to the principles set out in the Abercrombie Street Conservation Area Appraisal and local and national planning policies relating to heritage assets (as well as being contrary to the spirit of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.30 A critique of the applicant's Design Access & Heritage Statement (Philip E. Heath, IHBC) is also put forward which states that it is not an independent analysis and that its assertions need to be challenged. The objector's principle objections to the revised application are as follows:
- The destruction of the setting of a significant grade II listed building within a prime conservation area is entirely unjustified and without merit.
 - First and foremost any proposal for building work in a conservation area must enhance or preserve the architectural character of the conservation area. This application does neither.
 - The development does not constitute "sustainable development" as defined by the NPPF so there is no presumption in favour of development. There are no "exceptional" circumstances under which the destruction of the setting of a grade II listed house and part destruction of a listed building can be justified.

- The proposal runs counter to the principles and observation of the Abercrombie Street Conservation Appraisal and also runs counter to Core Strategy Planning Policies CS18 and CS19 of the Chesterfield Borough Local Plan.
- The ongoing viability and long term future of Ashton Lodge is not dependant on developing the setting of the house. The house has current permission for reversion to residential use.
- This speculative development proposal is architecturally insensitive and seeks to build garages and spurious ancillary accommodation in the garden of the listed house – something which has never been deemed necessary by the developer in any pervious development proposal for this property. The ASCA proposal states “infilling existing open space would alter the historic and locally distinctive form for the area” and the NPPF urges planning authorities to resist inappropriate development of residential gardens, where development would cause harm to the local area.

5.31 The residents of 7 Abercrombie Streep objected to the original application and reiterated the same summary as put forward by residents of No.26. They made no comments on the revised application.

Officer response to objections

5.32 The local residents’ comments are predicated on the assumption that the proposed development will result in the “destruction of the setting of a grade II listed house and part destruction of a listed building”. It is considered that this view is extreme and based on a misreading of the proposals. The objectors’ view that the proposals would cause ‘substantial harm’ to the setting of the listed building and wider conservation area (as understood in of paragraphs 132 and 133 of the NPPF) is also considered misleading.

5.33 The Victorian Society comments are also predicated on the assumption that the revised proposals will cause substantial harm to the setting of the listed building and wider conservation area.

5.34 The NPPF (paragraph 129) states that *‘local planning authorities should identity and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)’*.

- 5.35 It is considered that the main significance of the grade II listed Lodge stems from it being a typical detached Victorian villa of the period with particular architectural and design features as noted in the formal description (e.g. ashlar stone, quoins, hipped slate roof, wide eaves, sash windows, stone bays with cornice and parapet, etc).
- 5.36 Significance also stems from the listed boundary walls and associate posts and piers at the entrance off Abercrombie Street and the Sheffield Road frontage. The most prominent and distinctive elevations of the listed Lodge are the eastern and southern elevations – this is where the building has the biggest visual impact and gains its identity as a prominent villa in the wider CA and surrounding street scene (figure 1).
- 5.37 Excluding the introduction of a terraced area which would be accessed from the ground bay door, the applicant is not proposing to make any changes to the Lodge's Sheffield Road elevation, including any changes to the listed boundary wall and piers. The main changes to the ancillary buildings include the introduction of a French style door and the raising of the end building elevation by 1m and extending the western elevation by 1m. It is considered that these proposed external changes would not take away any significance attached to the Lodge or ancillary buildings or offer up alterations that might have an unacceptable impact on the character and appearance of the listed building and its setting.
- 5.38 The western elevation, which is mainly screened by mature trees, hedgerows, vegetation and boundary walls, is a secondary elevation and has less significance. As the applicant's Design, Access and Heritage Statement suggests, this elevation *'is of courser stonework and handled far less self-consciously because they are not show elevations. Accordingly, the principle garden areas are to the south and east of the house, and it is these areas that contribute most to the setting of the house'*.
- 5.39 The western elevations look towards an area of hardstanding and then a rising lawn area which is bordered by mature trees, stone walls, hedgerows and vegetation. Historic maps (1878) show this area as being open with paths - it was presumably used as a garden or recreational area for earlier residents of the Lodge. It is currently a lawn and until recently was used for recreation by employees of the Architects studio. The hardstanding area is used for car parking.

5.40 It is considered that the significance of this lawned area stems from the fact that it is part of the Lodge's historic curtilage and setting. Value also arises from the relationship between the Lodge and the smaller-scale extension buildings, all which share an era and architectural features. The open character of the rear curtilage is also a defining characteristic (figure 5).



Figure 5. Lawned area.

5.41 The mature boundary treatments (stone walls, hedgerow and mature trees) also make a positive contribution to the setting of the Lodge surrounding conservation area. Views from the wider conservation area into the rear curtilage are primarily screened by the boundary wall, hedgerows and mature trees (figures 6 & 7).



Figure 6. Views from the Abercrombie Street CA.



Figure 7. Views from the Abercrombie Street CA.

- 5.42 It is accepted that the proposed granny annex/garage building will result in some loss of openness of the rear lawned area and impact on upper storey views from Hurst House and No. 26. However the impact is considered less than substantial (the annexe footprint represents approximately 13% of the lawn and would be located on the lawn's eastern edge). Views from No. 26 would not be of the taller front garage elevation but of the lower levelled domestic fenestration and small terraced area of the rear elevation. This is considered an acceptable visual intrusion.
- 5.43 It is also considered that there would be an aesthetic and functional relationship between the proposed annex building and existing Lodge and ancillary buildings. This is because the design pallet and material of the proposed annex would sit comfortably in the setting of the listed building and also because of its ancillary and subordinate nature (it would not be a separate dwelling with associated access, significant areas of hardstanding and fragmentation of ownership).
- 5.44 Regarding the proposed garages, an ancillary domestic garage use is considered appropriate; there are no existing garages on site.
- 5.45 On this basis it is difficult to conclude that the proposal would cause substantial harm to the setting of the listed building and wider conservation area. The annexe building would be significantly set back and screened from the wider street scene by existing mature boundary treatments.
- 5.46 Likewise it is considered that the proposed changes to the ancillary buildings, given the minimal nature of the changes and proposed material, would not lead to the loss of any architectural significance or result in any

substantial harm to the setting of the listed building or wider conservation area. In fact it is felt that the proposed changes would put under-utilised and neglected building to viable uses consistent with their conservation (as recommend in paragraph 131 of the NPPF).

Conclusion

- 5.47 Overall it is considered that applicant's proposals are acceptable and will not cause substantial harm to the setting and character of the listed building and wider conservation area. Internally, none of the proposed works will result in the loss of any features of significance and external works are considered appropriate and in keeping.
- 5.48 It is also considered that the proposed residential change of use and ancillary granny annexe/garage will sustain the listed building for future generations and provide valuable living accommodation in a sustainable part of Chesterfield.
- 5.49 As such the proposals are consistent with local and national planning policies which seek to preserve and sustain heritage assets.
- 5.50 Where issues have been raised by consultees which relate to planning matters, such as coal mining risk, tree protection and ecology, these can be addressed by planning conditions to ensure that further information where required is submitted to the Local Planning Authority for approval.

Community Infrastructure Levy

- 5.51 The proposed granny annexes/garages would be new residential floor space so will be liable for the Council's Community Infrastructure Levy. Abercrombie Street is in the low CIL zone at £20 psm gross internal floor area. The applicant has confirmed that 135sqm of internal gross floor space will be CIL liable. This equates to £2,700. A CIL Liability Notice would be served on the granting of a planning consent.

6.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANTS

- 6.1 The Government (since the 1st December 2012) requires Local Planning Authorities to include a statement on every decision letter stating how they have worked with the applicant in a positive and proactive way, in line with the requirements in paragraphs 186 and 187 of the National Planning Policy Framework.

6.2 During the process, Council Officers liaised with the applicant to ensure that any proposals were consistent with local and national planning policies regarding the historic environment.

7.0 HUMAN RIGHTS ACT 1998

7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

7.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application. The decision taken is objective, based on all planning considerations and is, therefore, not irrational or arbitrary. The methods used are no more than are necessary and required to accomplish the legitimate objective of determining an application.

7.3 The interference caused by a refusal, approval or approval with conditions, based solely on planning merits, impairs as little as possible with the qualified rights or freedoms of the applicant, an objector or consideration of the wider Public Interest.

7.4 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

8.0 RECOMMENDATION

8.1 That a CIL Liability notice be issued as per paragraph 5.51 above.

8.2 That the applications be **GRANTED** subject to the following conditions:

CHE/16/00045/FUL

Time limit

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

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

Plans

2. All external dimensions and elevational treatments shall be as shown on the approved revised plans:

- P2315.401 Proposed Ground Floor
- P2314.402 Proposed First Floor
- P2315.403 Proposed Elevations
- P2315.404 Proposed Elevations
- P2315.421 Tree Protection Plan
- Design, Access and Heritage Statement

with the exception of any approved non material amendment.

Reason: to clarify the extent of the planning permission.

Construction times

3. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason: in the interests of resident amenity.

Coal mining risk

4. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues and contamination on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the remediation /

stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

Reason: To fully establish the presence and / or otherwise of any contamination and / or coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site.

Storage of plant and materials

5. Unless otherwise agreed in writing by the Local Planning Authority, development shall not commence until a plan has been submitted to the Local Planning Authority for consideration and written approval showing the proposed storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods, vehicles, parking and manoeuvring of employees and visitors' vehicles. Once implemented the facilities shall be retained free from any impediment to their designed use throughout the construction period.

Reason: in the interests of resident amenity and tree protection.

Tree protection

6. Unless otherwise agreed in writing by the Local Planning Authority, development shall be in accordance with The Tree Protection Plan (ref P2315.421) in the applicant's Arboricultural Impact Assessment prepared by Ben Bennet, Tree & Woodland Consultancy, February 2017. Tree protection measures, including any pruning works, will follow the method statement contained in Appendix 2 of the same document. The Council will require notification to inspect the root trial excavations within the RPA of TPO T28 Sycamore (T9 on the applicant's Tree Protection Plan) as stated in paragraph A2.1.11 of the same document.

Reason: in the interests of tree protection.

Terrace construction

7. Unless otherwise agreed in writing by the Local Planning Authority, construction of any terracing on site shall not commence until details of materials and construction methods have been submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of tree protection and to protect the special character of the listed building and wider conservation area.

Bird and bat activity

8. No removal of vegetation shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason: in the interests of bat and bird protection

9. Prior to the commencement of development a bat roosting and bird nesting enhancement strategy shall be submitted to and approved in writing by the Local Planning Authority.

Reason: in the interests of bat and bird protection.

Surface water drainage

10. Development shall not commence until full details of proposed surface water drainage scheme have been submitted in writing to the Local Planning Authority for approval. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

Reason: in the interests of satisfactory surface water drainage.

Ownership of ancillary building

11. The two self-contained ancillary granny annexes and garages hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the two proposed dwellings within Ashton Lodge. The self-contained ancillary granny annexes shall:

- Only be occupied by persons with a familial link or relationship to the occupants of the main dwelling.
- Not be identified or addressed as a separate postal address.
- Not be occupied in the event the main dwelling is unoccupied.
- Not be occupied under any form of contract.

Reason - The provision of independent units of living accommodation would not safeguard a sufficient degree of residential amenity for the occupants. It will also minimise the fragmentation of property ownership within the Lodge's curtilage.

Removal of permitted development rights

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted) Development Order 1995 (as amended), there shall be no extensions, outbuildings or garages constructed, or additional windows erected or installed at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

Reason: to protect the special character of the listed building and wider conservation area.

Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. The Highway Authority recommends that:
 - The first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Highway Authority reserves the right to take any necessary action against the householder.
 - Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. Street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

CHE/16/00046/LBC

Time limit

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

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

Plans

2. All external dimensions and elevational treatments shall be as shown on the approved revised plans:

- P.2315.401 Proposed Ground Floor
- P2314.402 Proposed First Floor
- P2315.403 Proposed Elevations
- P2315.404 Proposed Elevations
- P2315.421 Tree Protection Plan
- Design, Access and Heritage Statement

Reason: to clarify the extent of the listed building consent

Windows and doors

3. Unless otherwise agreed in writing by the local planning authority, development shall not commence until details of the proposed windows and doors (including garage doors) with cross sections have been submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to protect the special character of the listed building and wider conservation area.

Stone, brick and mortar

4. Unless otherwise agreed in writing by the Local Planning Authority, development shall not commence until details of the proposed stone (including quoins, cills and heads), brick work and mortar types, have been submitted to the Local Planning Authority for consideration and written

approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to protect the special character of the listed building and wider conservation area.

Guttering

4. Unless otherwise agreed in writing by the Local Planning Authority, development shall not commence until details of the proposed details of rainwater gutters, brackets, hoppers and down pipes to be used shall be submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to protect the special character of the listed building and wider conservation area.