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File No: CHE/17/00359/FUL
Plot No: 2/3437

ITEM 1

ALTERATIONS AND CHANGE OF USE FROM PUBLIC HOUSE TO RESIDENTIAL USE COMPRISED OF 9 FLATS AND A SEPARATE 4 BED DWELLING AT VICTORIA HOTEL, LOWGATES, STAVELEY, DERBYSHIRE, S43 3TR FOR KAT HOMES LTD – AMENDED DESCRIPTION AND PLANS RECEIVED 10.07.2018 AND 23.07.2018, ARBORICULTURAL IMPACT ASSESSMENT RECEIVED 23.07.2018.

Local Plan: Unallocated
Ward: Lowgates and Woodthorpe

1.0 **CONSULTATIONS**

Ward Members	No comments
Staveley Town Council	Comments received
Strategy Planning Team	Comments received
Environmental Services	No objections
Design Services	No objections
Economic Development	No objections
Housing Services	No comments
Environment Agency	No comments
Yorkshire Water Services	No comments
Derbyshire Constabulary	No objections
DCC Strategic Planning	No comments
DCC Highways	Comments received
Coal Authority	No objections

Tree Officer	Comments received
Conservation Officer	No objections
Archaeology	No objections
NHS	No comments
Neighbours/Site Notice	2 petitions received and 2 representations received.

2.0 **THE SITE**

- 2.1 The property concerned is the Victoria Hotel, located on Lowgates in Staveley. The Victoria Hotel dates from the 1890s and was constructed at the same time as the residential development on Wateringbury Grove. The building is constructed of red brick and has pitched slate roofs. The elevations are notable for areas of well-crafted decorative brickwork and original sash windows (some with margins). Two modern small ground floor porches have been added. The pub is currently closed with metal shutters on the ground floor. Given its historic and aesthetic value, the pub is on the Council's draft Local List of Heritage Assets.
- 2.2 The Victoria Hotel is situated on the corner of Wateringbury Grove and Lowgates. The property is set over two storeys with further rooms within the roof area. A rear car park area is situated to the South of the site, with access to this from Wateringbury Grove. The roadway of Lowgates is situated to the North of the site, the roadway of Wateringbury Grove is situated to the East of the site, 2 Wateringbury Grove is situated to the South of the site, and a park is situated to the West of the site. Two trees are located on an area of grass within the rear car park area, and these are subject to a Tree Preservation Order.





3.0 **RELEVANT SITE HISTORY**

3.1 There is no relevant planning history at this site.

4.0 **THE PROPOSAL**

4.1 A full application has been made for alterations and change of use from public house to residential use comprised of 9 flats and a separate 4 bed dwelling. Amended description and plans received 10.07.2018 and 23.07.2018, Arboricultural Impact Assessment received 23.07.2018.

4.2 The plans were originally for the conversion of the property to a house in multiple occupation, and described as conversion to 2 units comprising of 10 and 11 flats and a separate 4 bed dwelling. Concerns were raised with regard to the level of parking provision, the potential overdevelopment of the site, highway concerns and design. Concerns were also raised in relation to the impact on the protected trees on site. This resulted in the description of the

application being revised, amended plans being produced, and a tree survey being provided.

- 4.3 The amended plans indicate that the property would be converted to 9 apartments and a four bedroom house. The property is proposed to remain largely unaltered externally. Three rooflights are proposed to the North East elevation, and an existing porch is proposed to be removed and replaced by a new doorway. Three rooflights are proposed to the South West elevation, along with two new windows at ground floor level, a new external door at first floor level, and a new window within the gable of the roof. Five rooflights are proposed to the South East elevation, and an existing porch is proposed to be removed and replaced by a new doorway. Three rooflights are proposed to the North West elevation, along with one new window at ground floor level, three windows at first floor level, and two windows within the gable of the roof.
- 4.4 Internally it is proposed to provide 9 apartments, with some of these being one bedroom and others being two bedroomed. The apartments are proposed to be situated at ground floor, first floor and second floor, with one of these being set over two floors. All of the flats are proposed to comprise living, dining, kitchen, bathroom and bedroom areas. A four bedroom house is proposed to be situated at ground floor and first floor level, to the North West section of the building. Apartment space would be situated above the house at second floor level. Externally it is proposed to provide 11 parking spaces, communal garden area, cycle storage, and a bin storage area. This provision is proposed to be situated to the South of the site, in the existing car park area. Boundary walls are proposed to be erected in front of the property, to the North East and South East elevations. The internal spaces appear to be appropriate and fit for purpose. No further details with regards to landscaping or boundary treatments are provided at this stage.
- 4.5 There is an expectation that the materials used for alterations to the building and new windows and doors would match the existing. The application form indicates that new windows and doors would be of a UPVC construction, however this is not considered to be acceptable. It is

considered that conditions should be imposed requiring the submission of material samples and full details of new windows and doors. The two trees that are covered by a Tree Preservation Order on site are proposed to be removed and replaced. An Arboricultural Impact Assessment has been provided to support these plans. The original plans were considered inappropriate in terms of design, and as such consultation took place with the applicant in order to provide amended plans.

4.6 The application is assessed on the basis of the Application Form, Planning Statement, Arboricultural Impact Assessment, Site Location Plan, and the plans and elevations.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

5.2 The site is situated within the built settlement of Staveley. The immediate area mainly contains a mix of commercial and residential properties, and is well served by public transport, services and facilities. Having regard to the nature of the application, policies CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

5.3 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:

- a) adhere to policy CS1
- b) are on previously developed land
- c) are not on agricultural land
- d) deliver wider regeneration and sustainability benefits
- e) utilise existing capacity in social infrastructure
- f) maximise walking / cycling and the use of public transport
- g) meet sequential test requirements of other national /local policies

All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.

- 5.4 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.

In addition to the above, the new 2018 NPPF places emphasis on the importance of good design stating:

‘In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of their surroundings.’ (para131)

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents” (para 130).

- 5.5 In addition to the above, in July 2013 the Council adopted ‘Successful Places’ which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.

- 5.6 The proposed development site is situated within Staveley Centre and is on previously developed land. The site is located within a built-up area where new housing development would be considered appropriate in principle. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature and is a logical housing location.

6.0 **Policy**

- 6.1 The proposal accords with the Spatial Strategy (CS1), which focuses new housing development close to centres and regeneration areas.

The key issues are the loss of public house, which is social infrastructure, and the impact on amenity.

- 6.2 Policy CS17 requires that the loss of social infrastructure can only be accepted if there is an equivalent facility available in the locality or it can be demonstrated that the current use is economically unviable. In this case, there are other public houses within the immediate area including the Speedwell Inn and pubs within the centre of Staveley (eg Beechers Brook, The Pod) and therefore the proposal would accord with the first part of this policy.

- 6.3 Policy CS2 and CS18 concern amenity and Design and the communal area as shown on the revised drawings is lacking in space, with very limited opportunities for drying clothes etc. The proposed parking provision (car, motorcycle and cycle) is low considering the existing levels of on-street parking as noted by the Highway Authority below. A lower density scheme for fewer apartments with more generous space standards would require less car parking spaces and therefore have a more favourable impact on amenity of occupiers and neighbours in this respect. Under CS18 Design, the density and standards of amenity in terms of external space and local parking impacts are considered to be acceptable.

- 6.4 To accord with CS20 and the parking guidance there should be additional provision of secure covered cycle storage. The revised drawings indicate space for 4 cycles although it is not clear whether this storage will be covered and secure.

- 6.5 The site is sustainable and although the proposal would represent the loss of social infrastructure it would provide an active use for the building which has been empty for some time. There remain concerns about the lower amenity standards and parking provision however the property is situated in a sustainable location directly adjacent to a park.

It is not possible to provide any further parking provision, however it is considered that a parking space per apartment and two parking spaces for the house is a satisfactory level of provision for a development of this nature in a location that is well served by public transport and amenities.

7.0 **Design and Appearance (Including Neighbour Effect)**

7.1 It is considered that the design of the proposed alterations to the property are acceptable, subject to the imposition of conditions, and would have no adverse impact on the character of the property or the surrounding area. It is not considered that the proposed new openings would result in any significant adverse impact on the character of the property, and the removal of the two unsightly porches would improve the appearance of the building considerably. It is important that this important vacant building is given a new appropriate use, as it has started to fall into disrepair. It is considered that the alterations to the property and the new windows and doors should match the materials of the existing property. Given the historic and architectural significance of the property, it is considered that conditions should be imposed requiring the submission of material samples and details of the windows and doors. It is considered that all windows and doors should be of a timber construction, should be recessed to match, and should ideally be of a sash design to match the existing. It is also considered that a condition should be imposed requiring all rooflights to be flush with the roof. These conditions are required in the interests of the character and appearance of the property.

7.2 Having regard to the proposed layout, plans and elevations, it is expected that the development may impose the greatest degree of change to residential properties situated on Wateringbury Grove. It is worth highlighting that this application relates to an existing building however, and that the nearest residential properties are situated approximately 20 metres away. As such, it is not considered that these plans would result in any issues in terms of overlooking, overshadowing or an overbearing impact for neighbours. It is considered that the design of the proposed alterations, the layout of the site, and the level of separation from neighbours

would ensure that these proposals would result in no significant adverse impact for neighbours.

- 7.3 An area of communal outdoor amenity space is proposed to serve the new apartments and house. Whilst this is not extensive in scale, there is no scope to provide any further space without impacting upon parking provision and the property is located directly adjacent to a park. As such, it is considered that the level of outdoor amenity space is acceptable in this instance. It is considered that a condition should be imposed requiring the provision of landscaping, bin storage and boundary treatment details for approval. The plans indicate bin storage adjacent to a rear parking area, and boundary walls to the North East and South East elevations, however details are vague. It is considered that brick boundary walls with stone coping would be most appropriate, that some level of landscaping is required to enhance the proposals, and that bin storage should be suitably screened. The plans include proposals to remove two protected trees on site and for these to be replaced. 11 parking spaces are proposed to cater for the development, and these meet guidelines in terms of dimensions. It is considered that the provision of 11 spaces to serve 9 apartments and 1 house in this sustainable location is acceptable.
- 7.4 Overall it is accepted that development of this nature would impose an impact upon neighbours. In this instance there is however a case to argue that this impact would be minimal, due to the proposed design and the relationship between properties. In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded that the development would be designed to prevent any significant adverse impact upon the privacy and/or outlook of neighbours. As such, the development is considered to be acceptable in terms of these policies. Overall the principle of this scheme is considered to be acceptable, and is in accordance with policies CS2 and CS18 of the Core Strategy and the wider SPD.

8.0 **Environmental Services**

8.1 The Environmental Services Officer was consulted on this application and they have raised no objections. It is considered appropriate however to impose a condition restricting the hours of construction, in the interests of the amenities of the nearest neighbours.

9.0 **Design Services**

9.1 Design Services was consulted on this application and they raised no objections. It was stated that 'the area is not shown to be at risk according to the Environment Agency flood maps. Any new drainage for the proposed building and any amendments to the existing building drainage may require Building Control approval. The applicant will also need to contact Yorkshire Water for any additional connections to the public sewer.'

9.2 It is not considered to be necessary to impose a condition requiring the submission of drainage details in this instance, as this application is for a conversion.

10.0 **Economic Development**

10.1 The Economic Development Officer was consulted on this application and stated that 'the EDU is supportive of the application. The proposal will create some employment, training and supply chain opportunities during the construction phase of the scheme. It is recommended that a local labour/ supply chain clause is negotiated and secured via either a s106 agreement or planning condition which would encourage local employment, training and supply chain opportunities during the construction phase to promote the opportunities to local businesses and local people and for the operation of the development once construction is complete. The procedure of securing benefits for local communities from development activity meets the objectives of the Chesterfield Core Strategy 2011 – 2031'.

10.2 The response from Economic Development is accepted. It is considered appropriate to impose a local labour condition.

11.0 **Derbyshire Constabulary**

11.1 Derbyshire Constabulary was consulted on this application and made no comments in relation to the amended plans. Some concerns has been raised in relation to the original plans to convert the building to an HMO, however this is no longer the proposed scheme.

12.0 **DCC Highways**

12.1 DCC Highways has raised no objections. They recommend that spaces are allocated to specific residential units to reduce the likelihood of indiscriminate parking. There are also 4 cycle parking spaces available. The application form refers to 3 motorcycle spaces but only 2 appear to be shown on drawing Ref 1817-0028 Rev B. The location of communal bin storage is noted but no bin dwell area is shown for use on refuse collection days. If the refuse collection vehicle is to enter the site then an appropriate turning facility should be provided. Traffic management may be required during the construction/re-development phase and the applicant should note the signalised pedestrian crossing to the frontage on Lowgates which must not be obstructed. Subject to the applicant suitably resolving the above matters and on the basis of the former use, proximity to local services, amenities and public transport then in this instance the Highway Authority is not aware of any existing highway safety issues that would justify a reason for refusal that could be substantiated at appeal'.

12.2 DCC Highways recommended that the following conditions be imposed, should the application be recommended for approval;

- Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading / unloading and manoeuvring of goods vehicles, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work

commencing and maintained free from impediment throughout the duration of construction works.

- Prior to any works commencing (excluding above) the applicant should submit a scheme for prior written approval showing a revised parking/turning layout and resolving the bin dwell area. All parking spaces shall be formally demarcated on the ground in permanent marking materials and allocated to specific residential units. The approved scheme shall be implemented in full prior to occupation of any residential unit.
- The parking and turning layout as provided by the above Condition shall be maintained thereafter free from any impediment to its designated use.
- Prior to the occupation adequate bin storage and a bin dwell area for use on refuse collection days shall be provided as per the revised application drawings clear of the public highway, within the site curtilage clear of all access and parking and turning provision and retained thereafter free from impediment to designated use.

12.3 The response from DCC Highways is largely agreed with and the provision of 11 parking spaces for 9 flats and 1 house would be appropriate and acceptable. The suggested conditions can be imposed.

13.0 **Tree Officer**

13.1 The Tree Officer initially objected due to the absence of a tree survey. This was subsequently provided and the following comments were made; 'An Arboricultural Impact Assessment has now been submitted and the details provided in the report are acceptable and no objection arises to the two Cherry trees reference T1 & T2 of the above mentioned tree preservation order being removed as long as the new trees and retained rooting environment are protected during the development and the new tree specifications stated in the report and as shown on drawing on page 33 of the Arboricultural Impact Assessment are carried out. The two Cherry trees reference T1 & T2 are

physically pushing the boundary wall so ideally the breeze block wall should be removed at the same time as the development and if required a new wall built at the same time so that the new trees will not be damaged in the future’.

13.2 The Tree Officer stated that the objection to the application is withdrawn as long as the following conditions are attached if consent is granted to the application;

- Prior to the commencement of the development hereby approved (including demolition and all preparatory work) the tree protection measures within the Arboricultural Impact Assessment by Jon Coe Tree Services Ltd dated the 23rd July 2018 shall be implemented. The development thereafter shall be implemented in strict accordance with the approved details within the assessment.
- Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant or the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures within the Arboricultural Impact Assessment and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.
- The Arboricultural Method Statement and Impact Assessment dated 23rd July 2018 and plan ‘Combined Arboricultural Method Statement and Tree Protection and Planting Plan’ dated July 2018 submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection meeting.
- There shall be no excavation or raising or lowering of levels within the prescribed root protection area as shown on the drawing titled ‘Combined Arboricultural

Method Statement and Tree Protection and Planting Plan' dated July 2018 of page 33 of the Arboricultural Impact Assessment by Jon Coe Tree Services Ltd unless agreed in writing by the Local Planning Authority.

- All new tree planting shall be carried out in accordance with those details and specifications within the Arboricultural Impact Assessment and planted in the first available planting season (November-March) either during the development or upon completion. Any new trees that die, are removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details detailed within the Arboricultural Impact Assessment by Jon Coe Tree Services Ltd (unless the Local Planning Authority gives its written consent to any variation).

13.3 The response from the Tree Officer is agreed with and the suggested conditions are considered necessary in the interests of tree protection. It is understood that a boundary wall to the South East of the site has been damaged by trees, and as such a condition should also be imposed requiring this to be removed. The wall is an unattractive feature on the site, so the removal of this wall would also contribute to aesthetics of the site.

14.0 **Conservation Officer**

14.1 The Conservation Officer has raised no objections. The following comments were made; 'The Victoria Hotel dates from the 1890s and was constructed at the same time as the residential development on Wateringbury Grove. Given the location of the former Staveley Town Train Station on Lowgates it is likely that the pub was constructed to serve and provide accommodation for travellers using the local railway. The building is constructed of red brick and has pitched slate roofs. The elevations are notable for areas of well-crafted decorative brickwork and original sash windows

(some with margins). Two modern small ground floor porches have been added. The pub is currently closed with metal shutters on the ground floor. Given its historic and aesthetic value, the pub is on the Council's draft Local List of Heritage Assets'.

14.2 The Conservation Officer stated that 'my view is that it is regrettable that the pub use cannot continue, as clearly this is what the building was designed for and how local people remember it. However, the pub has been empty for a considerable time, presumably because of viability reasons. Without a viable use the building is likely to continue to deteriorate and suffer from neglect. Excluding the addition of new velux roof windows; three ground floor windows to the rear; and the addition of 2 first floor fire doors on the rear and side elevations, there are no other proposals to change the external appearance of the building. This means that the building would essentially still be read as a Victorian building. It is important that the sash windows are retained and repaired (where necessary) as the building gains much of its identity from the fenestration. On this basis I would not object to the residential conversion. I would however recommend that clarity is provided about the sash windows and what the applicant's intentions are. I would also recommend that any new doors and windows match existing as much as possible and are constructed in timber. It would also be worthwhile exploring whether the existing pub sign (of Queen Victoria), if it is to be removed, might be displayed somewhere else on or in the building or around it, as a reminder that the building was once a well-known local pub'.

14.3 The response from the Conservation Officer is agreed with. It is important that this important vacant building is given a new appropriate use, as it has started to fall into disrepair. As previously mentioned, conditions shall be imposed requiring material samples and details of the windows and doors. It is considered that all windows and doors should be of a timber construction, should be recessed to match, and should ideally be of a sash design to match the existing. It is considered that the freestanding pub sign should be retained within the street scene, and this can be explored with the applicant by reference to a note.

15.0 REPRESENTATIONS

15.1 As a result of neighbour notification, 2 letters/emails have been received from an individual of an un-named address, a letter has been received from Staveley Town Council and 2 petitions have been received.

15.2 1 of the letters/emails raises concerns with regards to overcrowding, anti-social behaviour and littering associated with the original application for conversion to an HMO. The second letter relates to the current amended proposal and states that there are no objections. 1 of the petitions raises concerns with regards to parking and highway safety associated with the original application for conversion to a HMO, and has been signed by 39 individuals. The second petition containing 20 signatures relates to the current amended application, and again raises concerns with regards to parking and highway safety. The petition states that parking and congestion on Wateringbury Grove is an issue, that insufficient parking would be provided in the proposed car park, and that the development would result in further on street parking on Wateringbury Grove. The letter from Staveley Town Council also raises concerns with regards to parking.

15.3 ***With regards to parking and highway safety, it is considered that the provision of 11 parking spaces for 9 flats and 1 house is sufficient. The property is situated in a sustainable location in Staveley that is well served by transport and local amenities. As such, it is considered that the level of provision is sufficient, and there is no justification for making an assumption that on street parking, congestion or highway safety would be adversely affected. There have also been no objections from DCC Highways in relation to these plans.***

16.0 Community Infrastructure Levy (CIL)

16.1 With regards to this particular application the CIL Regulations state that any building / existing floor space which has not been occupied with a legitimate planning use for a period of 6 months within the last 3 years becomes liable for CIL when a new planning permission is granted and

implemented. In this case large parts of the building have not been occupied in the last 3 years and therefore the scheme is CIL liable.

16.2 The site the subject of the application lies within the low CIL zone and therefore the CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

		A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
588	0	588	£20 (High Zone)	317	288	£12,944

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C) / BCIS Tender Price Index (at date of Charging Schedule) (D) = CIL Charge (E).

17.0 **HUMAN RIGHTS ACT 1998**

17.1 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

17.2 It is considered that the recommendation is objective and in accordance with clearly established law.

- 17.3 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.
- 17.4 Whilst, in the opinion of the objectors, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

18.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

- 18.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the July 2018 National Planning Policy Framework (NPPF).
- 18.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for. Pre application advice was provided.

- 18.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

19.0 **CONCLUSION**

- 19.1 The amended proposals are considered to be appropriate in terms of principle, design and layout, and would have no adverse impact on the character of the property, neighbours, trees, parking or highway safety. Although the loss of the pub is regrettable, the building is likely to continue to deteriorate and suffer from neglect without a viable use. The proposed

residential use is considered to be entirely appropriate in this sustainable location. It is considered that conditions are required detailing material samples, details of the windows and doors, landscaping, boundary treatments, bin storage, tree protection measures and highways measures. The proposed development site is in a sustainable location that is well served by public transport and amenities. As such, the proposal accords with the requirements of policies CS2, CS10, CS15, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

- 19.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS8 and CS9 of the Core Strategy and the wider NPPF in respect of tree protection, landscaping, bin storage and materials. It is considered necessary to remove Permitted Development Rights to prevent the overdevelopment of the site and any additions or alterations that would adversely affect this important building.

20.0 **RECOMMENDATION**

- 20.1 That a CIL Liability Notice be issued in line with paragraph 16 above.

- 20.2 That the application be **GRANTED** subject to the following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans with the exception of any approved non material amendment.
3. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials

approved in writing by the Local Planning Authority shall be used as part of the development.

4. No development shall take place until full details of both hard and soft landscape works, bin storage and boundary treatments including the retention of the freestanding pub sign have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
5. Unless otherwise agreed in writing by the local planning authority, development shall not commence until details of the proposed windows and 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.
6. 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.
7. Notwithstanding the provision 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 development hereby approved without the prior written agreement of the Local Planning Authority.
8. The rooflights shall be laid flush with the roof and the boundary wall to the South East of the site shall be removed.
9. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

10. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading / unloading and manoeuvring of goods vehicles, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.
11. All parking spaces shall be formally demarcated on the ground in permanent marking materials and allocated to specific residential units. The approved scheme shall be implemented in full prior to occupation of any residential unit.
12. The parking and turning layout as shall be maintained free from any impediment to its designated use.
13. Prior to the occupation, details shall be provided to the local authority for approval in writing showing adequate bin storage and a bin dwell area for use on refuse collection days clear of the public highway, within the site curtilage clear of all access and parking and turning provision and retained thereafter free from impediment to designated use.
14. Prior to the commencement of the development hereby approved (including demolition and all preparatory work) the tree protection measures within the Arboricultural Impact Assessment by Jon Coe Tree Services Ltd dated the 23rd July 2018 shall be implemented. The development thereafter shall be implemented in strict accordance with the approved details within the assessment.
15. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant or the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures within the Arboricultural Impact Assessment and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with

the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

16. The Arboricultural Method Statement and Impact Assessment dated 23rd July 2018 and plan 'Combined Arboricultural Method Statement and Tree Protection and Planting Plan' dated July 2018 submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection meeting.
17. There shall be no excavation or raising or lowering of levels within the prescribed root protection area as shown on the drawing titled 'Combined Arboricultural Method Statement and Tree Protection and Planting Plan' dated July 2018 of page 33 of the Arboricultural Impact Assessment by Jon Coe Tree Services Ltd unless agreed in writing by the Local Planning Authority.
18. All new tree planting shall be carried out in accordance with those details and specifications within the Arboricultural Impact Assessment and planted in the first available planting season (November-March) either during the development or upon completion. Any new trees that die, are removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details detailed within the Arboricultural Impact Assessment by Jon Coe Tree Services Ltd (unless the Local Planning Authority gives its written consent to any variation).

Reasons

1. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
2. In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

3. The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.
4. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.
5. To protect the character of the building and the wider area.
6. In the interests of residential amenities.
7. In the interests of the amenities of occupants of adjoining dwellings.
8. In the interests of the character and appearance of the development.
9. In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.
10. In the interests of highway safety and parking.
11. In the interests of highway safety and parking.
12. In the interests of highway safety and parking.
13. In the interests of highway safety and parking.
14. In the interests of the protection of trees.
15. In the interests of the protection of trees.
16. In the interests of the protection of trees.
17. In the interests of the protection of trees.

18. In the interests of the protection of trees.

Notes

01. 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.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. 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 (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
04. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp
06. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.