

PARISH Ault Hucknall Parish

APPLICATION Change of use of the premises as a single dwelling house and associated domestic curtilage.

LOCATION Former Stainsby Centre and Baden Powell Scouts Centre, Hawking Lane, Stainsby, Chesterfield

APPLICANT Mr & Mrs Austin, School House, Hawking Lane, Stainsby, Chesterfield, S44 5RN

APPLICATION NO. 22/00059/FUL **FILE NO.** PP-11008793

CASE OFFICER Mrs Karen Wake (Mon, Tues, Wed)

DATE RECEIVED 4th February 2022

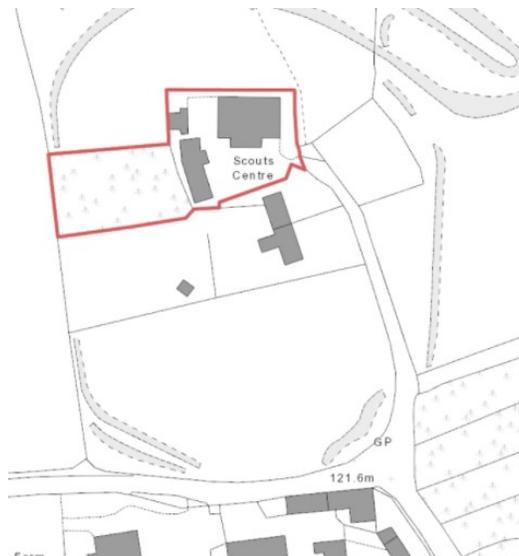
SUMMARY

This application has been referred to the Planning Committee by the Planning Manager as the proposal is contrary to policy ITCR4 of the Local Plan for Bolsover District as it involves the loss of a community facility. In summary, the application is recommended for approval. The loss of the community facility needs to be balanced against the enhancement to the conservation area.

This proposal brings a vacant traditional building which has fallen into disrepair back into full use which will ensure its preservation. The sensitive repair of the building proposed by the applicant will enhance its current appearance and will make a positive contribution to the character and appearance of the conservation area. Critically if the building is left to fall into disrepair which is a possibility if the application is refused, the attendant impact will be one of harm to the Significance of the Conservation Area as a designated heritage asset.

It is therefore considered that, whilst these issues are finely balanced, in this instance the benefit brought about by the enhancement to the conservation area is outweighed by the loss of a community facility.

Site Location Plan



SITE & SURROUNDINGS

Former Stainsby School and Scouts Centre set within an area of open countryside with fields to three sides and a detached dwelling to the north. The main building on site is two storey with a smaller single storey building to the front/side of the main. The site is accessed via a single width driveway with parking and turning on site for several cars. To the west of the buildings within the site are a number of mature trees.

BACKGROUND

The site was previously owned by the National Trust. The main building and two of the outbuildings have been vacant for some time. One of the building is being used for storage purposes by Stainsby Festival (a registered Charity) but the lease on this building runs out in July this year. The National Trust recently sold the property at auction.

PROPOSAL

The application is for the change of use of the site and buildings to a single dwelling house and associated domestic curtilage. The proposal includes repairs to the existing building and repairs to the existing timber windows. There are no other external alterations to the buildings.

The amended proposal includes the erection of a wall to divide the site frontage from that of the adjacent dwelling but this wall does not require planning permission.

AMENDMENTS

The application was originally submitted for the change of use and installation of new aluminium clad timber windows. The replacement of the windows has now been removed from the application and it is proposed to repair the existing timber windows.

HISTORY

02/00375/TCON	Determined Not to make a Tree Preservation Order	To fell 5 trees
22/00163/TCON	Determined Not to make a Tree Preservation Order	Various tree works - (1a) Crown reduction, (2), Crown reduction, (3) Remove, (4) Crown reduction, (5) Removal of dead wood, (6) Crown reduction.

CONSULTATIONS

Ault Hucknall Parish Council:

No objections to the change of use of the main school building. The building is an important landscape feature and the re-use will prevent the building deteriorating further. However, there is a breeding colony of long eared bats in the building and a condition requiring an appropriate survey should be included. There are also a number of assertions in the

application which need to be corrected. The application states that the site is unoccupied and, whilst this is true of the school itself, a building in the grounds (the former dining room known locally as the Hut) has been in continuous use by a community charity and is currently used by them under the terms of a licence granted by the National Trust valid until July this year. The claim that this has been terminated is in dispute but a mutual understanding has been reached between owner and tenant to see out the term.

The main building was in use for overnight accommodation until 2015 and access to the facilities for cooking, eating, washing and toilet provision continued until 2017. This use existed at the time of the application for designation as a community asset, although this information was not disclosed to BDC at the time by National Trust. The National Trust agreed to develop the site for a community hub in cooperation with the Parish Council when the latter ceded its interest in doing so with St Peter's mission, at the Trust's request. Three years ago, National Trust decided to dispose of the property. In response, the Parish Council developed a sustainable plan for community use (along with two local charities, and community business support groups) and attempted to negotiate with the Trust to lease or buy. The recent campaign to raise funds for the auction bid raised donations ranging from £10k to £10 indicating the strength of local support. The Parish Council is hoping that a less ambitious facility based in the Hut, when vacated by the current users, could be negotiated with the new owners, and would appreciate any support the planning committee may be able to give. It should be noted that Stainsby Festival is a registered charity and does not report to Companies House as stated. It reports solely to the Charity Commission.

Conservation Officer:

The proposal brings a traditional building into full use which will ensure its preservation. In that way it ensures that the building continues to make a positive contribution to the character and appearance of the conservation area. The applicant has submitted a full itemised schedule of repair for each of the individual windows which involves sanding down, wood filler repairs, splicing in new cills where required, re-puttying, re-glazing where necessary and repainting. The proposed schedules of repair submitted in support of the application are considered to be acceptable and will preserve and enhance the character of the building. The applicant should be advised that if any of the windows are considered to be beyond repair then permission will be required for any replacement windows. The proposal complies with Policy SC16.

Environmental Health Officer:

No comments to make.

All consultation responses are available to view in full on the Council's website.

PUBLICITY

Site notice, press notice and 1 neighbour notified. No comments received

POLICY

Local Plan for Bolsover District ("the adopted Local Plan")

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1 (Sustainable Development)
- SS9 (Development in the Countryside)
- SC1 (Development within the Development Envelope)
- SC2 (Sustainable Design and Construction)
- SC3 (High Quality Development)
- SC5 (Change of Use and Conversions in the Countryside)
- SC9 (Biodiversity and Geodiversity)
- SC11 (Environmental Quality (Amenity))
- SC16 (Development Within or Impacting upon Conservation Areas)
- SC17 (Development affecting Listed Buildings and their Settings)
- ITCR4 (Local Shops and Community Facilities)

National Planning Policy Framework (“the Framework”)

The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2: Achieving sustainable development
- Paragraphs 47-48: Determining applications
- Paragraphs 55-56: Planning conditions
- Paragraph 119: Making effective use of land
- Paragraph 174: Conserving and enhancing the natural environment
- Paragraph 180: Habitats and biodiversity
- Paragraphs 194 -208: Conserving and enhancing the historic environment

Supplementary Planning Documents

Successful Places: A Guide to Sustainable Housing Layout and Design, Adopted 2013:

The purpose of the Successful Places guide is to promote and achieve high quality residential development within the District by providing practical advice to all those involved in the design, planning and development of housing schemes. The guide is applicable to all new proposals for residential development, including mixed-use schemes that include an element of housing.

ASSESSMENT

Key issues

It is considered that the key issues in the determination of this application are:

- the principle of the development in the countryside
- the loss of a community facility
- the impact on the character and appearance of the Conservation area
- residential amenity
- whether the development would be provided with a safe and suitable access;

These issues are addressed in turn in the following sections of this report

Principle of the development in the countryside

The site is outside the development envelope in an area of open countryside and lies within a designated conservation area.

The proposal involves the change of use of existing buildings and will secure the retention and enhancement of the main building on site which has been redundant for some time. This building is worthy of retention, is structurally sound and makes a positive contribution to the character and appearance of the area. The building can be converted without substantial reconstruction, just repairs. On this basis the proposal is considered to meet the requirements of Policies SS9 and SC5 of the Local Plan for Bolsover District in this regard.

The loss of a community facility

The previous use of the building was as a community facility. Policy ITCR4 of the Local Plan states that planning permission will only be granted for development which involves the loss of a community facility will only be granted where the proposal can meet one of a number of criteria. These criteria are:

- a) The loss of the specific facility would not create, or add to, a shortfall in the provision or quality of such facilities within the locality.
- b) Appropriate replacement facilities are provided in a suitable alternative location.
- c) The facility is no longer viable and this can be proven through adequate marketing of the premises for its current use which has failed to produce a viable offer.
- d) The facility can be enhanced or reinstated as part of any redevelopment of the building or site.

The applicant has provided financial costing for the repairs necessary to allow the building to be brought back into use. These costings indicate that it is very unlikely that a community use for the building could be secured as the costs to repair the buildings would be prohibitive and make such a use unviable. This is also partially verified by the fact that the Parish Council, in conjunction with community charities and business support groups were unable to raise the funds necessary before the building was sold at auction. However this has not been tested by marketing the site for community use and as such the current proposal does not meet any of these criteria and as such is considered contrary to Policy ITCR4.

The impact on the character and appearance of the Conservation area

Stainsby village lies due south east of an earlier medieval settlement which survives as earthworks. The present-day village dates mainly from the 18th and 19th centuries. 20th century development takes the form of large agricultural buildings, extensions to some traditional properties and the conversion of others.

The village retains its character as a traditional agricultural hamlet with the undulating pastoral landscape a significant component. The Conservation Area boundary has been drawn to include the present-day village and surrounding fields together with the former settlement, which covers around a quarter of the designated area and is protected as a Scheduled Ancient Monument. The village has a long association with the close by and visible Hardwick Hall, an Elizabethan Country House.

This application main building is a former school, built in the late 19th century by the Derbyshire District School Board. It sits on the former medieval settlement at the northernmost extent of the present day village.

The 19th century was a century of significant change in Stainsby with diversification within its agricultural community. By the mid-century there was a joiner and a boot and shoe maker, a corn miller, a joiner, two stone-masons, a woodman and three shoe makers. It is likely that its growth was to service the nearby Holmwood Colliery which lay to the west of the village. At that time there were 8 farmers listed in the village, one of whom was also a coal-master. In the 1860's the main parish school was moved from Hardwick to Stainsby. The school was provided by the Duke of Devonshire with free places for 80 girls and boys. It utilised buildings on the site of the former Manor, which was then a farmstead. The former farmstead sits adjacent to the application site and is now a row cottages.

Over the next 20 years Doe Lee became the larger settlement and the natural focus of activity. In 1890 the Duke of Devonshire signed over the land and existing school buildings at Stainsby to the District School Board on a 99 year lease on the proviso that they provided a new building. A new school (the subject of this application) was built to hold 200 boys with a further new school at Doe Lee to take Girls and Infants.

By 1908 Stainsby was in decline. By 1941 there were 8 farmers and a small holder, no tradespeople. Even so, during the interwar period an additional timber building was added to the school site to provide for a communal hall and kitchen. Not much later, by the mid-20th century the school was to become redundant. It closed, to be leased eventually by The Scouts Association who occupied the building up until 2008. It has been vacant since that time apart from the storage use of one of the later buildings by a local charity.

The proposal is for the change of use of the site and buildings to residential use for one dwelling. The internal layout of the building is not proposed to be changed and externally the only works proposed are repairs to the main building including repairs to the existing timber windows.

This proposal brings a vacant traditional building which has fallen into disrepair back into full use which will ensure its preservation. The sensitive repair of the building will enhance its current appearance and will make a positive contribution to the character and appearance of the conservation area. Critically if the building is left to fall into disrepair the attendant impact will be one of harm to the Significance of the Conservation Area as a designated heritage asset.

Part of the historic value of the building lies in the traditional detailing, architectural features and materials of construction. It is therefore imperative that any repairs are carried out using like for like materials to match the existing thus preserving the character of the building.

The applicant has submitted a costed spreadsheet which provides details of the internal and external repairs. The approach outlined in respect of the repairs to doors, soffits, bargeboards, roof, rainwater goods as itemised in the schedule are all considered to be acceptable in conservation terms and will preserve the character of the building.

The large traditional windows are an important feature in defining the character of the building

and as a result any proposals for repair / replacement will require careful consideration. The applicant has submitted a full itemised schedule of repair for each of the individual windows which involves sanding down, wood filler repairs, splicing in new cills where required, re-puttying, re-glazing where necessary and repainting. The proposed schedule of repair is considered acceptable and will preserve and enhance the character of the building. In accordance with Policy SC16 of the Local Plan for Bolsover District.

It is however considered necessary to remove some of the permitted development rights which the building would benefit from once it becomes occupied as a dwelling. This is because the proposed use is only considered acceptable as it is proposed to sensitively restore the building such that it enhances its appearance. The extension or alteration of the building could negate this enhancement.

There could be a potential future impact on the Scheduled Ancient Monument in the proposed use of an overgrown area for garden land as part of this proposal due to the sensitivity with regard to buried remains and the removal of permitted development rights would allow this to be considered before any buildings were erected on site. Removal of permitted development rights would therefore mean the building was considered to meet the requirements of Policy SC17 of the Local Plan for Bolsover District.

Residential amenity

The site is capable of conversion without resulting in a loss of privacy or amenity for residents of the adjacent dwelling and is large enough to provide a dwelling and garden which provide an adequate standard of amenity for its future residents.

Whether the development would be provided with a safe and suitable access

The site utilises an existing access and there is parking and turning space for several cars. The use of the access to the site is considered to generate far less vehicular movements to and from the site than the previous community use of the site and as such the proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policy SC3 of the Local Plan for Bolsover District in this respect.

Biodiversity

The site is adjacent to fields and an area of woodland and there is potential for bats to roost on the site. The parish council have suggested that there may be a colony of long eared bats in the building. Only repairs are now proposed to the building and as the building could be repaired without the need for planning permission and as such requesting a bat survey is not considered reasonable or necessary. Bats are a protected species and as such are protected under separate legislation and a note could be added to any planning permission to advise the applicant of their responsibility in this respect. Subject to such a note the proposal is considered to meet the requirements of Policy SC9 of the Local Plan for Bolsover District

Issues raised by Parish Council

The issues raised by the Parish council are covered in the above assessment and in the conclusion below

CONCLUSION / PLANNING BALANCE

The proposal results in the loss of a community facility contrary to the requirements of Policy ITCR4 of the Local Plan for Bolsover District but enhances the character and appearance of the conservation area by bringing an important traditional building which is currently redundant back into full use and enhancing its appearance.

Discussions/negotiations have been entered into with the applicant to try to reach a compromise and retain one of the single storey buildings on site for a community use but allow the remainder of the site and buildings to be converted to residential use. It was suggested that one of the buildings be removed from the current change of use application and as such that building would remain in community use. However, the council could not require the applicant to use that building for community purposes only prevent them using it for domestic purposes and as the applicant does not want a community use on site that building would merely remain vacant and as such negotiations weren't continued.

The loss of the community facility therefore needs to be balanced against the enhancement to the conservation area.

In this instance the cost of the purchase of the building together with the cost of necessary repairs and upkeep is considered to mean that the use of the site for community purposes is unlikely to be viable. In addition this is a large building/site which would only be necessary to serve a small local community who could access the site easily. The use of the site for a wider community use would not be considered sustainable given the relatively remote location and the ability to only visit the site by car. In addition, the access to the site is via a long single width driveway making it unsuitable for use by the large number of vehicles which would need to access the site for a community use to be viable.

This proposal brings a vacant traditional building which has fallen into disrepair back into full use which will ensure its preservation. The sensitive repair of the building proposed by the applicant will enhance its current appearance and will make a positive contribution to the character and appearance of the conservation area. Critically if the building is left to fall into disrepair which is a possibility if the application is refused, the attendant impact will be one of harm to the significance of the conservation area as a designated heritage asset. It is therefore considered that, whilst these issues are finely balanced, in this instance the benefit brought about by the enhancement to the conservation area is outweighed by the loss of a community facility which would appear to be unsuitable for a viable community use in the future.

It is however considered necessary to remove some of the permitted development rights which the building would benefit from once it becomes occupied as a dwelling by condition. This is because the proposed use is only considered acceptable as it is proposed to sensitively restore the main building such that it enhances its appearance and that of the conservation area. The insensitive extension or alteration of the building could negate this enhancement without which there is no reason to approve the loss of the community facility contrary to Policy ITCR 4 of the Local Plan for Bolsover District.

RECOMMENDATION

The current application be APPROVED subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The repairs to the exterior of the building must be carried out in accordance with repair schedule and costing submitted via the Planning Portal on 12th May 2022 within 12 months of the date of this permission unless otherwise agreed in writing by the Local Planning Authority.
3. Notwithstanding the provisions of Classes A, AA, B, C, D, E, F & G of Part 1 and Class C of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement, alteration or the provision of incidental or ancillary buildings, surfaces or boundary treatments to the dwellinghouse hereby permitted and its curtilage and adjoining non-curtilage land shall take place unless authorised by an express grant of planning permission.

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to try to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken on the balance of the relevant issues in accordance with the guidelines of the Framework.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

Human Rights Statement

The specific Articles of the European Commission on Human Rights (‘the ECHR’) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this ‘balancing exercise’ in the above report, officers are satisfied that the potential for these proposals to affect any individual’s (or any group of individuals’) human rights has been addressed proportionately and in accordance with the requirements of the ECHR.