

PARISH Shirebrook Parish

APPLICATION Conversion of public house to general convenience store with additional storage and conversion of 1st and 2nd floors to provide 2 self-contained flats and 10 bedroom HMO.

LOCATION The New Victoria Inn Acreage Lane Shirebrook Mansfield

APPLICANT Mrs R Padda 1 The Summit, Carter Lane Shirebrook, MansfieldNG20 8NA

APPLICATION NO. 23/00644/FUL **FILE NO.** PP-12674770

CASE OFFICER Mr Mark Penford

DATE RECEIVED 18th December 2023

SUMMARY / PROPOSAL

This is a full planning application at the New Victoria Inn, Acreage Lane, Shirebrook (Sui Generis) for the change of use of the building from a public house and above residential and office accommodation to a convenience store to the ground floor, two self-contained flats and a 10-bedroom House in Multiple Occupation (HMO) to the first and second floors for a maximum of 10 persons. The application includes internal and external alterations involving a rear extension for commercial storage, alterations to a side facing dormer, deliveries from Acreage Lane, a shared secure amenity area for future occupants and parking for both residents and customers.

The application originally proposed a large flat roofed rear extension which spanned Acreage Lane and an amenity area surrounded by commercial access for delivery purposes. Other alterations were proposed to the façade of the building and the site's boundaries which were not considered to respect its design character and caused harm to the visual amenity of the locality and residential amenity. The application has therefore been formally amended to address these issues and increase off-road parking within the site.

Member Call In

Cllr Janes Yates has requested the application be referred to Planning Committee because there are 15 licensed HMOs in the Bolsover District, all within Shirebrook South, Shirebrook North and Langwith Wards and 8 of these are within Shirebrook South wards where the Victoria Inn is located. Cllr Yates states there have been multiple issues within HMOs in this area, for example at the former Station Hotel in Shirebrook North Ward and the former King of Diamonds in Langwith Ward. These are not on the list of licensed sites on the BDC Website.

The application is recommended for conditional approval.



SITE & SURROUNDINGS

The New Victoria Inn is a large and prominent building of attractive design character which is located at the junctions of Field Drive, Acreage Lane and Recreation Drive. Whilst the site is located predominantly in a residential dwelling area, to the south of the site is The Grange Nursing and Residential Home and to the west of the site is a row of commercial shops which include a grocery store, fish and chips shop, hair & beauty salon and a newsagent. The land levels are flat, and the site is hard surfaced to the front and rear representing a brownfield site. The premises is currently closed.



BACKGROUND

The earliest known planning history for the site dates back to 1961 when the building was known as the Victoria Hotel. The historic plans for the application show a public bar, separate lounge and concert room with stage to the ground floor and bedrooms to the first floor. It is not known when the use as a hotel ceased, but its authorised planning use as a public house has been for many decades up until the present day.



Side elevation to Acreage Lane

Rear of the site to Recreation Drive

(feature wall to be extended)

(feature wall to be retained)

AMENDMENTS

Revised Proposed Block Plan received 09/05/2024 ref VI-AL-111 Issue A

Revised Proposed Elevations received 09/05/2024 ref VI-AL-108 Issue B

Revised Proposed Elevations received 09/05/2024 ref VI-AL-107 Issue B

Revised Proposed First Floor and Second Floor received 09/05/2024 ref VI-AL-106 Issue B

Revised Proposed Ground Floor Plan with Site Layout received 09/05/2024 ref VI-AL-105 Issue F

PLANNING HISTORY

| | | |
|---------------|---------|--|
| 00/00084/FUL | Granted | Change of use to public house and community room and workspace |
| 01/00383/FUL | Refused | Conversion of outbuilding to two hot food takeaways (Class A3) |
| 08/00076/FUL | Granted | Kitchen ventilation ductwork to rear |
| BLA/1961/1710 | Granted | Internal alterations and car park (BLA 1061/17) |

CONSULTATIONS

Bolsover District Council – Environmental Health Officer

1st comments

Advises Housing and Public Health have reviewed the information submitted to support the application together with records and comments on the need to consider fire safety, amenity standards and compliance with the Council's adopted amenity standards, bedroom sizes and the need for a HMO licence if the property is occupied by 5 or more people.

2nd comments

Cannot see that an objection would be raised. The plans are very detailed, and the applicant knows what is required for the HMO element. The applicant would need to make contact with Environmental Health for licensing and the team would ensure that room and amenity standards are met, in addition to fire safety. The management plan covers everything Environmental Health would expect as part of the management regulations.

Bolsover District Council – Planning Policy

Regarding the proposed use as a convenience store, given the location and retail floor area proposed there is no requirement for a sequential test or impact test. There are no policy objections to the principle of the use as a convenience store subject to the other policy aspects set out under both Policy WC5 and Policy SC1 being met. As a public house, the property is subject to Policy ITCR4: Local Shops and Community Facilities. The Policy is intended to help avoid the loss of important facilities where planning permission is required including public houses. The applicant needs to demonstrate that their application meets at least one of the four criteria in the Policy, through evidence submitted with the planning application. No information has been submitted with the application in relation to these criteria. However, it is not considered that the proposal meets criteria a), b) or d) of Policy ITCR4.

This becomes more complex as the proposed use of the ground floor of the premises is a convenience store which is also classed as a community asset. However, in relation to criteria c) there is a lack of any supporting information in relation to the application to demonstrate that the existing use of the public house is not viable through marketing. Neither the Local Plan nor the NPPF has specific policies relating to HMOs. The application must be considered against the Local Plan Policies SC1: Development within the Development Envelope, Policy SC3: High Quality Development and Policy SC11: Environmental Quality (Amenity). Development in relation to the impact on the character of the area and aspects such as living conditions. Any conclusions would need to be supported by evidence. Parking provisions do not meet the standards set out for retail and residential accommodation in the Local Plan, Appendix 8.2 and the Car Parking SPD. Under NPPF Paragraph 115, if there is a material deficiency of parking it needs to be identified that it would not have a harmful effect on highway safety. Advice from the Highway Authority should be sought on this aspect.

Bolsover District Council - Principal Environmental Health Officer

Advise no objections in principle. As the application proposes to bring commercial and residential uses to the same building, a noise condition is recommended to protect future occupants by securing a scheme of sound insulation, taking into account the need to provide adequate ventilation, and for this to be by mechanical means where any windows would not achieve minimum noise level criteria. A validation report shall be required for compliance purposes. Agrees to the operating hours of the store and deliveries to be controlled by condition.

Derbyshire Constabulary - Force Designing out Crime Officer

1st comments

Notes community concerns and has notified the local police Safer Neighbourhood Team for contextual opinion. The locality has a significantly higher HMO element than the norm. Some are associated with raised levels of drug & alcohol abuse, anti-social behaviour and crime. There are a number of HMO's which are well managed and problem free. The difference between the two lies in the behaviour of tenants, effective management and maintenance by

landlords, neither of which would be seen as material in planning terms. The transient nature of the HMO tenancy would not bring the community cohesion or guardianship of owner occupancy. This is a chaotic lifestyle of some HMO tenants. There is no inevitability of any such element for this proposal, but provisions should be made to strengthen community safety, if a recommendation to approve is made, on balance.

Planning Conditions could be used commensurate to the risk. These include:

- Boundary treatment including a secure enclosure specification for the private ground and bicycle lockers and separation of the grounds from the nursing home.
- Control of communal door entry to the communal space areas within the building
- CCTV coverage to the main communal entrance, for shared car parking areas and external communal grounds.
- Details for secure mail delivery for each tenant.

The residential portion of the building would need to comply with Building Regulations Approved Document Q, concerning resistance against forced entrance. To comply with this, communal doors and individual apartments or private room doors would need to meet this element of the standards.

2nd comments

In respect of the amended plans, accepts that issues relating to security, lighting, cctv could be dealt with by planning condition. Maintains concerns regarding the integrated delivery and amenity area and open cycle storage to the rear of the site. The private shared garden space, storage and cycle storage should all be secure. Opening up the site to allow for parking removes the secure enclosure previously provided for the rear of the building and should be reintroduced.

3rd comments

Accepts the cycle storage can be relocated back into the enclosed amenity area and this together with all remaining matters could be dealt with by planning condition. Acknowledged the need to provide more parking and highlights the potential for a sliding or swing gate to secure the rear section of the car park if viable/possible. This might not be financially viable, but it would secure more private land and help reduce the likelihood of malicious rubbish fires, car interference, and free up the garden space.

Derbyshire County Council - Highway Authority

1st comments

The proposal is likely to result in an intensification in use of the vehicular access from Field Drive, however the existing access demonstrates satisfactory visibility splays and therefore the increase in traffic would be unlikely to result in any highway safety concerns. Eleven additional parking bays are proposed for the site with 18 spaces in total. Although this falls below the Council's parking standards, which require 35 spaces, it is considered the existing roads are capable of managing potential overspill from the proposal without causing any detriment to highway safety. Confirms no objections subject to conditions to ensure the development is not brought into use until the access, parking and turning is provided in accordance with drawing VI-AL-105 and to ensure the existing vehicular access to Acreage Lane is permanently closed. Advisory note recommended in relation to Section 127 of the Highways Act 1980 and the need for separate consent from the Highway Authority for works on the adopted highway.

2nd comments

In response to the revised plans is aware that on-site parking has been increased and confirms there is no objection subject to conditions to ensure the site is not brought into use until the access, parking and turning is provided and the existing access to Acreage Lane is permanently closed.

Derbyshire County Council – Licensing Authority

Response not received.

Derbyshire Wildlife Trust

Response not received.

Shirebrook Town Council

Shirebrook as a whole has accommodated more than its fair share of HMO's. The transient nature delivers a lack of community cohesion and decreased sense of security among long term residents. The Town Council is invested into improving our community but more of this type of development would be detrimental to our vision to improve lives and well-being of our community, they deserve to expect more. With such a development comes excess noise, traffic, activity, pollution and reduced privacy. A Councillor is familiar with the internal layout and has concerns for the safety of future tenants. With many tenants there is potential for overcrowding, fire hazards and other safety risks. There are already major parking issues in the area and the proposal would exacerbate them. Property owners have concerns about devaluation of property and does not serve to sustain a comfortable safe environment. Urges the planning team to carefully reconsider approval of the application and to explore alternative solutions.

The Coal Authority

Confirms that although part of the site lies within the Development High Risk Area, the application relates primarily to a change of use which falls under Part B of the Coal Authority's published exemptions list. The proposed extension is acknowledged, but this part of the development falls outside the Development High Risk Area. No objection confirmed. Advisory note recommended regarding potential hazards from coal mining activity.

PUBLICITY

Site Notice was posted 09.01.2024 with comments required by 30.01.2024.

Press Notice was published 01.05.2024. Comments required by 15.05.2024.

Neighbour notification letters posted 09.01.2024. Comments required by 30.01.2024.

Neighbour notification letters posted 13.05.2024. Comments required 27.05.2024.

REPRESENTATIONS

Eight resident representations have been received. Comments are summarised by topic area as follows:

Principle of Development

- In the last 20/25 years 7 public houses have closed in Shirebrook.
- This will kill the village; the Victoria was the heart and soul of our community.
- The Model Village Residence Association no longer has a base to plan activities for our local community.
- This would break the community and the Victoria should stand as a community building for everyone.
- The site was our polling station.
- Where do you expect our community to go.
- Many generations have used the public house up until closure.
- So many pubs have already been demolished or converted into shops.
- The community does not need any more shops.

- What the community needs is places to socialise.
- The Victoria would be better off staying as it is to bring something into Shirebrook.
- Strongly oppose another HMO especially adjacent a care home and close to a junior school.
- Changes of Use of The Shire, King of Diamonds and Great Northern has had a negative impact on the village and are notorious for drug use with long term benefit claimants who are unknown to the village residents.
- This pub is still a viable business and much needed by the community.
- Perhaps the ground floor could remain a pub and the upstairs be converted into flats.

Residential Amenity and Community Safety

- Future occupants would cause the village to not be a safe place for our children.
- Please consider the community on this outrageous proposal.
- Another HMO is not what the village needs, it will bring unwanted anti-social behaviour.
- The Victoria is a family environment and should stay that way.

Highway Safety

- Infrastructure is not suitable for a HMO of this size.

Other comments

- It is disappointing the owners don't want to invest and keep it as a pub.
- The previous owners, given their retirement, lacked enthusiasm but had experience to enable the pub to be a viable business.

Cllr Tait

Wishes to register opposition to the HMO element of the above application. This application sits in the heart of the community Cllr Tait and Cllr Yates represent. The community feeling is very strong and palpable regarding the HMO element. The residents have valid reasons for not wanting a further HMO in their community, these reasons will be explained to the Planning Committee by some of the residents when the application goes before them to be considered.

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:

- Policy SS1: Sustainable Development.
- Policy SS3: Spatial Strategy and Distribution of Development
- Policy SC1: Development Within the Development Envelope.
- Policy SC2: Sustainable Design and Construction.
- Policy SC3: High Quality Development.
- Policy SC5: Changes of Use
- Policy SC11: Environmental Quality (Amenity).
- Policy SC14: Land Contamination and Land Stability
- Policy WC5: Retail Town Centre and Local Centre Development.
- Policy ITCR4: Local Shops and Community Facilities.
- Policy ITCR11: Parking Provision.

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 7 - 10: Achieving sustainable development.
- Paragraphs 47 - 50: Determining applications.
- Paragraphs 55 - 58: Planning conditions and obligations.
- Paragraphs 85 - 87: Building a strong, competitive economy.
- Paragraphs 96 - 107: Promoting healthy and safe communities.
- Paragraphs 108 - 117: Promoting sustainable transport.
- Paragraphs 123 - 127: Making effective use of land.
- Paragraphs 131 – 136: Achieving well-designed and beautiful places.
- Paragraphs 189 - 194: Ground conditions and pollution.

Supplementary Planning Documents

Successful Places – Adopted 2013

Local Parking Standards – Adopted 2024

ASSESSMENT

Key issues

The key issues are:

- The Principle of Development
- Visual Amenity
- Residential Amenity
- Highway Safety
- Land Stability
- Sustainability Considerations

Principle of Development

The most important policies for considering the principle of development are SS3, SC1 (b), ITCR4 (a) to (d) and WC5 of the Adopted Local Plan.

Site Location

To achieve sustainable development Policy SS3 of the Adopted Local Plan sets out a spatial strategy for the distribution of development, firstly to the four main towns, followed by the defined larger villages. The larger settlements are the most sustainable and capable of accommodating urban forms of development such as that proposed through this application. Shirebrook is one of the district’s main towns and therefore the distribution of this development to Shirebrook is supported by Policy SS3 in principle. The application site is located within the settlement development envelope of Shirebrook defined under Policy SC1 of the Adopted Local Plan where development is also acceptable subject to meeting criteria (a) to (e).

Community Facilities

Criteria (b) of Policy SC1 requires that the development does not result in the loss of a settlement's last remaining community building or facility of that type unless it can be demonstrated that it is no longer viable. The Gate Inn is still operating within Shirebrook Town Centre on King Edwards Street. Therefore, the application would not result in the loss of the last public house in Shirebrook and meets Policy SC1 (b).

Policy ITCR4 of the Adopted Local plan seeks to maintain and improve the provision of local community services and facilities and help avoid the loss of important facilities, where planning permission is required. This is reflected in paragraph 97 of the framework. Public Houses are specifically listed under Policy ITCR4 and the framework as being community facilities worthy of some protection.

Policy ITCR4 states planning permission for development that involves the loss of local convenience shops which serve the daily needs of the local community, or community facilities including community / village halls, post offices, schools, nurseries, places of worship, health services, care homes, libraries, leisure centres, youth centres, cultural facilities and public houses will be granted only where it can be demonstrated that one of the following criteria are met:

- 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.*

**400m radius around the proposal - based on an approximate ten-minute walking time*

*** Marketing should be through an appropriate agent as well as through the council's regeneration service facility. The applicant should agree the marketing strategy, including any marketing period (with a rent or sale price for the existing use of the facility), with the Local Planning Authority in advance. Evidence of the results of the sustained marketing strategy will need to be submitted with any planning application. Marketing should not be restricted to the buildings last use but also other potential community uses.*

The glossary to the Local Plan defines community facilities as facilities which provide for the health and wellbeing, social, educational, spiritual, recreational, leisure, or cultural needs of the community.

In terms of criteria (a) the nearest functioning community facility of this kind is the Shirebrook Miner's Welfare, which is approximately 500m from the application site. Whilst known as a Miner's Welfare rather than a public house, the Miner's Welfare is understood to be open to the general public and is regarded as a public house in this regard. The test of criteria (a) is for there to be the same or similar facility within a 400m radius based on a 10-minute walking time. Technically this policy criteria is not met as the Miners Welfare is 100m beyond the 400m radius search for similar facilities.

With regards to criteria (c) a supporting letter has been provided from Guy Simmonds Leading National Licensed Property Agents dated 10th May 2024. This advises the property has been marketed for sale from July 2023 until the property sold in January 2024. Detailed sales particulars were produced and sent to all of Guy Simmonds registered users of their website www.guysimmonds.co.uk. At the time of Officer recommendation, the Victoria Inn could be seen as for sale online for £395,000.00. Guy Simmonds have advised only six viewings were undertaken during the period and only one viewing was from a person experienced in the pub trade and ultimately, they decided not to take it any further. All of the other interest was from persons looking to change the use of the building. Guy Simmonds advises:

“The market situation has not been helped over the past few years by the UK’s economic position as a result of the EU Referendum / Brexit and the subsequent uncertainty throughout the licensed and commercial property markets. The recent coronavirus pandemic has seriously affected the market since late February/early March 2020 and will have ongoing ramifications for the foreseeable future, with pubs having been forced to close for long periods. Pubs and restaurants have been allowed to reopen since summer 2021 but initially with limited capacity and safety restrictions due to Covid-19. A lot of licensed businesses have not reopened. A lot of businesses are no longer be viable and the future is very uncertain. Pubs and restaurants which have reopened but with the inevitably smaller customer base, rising unemployment and larger cost base has, on a statistical basis, resulted in the further demise and permanent closure of many more licensed businesses. The hospitality sector is also facing severe staffing issues. The current situation is not helped by the difficulty in raising finance within the hospitality sector during these challenging times. The increase in the cost of living with utility bills and cost of food increasing is also reducing the viability of businesses.”

Marketing since July 2023 to January 2024 has been undertaken with no interest for continued public house purposes. Whilst an offer was made by the applicant and accepted, this was not to a person who had any interest in operating a public house. The marketing exercise has demonstrated a level of lack of demand for the continued operation of the public house. Officers are required to act in good faith that the information provided by Guy Simmonds is honest and truthful.

Whilst the intention of Policy ITCR4 was never to allow free movement between different types of community facilities, a significant material planning consideration, which weighs in favour of supporting the application, is that the application is proposing to replace the community facility with another kind of community facility. Policy ITCR4 also recognises that marketing strategies may consider other community facility uses before considering non-community facility uses. Policy ITCR4 specifically defines convenience shops as such facilities. Neither local nor national policy attributes more weight to public houses over convenience stores. This application therefore carries the benefit of keeping part of the building within appropriate community use falling within Class E.

It is appreciated that an alternative community facility would be provided and this needs to be given weight in the overall planning balance. Furthermore, the nearest public house is only 100m outside of the 400m radius check zone of other public house uses around the site and therefore it is considered to be an extremely weak case to refuse the application based on the loss of the public house. In an appeal situation, it is not considered that refusal could be adequately defended.

In coming to this view, it needs to be factored into the overall assessment that a different community facility will be provided (which is recommended to be protected by planning condition as part of this recommendation), the proposal provides housing in a sustainable location within walking distance of Shirebrook Town Centre and the development would refurbish and preserve an attractive building which is presently in some state of decline.

Impact on the Town Centre

As the ground floor is proposed as a general convenience store, Policy WC5 of the Adopted Local Plan applies. This states support will be given to proposals which maintain or enhance the vitality and viability of the following hierarchy of town and local centres as defined on the Policies Map. The Policy requires a sequential test or leisure impact assessment for applications in edge-of-centre or out-of-centre locations which include:

- a) Over 200m² of net retail or leisure floorspace within 500m of local centres
- b) Over 280m² of net retail or leisure floorspace within 500 metres of the town centre boundaries
- c) Over 500m² of net retail and leisure floorspace across the remainder of the district

The District Council's Planning Policy team confirms that a retail sequential and impact test won't be necessary because the site is more than 500m from the town centre boundary and the floorspace is less than 500m² net retail floorspace. In this situation the development does not conflict with Policy WC5 and there are no planning grounds on which to refuse the development based on its impact upon the vitality and viability of Shirebrook Town Centre.

The number of HMOs in Shirebrook

Policy SS1 of the Adopted Local Plan provides that development proposals should promote the social and economic wellbeing of Bolsover District's communities, contributing to reducing social advantages and inequalities and create a positive image for the district. Policy LC3 'Type and Mix of Housing' identifies that the Council will support the provision of housing for older people and specialist housing provision across all tenures, including level access flats, houses, bungalows, and sheltered housing or extra care schemes, in appropriate locations, close to services and facilities.

The framework sets out the objective of significantly boosting the supply of homes. It identifies that the needs of groups with specific housing requirements should be addressed. The overall aim should be to meet as much of the area's identified housing needs as possible, including with an appropriate mix of housing types for local communities.

The Council's HMO Register at 22nd January 2024 identifies 12 properties with an HMO licence in Shirebrook. As many changes of use to smaller HMO's do not require planning consent, there is no record in planning of the number of smaller HMOs within the locality. Local concerns from residents, elected Members and the Town Council are noted regarding the number of HMO's within Shirebrook. Proposed uses of land and buildings within the district are frequently led by the submission of planning applications where planning permission is necessary. Officers have no means by which to prevent applications of this nature coming forward in one particular part of the district, such as Shirebrook. Similarly, there is no planning mechanism to direct HMO uses to the district's other sustainable towns and settlements.

The planning system does not discriminate against future occupant backgrounds or how they might behave to cause any crime or anti-social behaviour. These are not material planning considerations because, in planning terms, this is for residential accommodation in a residential area and individual user profiles cannot be taken into account. Other regimes exist outside of the planning system to deal with such issues, like Derbyshire Constabulary. There is however a need to minimise crime and disorder through the planning process by effectively designing out crime wherever possible; and in turn strengthening community safety. These considerations are discussed later in this report. Each planning application must be considered on its own merits and there are no planning grounds on which to refuse this application based on the number of HMOs within the settlement or due to the type of living accommodation in principle.

Conclusion to Principle of Development

The principle of development is considered acceptable subject to consideration of all relevant local and national policy and any material planning considerations.

Visual Amenity

Policy SC3 of the Adopted Local Plan requires development to achieve a high quality of design, including through creating good quality, attractive, durable and connected places through well designed locally distinctive development that will integrate into its setting; and also, by responding positively to local context, contributing to local identity and heritage in terms of appropriate height, scale, massing, density, layout and materials.

Policy SC5 of the Local Plan supports the conversion of buildings to new use provided they meet criteria (a) to (e). These include ensuring buildings are worthy of retention, being in keeping with original character, ensuring density is appropriate to the location, that there is an existing curtilage with no harm to landscape character; utilities can be provided, adequate access to a metalled road.

Paragraph 135 of the framework states decisions should ensure proposals add to quality of areas, are visually attractive as a result of good architecture, layout and effective landscaping; in addition to being sympathetic to local character and history.

The New Victoria Inn is a large attractive building located in a prominent position within the town. Its character includes retention of its original brickwork, mock Tudor beams and cladding, a slate roof, its chimneys and a prominent feature wall to Recreation Drive at the back of the building. The land levels are flat and the site is hard surfaced to the front and rear. The building is currently in a somewhat state of decline and there is clearly the potential for it to become more dilapidated in the future unless it is brought back into use. This, in turn, would detract from the visual amenity of the area to the detriment of the residents who live in the locality.

Officers originally raised concerns in relation to the extent of the external changes proposed to the building and a resulting adverse impact on the design character of the building and wider locality. A significantly long flat roofed extension was proposed directly abutting the boundary to Acreage Lane's footway, which failed to present good quality design and would have been in view from the public domain. Alterations were also initially proposed to the frontage to alter bay windows and create a new opening for the convenience store, bricking

up the original main entrance. Hanging signs were proposed to be removed and it was not clear what the applicants intentions were for the high-quality feature walling abutting Recreation Drive, which is an important visual feature.

Amended plans have been successfully secured to improve the proposal significantly in design terms. The rear extension to provide a storage area for the commercial unit has been significantly reduced in length. The existing feature wall facing Recreation Drive will be retained and a new high-quality feature wall has been negotiated to the boundary with Acreage Lane, to be of the same quality as the current feature wall. This high-quality side wall will screen the storage area extension from the public highway.

The original pub entrance is now amended so that it would no longer be blocked off and would continue to serve the commercial unit. The bay window on the buildings frontage will remain. Two hanging signs have also been retained following request, to respect the history of the buildings historic use as a public house. A high-quality facing brick wall has also been negotiated to the boundary shared with the adjacent Care Home.

PARTY WALL NOTICE:
PLEASE NOTE THAT BEFORE WORKING COMMENCES IT IS THE RESPONSIBILITY OF BUILDERS OR OWNERS TO NOTIFY PARTY WALL NOTICE TO ALL NEIGHBOURS

NOTE:
CONTRACTORS TO BE CHECKED ON SITE. CONTRACTOR TO CHECK SITE TECHNICALLY BEFORE WORKING STARTS & REPORT ANY CONCERNS.
THIS DRAWING IS COPYRIGHT AND MUST NOT BE REPRODUCED OR COPIED IN ANY WAY OR FOR ANY PURPOSE OR PLACE BY ANY PERSON WHO DOES NOT HAVE EXPRESS PERMISSION IN WRITING FROM THE ARCHITECT. THIS DRAWING IS TO BE USED BY THE PRESENT OWNER IN RELATION TO THE PROPERTY AS INTENDED TO BE CONSTRUCTED. THE ARCHITECT HAS BEEN COMMISSIONED BY AN AUTHORIZED OFFICER OF THE LOCAL AUTHORITY WITH THE SOLE PURPOSE TO ASSIST IN THE DETERMINATION OF A LAMING OR BUILDING REGULATION APPLICATION AND MAY NOT BE USED FOR ANY OTHER PURPOSE OR AS A BASIS FOR ANY OTHER WORKING. SOCKET CLEAR FROM THE DRAWING/CONSTRUCTION YET TO BE OBTAINED ONLY BY CONTRACTOR TO VERIFY ALL NECESSARY POSITIONS AND DIMENSIONS ON THE GROUND TO COMMENSURATE WITH ANY EXISTING WORK OR OTHERWISE ASY. NECESSARY.

NOTE: NO CHECK DIMENSIONS OF THE SITE HAVE BEEN TAKEN AND ALL INFORMATION AND DETAILS HAVE BEEN PROVIDED BY THE CLIENT.
NO SITE SURVEYING IS SHOWN ON UNDERGROUND UTILITIES OR SERVICES INCLUDING THE LOCATION OF ANY EXISTING WORKS AND THE CONTRACTOR IS TO OBTAIN THE NECESSARY PERMISSIONS AND A QUALIFICATION FOR THE WORKS OR COMMENSURATE ANY WORKING.
THE DRAWING DOES NOT PRESENT OR IMPLY THE STRUCTURAL CONDITION OF THE EXISTING/PROPOSED STRUCTURE. THE ARCHITECT HAS BEEN PREPARED FOR ASSISTANCE IN THE PREPARATION OF THE BILL FOR PLANNING AND BUILDING REGULATIONS PURPOSES ONLY AND CHECK DIMENSIONS HAVE BEEN TAKEN AS DETAILS HAVE BEEN PROVIDED BY THE CLIENT.
THE USE OF UNMATED DIMENSIONS MUST BE PRESENTED IN ACCORDANCE TO DIMENSIONS PROVIDED BY CLIENT. MEASURING THE DETAILS OF PROPERTY AS A CHECKING HOUR AND THE DRAWING HAS BEEN IN A CONSTRUCTION AREA AND DIMENSIONS MUST BE OUT A COMPARISON OF LAMING AREA OR PLANNING PERMISSIONS SHOULD BE OBTAINED FIRST.

LEGEND:

- SMOKE DETECTOR WITH SOUNDER
- EMERGENCY LIGHTING TO BS5838: Part 1 1988
- HEAT DETECTOR
- 30 MINUTE FIRE RESISTING DOOR AND FRAME
- BALUNTURE

0 1 2 3 4 5
Metres

B 04/03/2024 A.B. THE ISSUE
A 01/10/2023 M.S. FIRST ISSUE
REV: 018 WITH DRAWING

happinest
we design happiness

PROJECT:
The Victoria Inn
Shrewsbury
NG20 8FL

PROJ TITLE:
PROPOSED ELEVATIONS 1

CLIENT:
Raj

REVISED:
VI - AL - 107

DATE:
15/04/24 01/10/2023 M.S.

LABC
Registered

FRONT ELEVATION

FACING MATERIAL SPECIFICATION

FACING BRICKWORK TO MATCH EXISTING
ROOF TILES TO MATCH EXISTING
FLAT ROOF TO BE WARM DECK WITH GREY BUTYL RUBBER TOPPING
SHOP FRONT SCREEN FROM PPC ALUMINIUM (WHITE) TO MATCH WINDOW APPEARANCE
ROLLER SHUTTER DOOR TO BE ALUMINIUM (GREY FINISH)
ORIGINAL PUB SIGNAGE TO BE RETAINED AS ILLUSTRATED

LEVELS

ROOF

FIRST FLOOR

GROUND FLOOR

LEGEND:

- SMOKE DETECTOR WITH SOUNDER
- EMERGENCY LIGHTING TO BS5838: Part 1 1988
- HEAT DETECTOR
- 30 MINUTE FIRE RESISTING DOOR AND FRAME
- BALUNTURE

0 1 2 3 4 5
Metres

B 04/03/2024 A.B. THE ISSUE
A 01/10/2023 M.S. FIRST ISSUE
REV: 018 WITH DRAWING

happinest
we design happiness

PROJECT:
The Victoria Inn
Shrewsbury
NG20 8FL

PROJ TITLE:
PROPOSED ELEVATIONS 1

CLIENT:
Raj

REVISED:
VI - AL - 107

DATE:
15/04/24 01/10/2023 M.S.

LABC
Registered

SIDE ELEVATION 1 (ELEV 'A')

Proposed front elevation and side elevation to Acreage Lane

PARTY WALL NOTICE:
PLEASE NOTE THAT BEFORE WORKING BEGINS COMMENCED IT IS THE RESPONSIBILITY OF THE OWNER OR OWNER TO HAVE PARTY WALL NOTICES TO ALL NEIGHBOURS

NOTE:
ALL CONSTRUCTION TO BE CARRIED ON SITE CONSTRUCTION TO CHECK FOR PROBLEMS BEFORE WORK BEGINS A PARTY WALL CONSTRUCTION.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL PARTY WALL NOTICES TO ALL NEIGHBOURS AND TO THE LOCAL AUTHORITY BEFORE THE WORK BEGINS TO ASSIST IN THE DETERMINATION OF AN APPROPRIATE PARTY WALL AGREEMENT AND MAY NOT BE HELD RESPONSIBLE FOR ANY OTHER PARTY WALLS OR CONSTRUCTION ADJACENT TO THE SITE.

DO NOT RELY ON THE CONTRACTOR'S REPRESENTATION FOR CONSTRUCTION TO CHECK FOR PROBLEMS BEFORE WORK BEGINS AND TO CHECK FOR PROBLEMS BEFORE WORK BEGINS AND TO CHECK FOR PROBLEMS BEFORE WORK BEGINS.

NOTE: NO CHECK CONSTRUCTION OF THE SITE HAS BEEN PROVIDED BY THE CLIENT.

NO SITE REPRESENTATION IS MADE OR UNDERTAKEN UNLESS OTHERWISE SPECIFICALLY APPROVED.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL PARTY WALL NOTICES TO ALL NEIGHBOURS AND TO THE LOCAL AUTHORITY BEFORE THE WORK BEGINS TO ASSIST IN THE DETERMINATION OF AN APPROPRIATE PARTY WALL AGREEMENT AND MAY NOT BE HELD RESPONSIBLE FOR ANY OTHER PARTY WALLS OR CONSTRUCTION ADJACENT TO THE SITE.

THE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR THE STRUCTURAL CONDITION OF THE EXISTING BUILDING OR THE BUILDING OR THE PROVISION OF ALL PARTY WALL NOTICES TO ALL NEIGHBOURS AND TO THE LOCAL AUTHORITY BEFORE THE WORK BEGINS TO ASSIST IN THE DETERMINATION OF AN APPROPRIATE PARTY WALL AGREEMENT AND MAY NOT BE HELD RESPONSIBLE FOR ANY OTHER PARTY WALLS OR CONSTRUCTION ADJACENT TO THE SITE.

THE USE OF PATENTED OR PROPRIETARY RIGHTS IN THE PROVISION OF ALL PARTY WALL NOTICES TO ALL NEIGHBOURS AND TO THE LOCAL AUTHORITY BEFORE THE WORK BEGINS TO ASSIST IN THE DETERMINATION OF AN APPROPRIATE PARTY WALL AGREEMENT AND MAY NOT BE HELD RESPONSIBLE FOR ANY OTHER PARTY WALLS OR CONSTRUCTION ADJACENT TO THE SITE.

LEGEND

- SMOKE DETECTOR WITH SOUNDER
- EMERGENCY LIGHTING TO SIGNAGE PART 1 1998
- HEAT DETECTOR
- 30 MINUTE FIRE RESISTING DOOR AND FRAME
- SIGNATURE

0 1 2 3 4 5
Metres

B 08/20/2024 A.B. 2nd ISSUE
A. 09/10/2024 M.S. FIRST ISSUE

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we design happiness

PROJECT
The Victoria Inn
Shirebrook
NG20 8RL

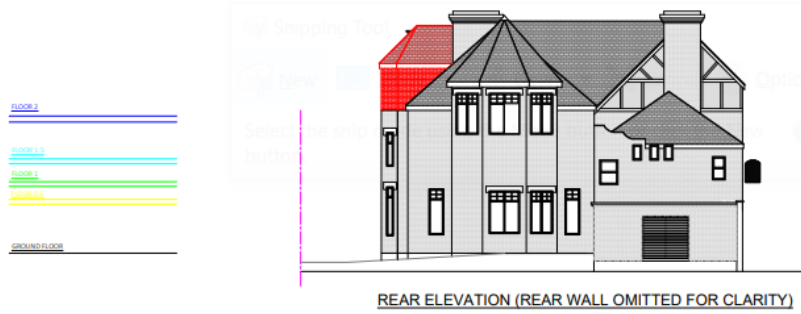
DRAW TITLE
PROPOSED ELEVATIONS 2

CLIENT
Raj

DRAWN BY
VI - AL - 108

SCALE 1:1000 DATE 08/20/2024
1:1000 08/20/2024 M.S.

LABC
Registered



FACING MATERIAL SPECIFICATION

FACING BRICKWORK TO MATCH EXISTING
ROOF TILES TO MATCH EXISTING
FLAT ROOF TO BE WARM DECK WITH GREY BUTYL RUBBER TOPPING
SHOP FRONT SCREEN FROM PFC ALUMINIUM (WHITE) TO MATCH WINDOW APPEARANCE
ROLLER SHUTTER DOOR TO BE ALUMINIUM (GREY FINISH)
ORIGINAL PUB SIGNAGE TO BE RETAINED AS ILLUSTRATED



Proposed Side Elevation facing the care home and the rear elevation.

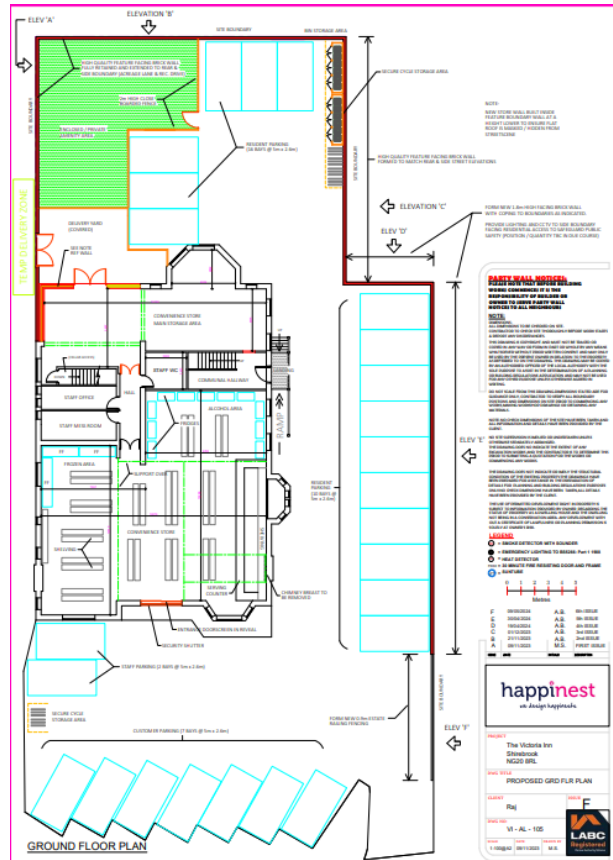
It is considered that the proposal, in its revised form, has respected and preserved the established design character of the building and locality. Planning Conditions are recommended to agree the external elevational and roofing materials used for the development, details of any replacement windows and doors, the refurbishment and retention of retained hanging boards, boundary treatment, and a scheme of hard and soft landscaping. With these conditions the development is considered to represent high quality design in accordance with Policy SC3 and SC5 of the Local Plan and Paragraph 135 of the framework.

Residential Amenity

In considering development proposals Policy SC3 (n) of the Adopted Local Plan requires a good standard of amenity is maintained for the occupants of existing neighbouring properties as well as the future occupants of new development, including levels of privacy and light, position and avoiding overbearing relationships and the provision of adequate amenity space.

Policy SC11: Environmental Quality (Amenity) Development likely to cause, or experience, a loss of residential amenity as a result of light, noise, dust, odour or vibration, or a loss of privacy must be supported by a relevant assessment. If necessary, appropriate mitigation must be put in place. Applicants will need to demonstrate that a significant loss of amenity would not occur as a result of the development or throughout its construction and operation.

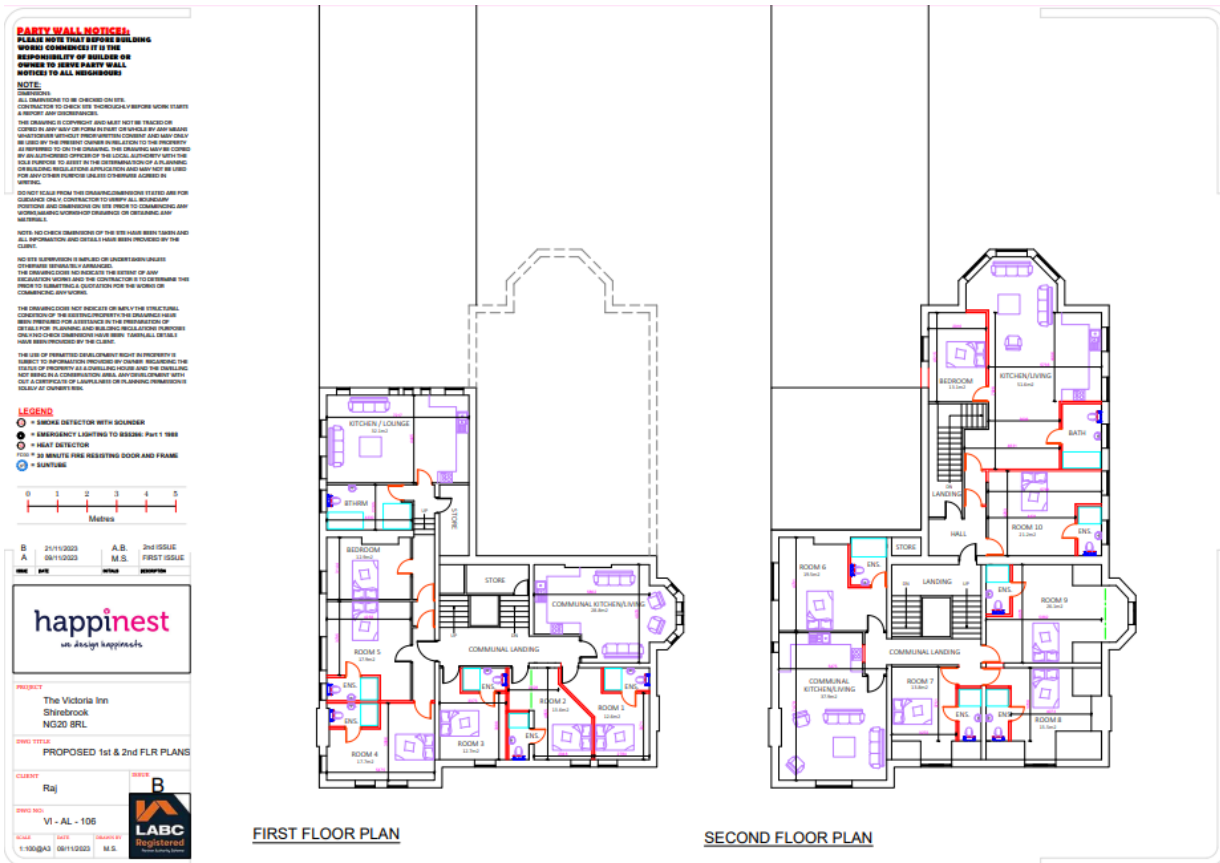
The framework emphasises that buildings and places are safe and accessible, so that crime and disorder, and the fear of crime and disorder, do not undermine the quality of life or community cohesion. (Para. 96 b). This is set out in Local Plan Policy SC3: High Quality Development, which identifies that proposals for development will be permitted provided that they take account of the need to reduce opportunities for crime and the fear of crime, disorder and antisocial behaviour and promote safe living environments. The above is reflected in paragraph 135 (f) of the framework, which seeks to secure a high standard of amenity for existing and future users.



Proposed revised ground floor site layout.

The living accommodation is contained to within the existing building footprint only over the first and second floors. The HMO incorporates 10 double bedrooms all en-suite, the smallest with a footprint of 12.6sqm going up to 26sqm. The HMO also has two separate communal kitchen and living areas, one on each floor, which are accessible by all tenants. All of the bedrooms and living areas utilise existing fenestration providing a good level of natural light and outlook for future occupants. In the interests of ensuring a satisfactory form of living accommodation for future occupants, a condition is considered necessary to ensure no more than 10 persons occupy the HMO, which would be on the basis of a single bedroom per occupant. This is considered necessary to ensure an acceptable standard of living accommodation for future residents; and also in the interests of preventing further demand for off-road parking as a result of more occupants per bedroom.

The bedroom areas comply with the District Council's Space Standards for HMOs set out in its Housing Act 2004 Guidance 'Amenities and Space in HMO's', by being at least 10sqm per bedroom and are well-above the national minimum size requirement of 6.51sqm. By complying with the District Council's space standards, the application has demonstrated that the existing footprint of the building, at first floor and second floor level, is capable of accommodating a 10-bed HMO and two flats without causing a cramped form of living accommodation.



Proposed first and second floors incorporating two no. self-contained flats and a 10-bedroom house in multiple occupation.

A Local Authority HMO license would be required because the HMO would be occupied by 5 or more people. This is a separate procedure to planning where there is another layer of control over the standard of living accommodation having regard to bedroom sizes. Under this process separate conditions may be applied to ensure the HMO is fit for purpose relating to anti-social behaviour and prevention of overcrowding. The conditions, at the discretion of the Licensing Authority, might ensure facilities and equipment are kept in good working order and meet prescribed standards, ensure any repairs are made within a particular time; and for the license holder or manager to attend training courses for effective management, where relevant.

The proposed single storey extension, in its considerably reduced form, would not cause any massing, overshadowing or overlooking issues to neighbouring residents. Outlook from the existing fenestration is not considered to be materially any different to the upper floor use as residential accommodation associated with the public house.

The application has not identified any conflict with the adopted Supplementary Planning Document 'Successful Places' separation criteria in this regard. Successful Places advises that 25m² of amenity area is provided per flat, which can be on a shared basis. This generates a need for 50sqm for the two self-contained flats that are proposed. The SPD does not define amenity space provision for HMO's and therefore a judgement is necessary with each application required to be considered on its own merits. The SPD is clear that there may be times when guidance criteria cannot be followed in full and applications should work with local context, such as change of use applications and constraints associated with existing buildings and their defined curtilages.

During the course of processing the application, Officers have raised concerns regarding the outdoor amenity space proposed by virtue of its proximity to storage areas associated with the business use and given that vehicular access to the storage area was wrapped around a shared amenity area for residential occupants. A request has been made to reconfigure the rear of the site in the interests of protecting residential amenity by separating the commercial use from the residential.

The revised ground floor layout no longer integrates a service area with the residential amenity area as deliveries would take place from Acreage Lane to a dedicated service area. This prevents shop deliveries from taking place by the main entrance to the HMO and will prevent disturbance. The enclosed private amenity area for future occupants is approximately 99.3sqm, which is considered to be acceptable. The application therefore raises no amenity concerns in terms of massing, overshadowing, overlooking and the standard of living accommodation for future occupants is also acceptable in planning terms.

Noise

The District Council's Principal Environmental Health Officer (PEHO) has been consulted because of the mixed-use nature of the application. Given that the application is proposing residential and commercial uses into the same building, the application has needed to demonstrate acceptable noise levels for future occupants.

For this application the PEHO has not raised a formal objection. A planning condition has been recommended to provide a scheme of sound insulation prior to first occupation of the residential accommodation. This will protect occupants from noise from the commercial use on the floor below. The scheme needs to ensure adequate ventilation is provided. If windows cannot be opened because of inadequate noise levels, a means of mechanical ventilation would be necessary. The following noise criteria could not be exceeded:

Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs – 0700 hrs)
Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)
All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)

All Habitable Rooms 45 dB LAmax to occur no more than 6 times per night (2300 hrs – 0700 hrs)

Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs – 2300 hrs)

The recommended condition also requires a validation report to ensure the scheme is implemented in accordance with the approved details. The condition is attached to this recommendation.

In the interests of protecting residential amenity details of hours of operation and deliveries for the convenience store have also been agreed. The Principal Environmental Health Officer has no objection to the store operating daily between 6am and 11pm provided deliveries do not take place outside the hours of 7am and 9pm Monday to Saturday and 9am to 9pm Sunday, with the exception of newspapers. An exception for newspapers is necessary because these deliveries take place 4:30-5:30am. These conditions will prevent HGV movements associated with the business from taking place during unduly late or early periods when residents would be likely to be sleeping. With the attached conditions that form part of this recommendation the application does not raise any noise related concerns.

Community Safety

As set out above, who the individual persons are that occupy the proposed residential accommodation is not a material planning consideration. In planning terms this is residential accommodation which could be accommodated by any person of any background regardless of their age, sex, sexual orientation, race or nationality as their permanent place of residence. The planning system does not discriminate against a person's background and experiences or how this might affect their behaviour to cause crime or other anti-social behaviour issues to a local community. The planning system cannot look at why the occupants might need to live within a HMO. In addition, in planning terms, there are no means to control the number of HMO's within a particular area.

Derbyshire Constabulary's Force Designing Out Crime Officer (FDCO) has confirmed the area does have a higher HMO element than the norm, some of which are associated with raised levels of drug use, anti-social behaviour and crime. However, some HMOs are confirmed to be in operation which are well managed and problem free. The FDCO acknowledges the difference between problem sites and problem free sites lies in the behaviour of tenants and effective management, neither of which are expected by the FDCO to be seen as material in planning terms.

The FDCO comments there is no inevitability that the proposal would not bring community cohesion, as sought by paragraph 96 of the framework, or that the occupants would lead chaotic lifestyles. However, provisions should be made where possible to strengthen community safety by use of planning conditions that meet the tests and by designing out crime, where that is possible.

Areas of concerns of the FDCO which can be addressed in this instance are to secure an appropriate form of boundary treatments, to provide a secure enclosure for the private amenity space and to ensure bicycle storage lockers are secure and in an enclosed location. There has also been a need to separate the grounds adequately from the nursing home by a robust form of boundary. In addition, the FDCO has commented that CCTV would be necessary to the external communal entrance, shared parking areas and the external communal grounds. Planning Conditions are attached to this recommendation to agree a CCTV scheme, external lighting, a secure bicycle storage scheme and secure forms of boundary treatment to the delivery area, amenity area and care home, in the interests of strengthening community safety by increasing surveillance, adequate lighting for users and

separation of the site from the care home adjacent.

The FDCO has stated it is important that entry to and from the HMO is controlled but this is not considered to fall within the remit of planning. Although the HMO will have a communal access point, internal landing corridors and communal living/kitchen areas, there will be a need to provide private living accommodation for future residents in the form of secure bedrooms and presumably tenants would have controlled access to the main external entrance door, which should prevent any person from randomly gaining access. Like any residential accommodation, occupants might let other people inside the premises when receiving visitors. If any issue arose as a result unauthorised entry which constituted anti-social behaviour or crime, the police would be able to deal with this issue under a separate regime. The District Council's Environmental Health team also has separate powers to assist if any statutory nuisance occurred under the Environmental Protection Act 1990.

The FDCO has also requested that a scheme for the controlled delivery of mail is agreed. Similar to door entry, this is not considered to be within the remit of planning. The applicant/operator of the HMO would have to agree an effective mail delivery system. To attach these conditions to any planning permission would be unnecessary, unreasonable and not meet the tests of planning conditions.

Officers have negotiated improvements to strengthen community safety as far as possible by separating deliveries from the main entrance point to the HMO. In its revised form deliveries would take place from Acreage Lane, to a dedicated enclosed delivery yard, fully separating deliveries from the residential access to the HMO and its associated amenity space from the commercial deliveries.

It is therefore considered that the application has demonstrated acceptable impacts on residential amenity and to strengthen community safety by designing out crime as far as possible by appropriately addressing the sensitive part of the site at its rear through the use of carefully worded planning conditions and secure site layout.

The application does not raise any amenity concerns and is considered in accordance with policy SC3 of the Local Plan and Paragraph 135 of the framework.

Highway Safety

Policy ITCR11: Parking Provision of the Local Plan states that planning permission will be granted where there is appropriate provision for vehicle and cycling parking as set out in the Local Plan for Bolsover District's Appendix 8.2. The Parking Standards reflect a residential use with spaces required based on the number of bedrooms. There are no specific parking standards for HMOs.

A Local Parking Standards Supplementary Planning Document, January 2024, has been adopted by Bolsover DC which supplements Policy ITCR11. Paragraph 9.2 sets out the required cycle parking provision for various uses including retail and dwellings.

The District Council's Planning Policy team advises the development proposal involves the conversion of the public house to 10 no. 1 bed units and a general convenience store. On this basis it is anticipated that:

- The residential element is identified as 12 number 1 bed units. The requirement is therefore 1 space per unit plus one space per 2 units for visitors. That is 18 spaces.
- As the convenience store is less than 1,000 sqm the requirement is 1 space per 25m, giving a requirement of 22 spaces.

Officers have negotiated improvements to the site layout to increase off road parking for future occupants. In its revised form the application proposes 2 staff parking spaces, 7 customer parking spaces and 16 resident parking spaces providing 25 in total. Initially the application proposed 17 off-road spaces.

Although this still is a deficiency to ITCR11, the policy recognises there may be circumstances where a departure from the standards is justified, provided there is no adverse impact on highway safety. As part of these considerations is the need to consider the impact on highway safety in consultation with the Highway Authority.

The framework in Paragraph 115 identifies that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe. This should also be seen in the context of the framework in paragraph 116 and the need to create places which are safe, and which minimises conflict between pedestrians, cyclists and pedestrians.

In this case the Highway Authority confirms that whilst parking is below the District Council's parking standards, it is considered that the existing roads in the vicinity are capable of managing any overspill from the proposal without causing any detriment to highway safety. The Highway Authority therefore supports the application based on the level of parking provided, with conditions recommended to ensure the access, parking and turning are provided, and to ensure the existing vehicular access to Acreage Lane is closed and reinstated as footway. The conditions are attached to this recommendation in the best interests of highway safety.

There is a requirement for 12 secured and covered cycle parking spaces for the residential element of the proposal and 5.5 short stay cycle spaces for the retail element. The application is providing 6 spaces for the retail element and 12 for the residential element in accordance with the standards. In this case it is recommended that the precise scheme is agreed by planning condition, to facilitate the correct re-location of these facilities for private residential use into the enclosed amenity area for security purposes.

In the absence of an objection from the Highway Authority, it has been established that the level of parking would not harm public safety of users of the highway network. Therefore, the application raises no highway safety issues and there are no planning grounds on which to refuse the application based on the parking provision provided.

Land Stability

Policy SC14 of the Adopted Local Plan states development proposals will not be permitted unless it can be demonstrated that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.

Paragraph 189 of the framework requires planning decisions to ensure that a site is suitable for its proposed use taking into account of ground conditions and any risks arising from land instability and contamination.

In relation to land stability, the application site lies partly within the Development High Risk Referral Area due to the former coal mining legacy in the area. The Coal Authority has been consulted and raised no objection as the change of use falls within one of the Coal Authority's exemptions criteria and the proposed extension lies outside of the High-Risk Area. In this situation a Coal Mining Risk Assessment is not necessary, the application raises no land stability concerns and is in accordance with both Policy SC14 of the Local Plan and Paragraph 189 of the framework.

Biodiversity

Policy SC9 of the Adopted Local Plan states development proposals should seek to conserve and enhance the biodiversity and geodiversity of the district and to provide net gains where possible. Proposals for development must include adequate and proportionate information to enable a proper assessment of the implications for biodiversity and geodiversity.

Paragraph 180 (c) of the framework states planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 186 (a) of the framework states that planning applications which cause significant harm to biodiversity cannot be avoided, planning permission should be refused.

This is a small site submitted prior 2nd April 2024. As such there is no mandatory requirement to provide a 10% net gain for biodiversity as the development meets one of the temporary exemptions approved by the Government. However, the application should still follow local and national policy by providing at least some form of net-gain, where possible.

Derbyshire Wildlife Trust has been consulted for comment; however, a response has not been received. This is a brownfield site which is entirely hard surfaced. The biodiversity value of the site is considered to be low as there would be no loss of habitat through the proposed change of use and only a small-scale extension is proposed on the hard surfaced site. It should be noted the applicant/owner/developer is responsible for complying with separate legislation that protects wildlife and protected species under the Wildlife & Countryside Act 1981.

In this situation, a planning condition to secure biodiversity enhancement measures is considered appropriate to secure some form of net-gain. This might take the form of bird and bat boxes and native planting. With this condition it is considered that the development is in accordance with Policy SC9 of the Adopted Local Plan and Paragraphs 180 (c) and 186 (a) of the framework.

Sustainability Considerations

Paragraph 7 of the framework states the purposes of the planning system is to contribute to the achievement of sustainable development. The means to achieving sustainable development is set out in Paragraph 8 of the framework, including the need to meet three overarching objectives, which are interdependent and need to be pursued in mutually

supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives. These are as follows:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

The construction process will benefit the local economy and create or maintain jobs. The proposal provides a new commercial business for the applicant, providing a means of income and job generation. Future resident occupants would spend in the local economy, which would benefit local businesses. The economic objective is met.

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;

The application results in the loss of a recognised community facility, but this is to be replaced with another recognised community facility of a different kind and this needs to be recognised in the overall planning balance. Neither local or national planning policy attributes greater weight to one community facility above the other. The application will provide housing accommodation which carries a social benefit. The amendments which have been secured have prevented harm to the design character of the building from which was previously poor quality design and would have initially formed a reason for refusal.

Whilst concerns about a lack of social cohesion and a fear of crime and disorder are noted, these are not material planning considerations as the planning system cannot focus on who the individuals might be that live within the accommodation and judge how they might behave. In planning terms this is residential accommodation for any person. Other regimes exist to deal with crime, anti-social behaviour or any statutory nuisance relating to noise. Officers have worked successfully with the applicant to design out crime as far as possible by securing amendments to site layout and strengthen community safety through the use of appropriate planning conditions.

The site is within walking distance of Shirebrook Town Centre where future occupants would have access to a good range of social amenities and services found on the Market Place to meet their daily needs. The social objective is met.

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The application causes no harm to the natural, built or historic environment or to biodiversity. The Principal Environmental Health Officer has not raised any pollution related concerns. The environmental objective is considered met.

Conclusion

The application does not result in the loss of the last public house within the settlement in accordance with Policy SC1 of the Local Plan. Policy ITCR4 requires a 400m radius check rule of other facilities within a 400m radius of the site when considering planning applications which cause the loss of community facilities. Whilst the nearest public house is not within 400m of the site (it is distanced approximately 500m away) there are significant material planning considerations associated with this application, including that ITCR4 also defines local convenience stores as community facilities.

Therefore, the building will remain in a community use within Class E. In addition, a marketing letter from Guy Simmonds confirms a lack of interest in the continued operation of the public house during a marketing period. In this situation it is not considered that refusal of the application based on the loss of the public house could be defended at a subsequent planning appeal. The application will bring an attractive and prominent building back into use, preventing further decay and decline.

The site and building is considered capable of accommodating the commercial unit, two self-contained flats and a 10 bed HMO without causing overdevelopment of the site. As described above, issues relating to the number of HMO's in the area cannot be controlled through the planning system. How future occupants might cause anti-social behaviour, crime or nuisance are not material. Efforts have been successfully made to strengthen community safety by designing out crime. The application raises no concerns in relation to design and character, residential amenity, highway safety, land stability, biodiversity and sustainability. It is therefore considered that the application represents a sustainable form of development in accordance with the Local Plan and the National Planning Policy Framework.

RECOMMENDATION

The current application be APPROVED subject to the following conditions:

Condition(s)

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents unless specifically stated otherwise in the conditions below:

Site Location Plan received 18/12/2023

Revised Proposed Block Plan received 09/05/2024 ref VI-AL-111 Issue A

Revised Proposed Elevations received 09/05/2024 ref VI-AL-108 Issue B

Revised Proposed Elevations received 09/05/2024 ref VI-AL-107 Issue B

Revised Proposed First Floor and Second Floor received 09/05/2024 ref VI-AL-106 Issue B

Revised Proposed Ground Floor Plan with Site Layout received 09/05/2024 ref VI-AL-105 Issue F

3. The development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on drawing VI - AL - 105F. Once provided the access, parking and turning facilities shall be maintained thereafter free from any impediment to use for access, parking and turning purposes.

4. Before the hereby approved commercial unit and residential accommodation are first taken into use, the existing vehicular access to Acreage Lane shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway fully in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.

5. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the ground floor of the premises must be used only for Class E, a, b, d, e, f purposes (and for no other use falling within Class E, c and g of the Order).

6. The hereby approved 10 bedroomed house in multiple occupation shall be for a maximum of 10 occupants.

7. Prior to the first occupation of the residential accommodation hereby approved a scheme of sound insulation shall be submitted to and approved in writing the Local Planning Authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. Unless otherwise agreed, the scheme shall be designed to achieve the following criteria with the ventilation operating:

Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs - 0700 hrs)

Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)

All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)

All Habitable Rooms 45 dB L_{Amax} to occur no more than 6 times per night (2300 hrs - 0700 hrs)

Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs - 2300 hrs)

The scheme as approved shall be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority before first occupation. The approved scheme shall be implemented in full and retained thereafter.

8. Prior to the commencement of use of the commercial unit and first occupation of the residential accommodation, a scheme of CCTV shall be installed covering the main communal entrances, shared parking areas and external communal grounds fully in accordance with a detailed scheme which has first been submitted to and approved in writing by the Local Planning Authority. Once provided the CCTV scheme shall be continually operated and maintained thereafter.

9. Prior to the commencement of use of the commercial unit and first occupation of the residential accommodation, a lighting scheme covering the main communal entrances, shared parking areas and external communal grounds shall be installed fully in accordance with a detailed scheme which has first been submitted to and approved in writing by the Local Planning Authority. Once provided the lighting scheme shall be continually operated and maintained thereafter.

10. Prior to any works taking place to the external elevations and roof of the development, the precise external materials for the elevational treatment and roofing shall be first submitted to and approved in writing by the Local Planning Authority. The development shall then proceed fully in accordance with the agreed external materials and be maintained in perpetuity for the lifetime of the development.

11. Prior to the commencement of use of the commercial unit and first occupation of the residential accommodation, a precise detailed scheme of boundary treatment, to include a feature wall to Acreage Lane and the Care Home, and a secure means of enclosure to the private amenity area and the delivery area, shall be installed fully in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment scheme shall then be maintained thereafter.

12. Prior to the commencement of use of the commercial unit and first occupation of the residential accommodation, a hard and soft landscaping scheme shall be submitted to and be approved by the Local Planning Authority. Any trees or plants shall be planted in accordance with the agreed landscaping scheme in the first planting season and any trees/plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

13. Notwithstanding the submitted details shown on drawing VI-AL-105 Rev F, prior to commencement of use of the commercial unit and residential accommodation the precise details and location of the secure cycle storages areas to the rear of the site shall be submitted to and approved in writing by the Local Planning Authority and provided prior to commencement of use. Once provided the revised location and specification for the cycle storage scheme shall be maintained thereafter.

14. Prior to the commencement of use of the commercial unit and first occupation of the residential accommodation, a scheme of biodiversity enhancement measures shall be provided on site fully in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. Once provided the biodiversity enhancement measures shall be maintained thereafter.

15. The roller shutter box for the main customer entrance to the commercial unit shall be an internally fitted mechanism only.

16. Prior to the installation of any replacement windows and doors, precise details shall be first submitted to and approved in writing by the Local Planning Authority. The agreed replacement windows and doors shall then be implemented fully in accordance with the approved details prior to commencement of use of the commercial unit and residential accommodation and maintained thereafter.

17. The two hanging signs on the building shall be retained, repaired or replaced and re-installed in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority prior to commencement of use of the ground floor commercial unit. Once provided the hanging boards shall be maintained thereafter.

18. The hereby approved ground floor commercial premises shall be open for trade or business only between 6am and 11pm daily.

19. There shall be no commercial deliveries for the ground floor unit outside of the hours of 7am and 9pm Monday to Saturday and 9am to 9pm Sunday, with the exception of newspapers.

Reasons for Conditions

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. For the avoidance of doubt and in order to define the planning permission.

3. In the interests of ensuring sufficient access, parking and turning is provided in the best interests of highway safety in accordance with policy SC3 and ITCR11 of the Adopted Local Plan for Bolsover District.

4. In the best interests of highway safety in accordance with policy SC3 of the Adopted Local Plan for Bolsover District.

5. In the interests of ensuring the ground floor unit is maintained with an appropriate form of replacement community facility under permitted development within Class E in accordance with Policy ITCR4 of the Adopted Local Plan for Bolsover District.

6. In the interests of protecting residential amenity by providing adequate living accommodation for future occupants and an appropriate scale of housing development and resulting demand on parking, in accordance with policies SC3 and ITCR11 of the Adopted Local Plan for Bolsover District.

7. To protect future occupants from adverse noise from the commercial use within the ground floor of the building, in accordance with Policy SC3 (n) of the Adopted Local Plan for Bolsover District.

8. As a means to strengthen community safety and create safe places in accordance with Policy SC3 (e) of the Adopted Local Plan for Bolsover District.

9. As a means to strengthen community safety and create safe places in accordance with Policy SC3 (e) of the Adopted Local Plan for Bolsover District.

10. To ensure the satisfactory appearance of the development and safeguard the amenity of residents in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.

11. To ensure the satisfactory appearance of the development, safeguard the amenity of residents and to strengthen community safety by providing a secure means of boundary treatment where necessary, in accordance with Policy SC3 of the Adopted Local Plan for

Bolsover District.

12. To ensure the satisfactory appearance of the development in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
13. To provide an alternative means of sustainable travel for future occupants and to ensure such facilities are provided in an enclosed location to strengthen community safety, in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
14. To provide a form of biodiversity net gain for the development in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
15. To ensure the satisfactory appearance of the development in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
16. To ensure the satisfactory appearance of the development in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
17. To ensure the satisfactory appearance of the development and to respect the design character of the building as a former public house, in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
18. To ensure acceptable impacts on residential amenity in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
19. To ensure acceptable impacts on residential amenity in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.

Statement of Decision Process

1. Officers have worked positively and pro-actively with the applicant which has been demonstrated through securing amended plans, additional information and allowing a significant extension of time to overcome the issues which have been identified. The proposal has been considered against the policies and guidelines adopted by the Council in the Adopted Local Plan and the decision has been taken in accordance with the guidelines of the Framework.

Notes

1. No tree, scrub or hedgerow clearance should take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone should be implemented and monitored until the chicks have fledged. No works should be undertaken within exclusion zones whilst nesting birds are present.
2. The Coal Authority advises that the proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine

gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place. Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications.

Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

If any suspected coal mining feature is encountered on site, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

3. The Highway Authority advises pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting this Authority via email - highways.hub@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.

4. The Coal Authority advises the proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites.

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Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

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.