

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

16<sup>th</sup> August 2023

<b>Application No:</b>	HPK/2022/0170	
<b>Location</b>	Soldier Dick, 150-154 Buxton Road, Furness Vale, Derbyshire, SK23 7PH	
<b>Proposal</b>	Change of use of Soldier Dick Public House to residential development of 6 dwellings	
<b>Applicant</b>	Mr Mark Ramsden	
<b>Agent</b>	Amy Hubble, High Peak Architects Limited	
<b>Parish/ward</b>	Whalley Bridge	<b>Date registered</b> 11 <sup>th</sup> April 2022
<b>If you have a question about this report please contact:</b> John Van Eker <i>john.vaneker@highpeak.gov.uk 01538 395400</i>		

## SUMMARY OF RECOMMENDATION

Approve, subject to conditions
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### 1. REASON FOR COMMITTEE DETERMINATION

1.1 This application has been brought before the Development Control Committee as it is locally contentious.

### 2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The Soldier Dick is a large pub fronting Buxton Road (A6) located in the centre of Furness Vale. The site comprises of what was formally two separate but adjoining buildings. The larger three storey building has been a public house since 1804 while the smaller two storey part of the building is noted as originally being a cottage and historically having different commercial uses including an ironmongers, glass and china dealer and also a grocer's shop. More recently this element had been known as Furness Vale Wine Stores a business which operated alongside the adjoining public house.

2.2 Sited to the rear of the site is a car park and beer garden behind with some landscaping to the rear boundary. Access to the carpark is via a shared private road to an industrial estate behind. The pub sits alongside terraced housing dating mainly from late 19th century. Furness Vale has a central core close to the road junctions of Station Road, Buxton Road and Yeadsley Lane and is then a ribbon development, built up mainly alongside the A6. It is characterised by stone two storey buildings with slate or stone roofs. Elevations are primarily complete in natural stone. Much of the built up area along the A6 is made up of terraced housing sitting at the back of the pavement or behind a small front garden. The site is not a Conservation Area and the building is not Listed or locally designated.

### **3. DESCRIPTION OF THE PROPOSAL**

3.1 Planning permission is sought for an extension and proposed change of use to a total of 6 dwellings. The extension element of the proposal includes a three storey side extension to the south east facing side elevation of the building with habitable accommodation in the eaves space. The proposed extension will be complete in materials to match the existing property including a stone finish to the gable elevation. The 6 new dwellings formed comprise of a new dwelling formed from the new extension as proposed and the subdivision of the existing property are denoted on the plans as follows:

Dwelling no.1 -115.5sqm

A three storey three bedroom dwelling with habitable accommodation in the eaves and a private outdoor terrace at ground floor.

Dwelling no. 2 -80sqm

A ground floor single storey flat with front and rear access and two bedrooms. No outdoor amenity space.

Dwelling no. 3 -87sqm

A two storey, two bedroom, dwelling with habitable accommodation in the eaves and a private outdoor terrace at ground floor.

Dwelling no. 4 -99sqm

A two, three bedroom (one of which is single occupancy), dwelling with habitable accommodation in the eaves and a private outdoor terrace at ground floor.

Dwelling no. 5 -82sqm

A first floor single storey flat with rear access and two bedrooms. No outdoor amenity space.

Dwelling no. 6 -89sqm

A second floor two storey flat with rear access and two bedrooms. One of bedrooms is located in the eaves of the original property. No outdoor amenity space.

3.2 Off road parking spaces for ten vehicles are to be created within the existing rear car park area which will be accessed via the existing shared access off Buxton Road.

3.3 Revised plans were submitted during the course of the application which reduced the size and scale of the proposed development including the removal of various extensions, dormers and the reconfiguration of the internal layout as proposed. Overall the number of dwellings proposed has also reduced from a total of 8 to 6.

3.4 Details of the planning application and consultee responses can be found at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=254595>

### **4. RELEVANT PLANNING HISTORY**

HPK/0002/0342 - Illuminated Projecting Sign And Wall Face Signs - Approved

HPK/0003/2699 - Alterations To Form Guest Bedrooms - Approved 28/07/1993

HPK/0001/9495 For Proposed Internal Alterations With Three New Windows In Front Elevation - Approved

HPK/2005/0535 - Various Sign Written Lettering, Board And Lanterns - Approved 23/08/2005

## **5. PLANNING POLICIES RELEVANT TO THE DECISION**

### **Adopted High Peak Local Plan 2016**

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- EQ1 Climate Change
- EQ5 Biodiversity
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment
- EQ10 Pollution Control and Unstable Land
- EQ11 Flood Risk Management
- H1 Location of Housing Development
- H3 New Housing Development
- CF5 Provision and Retention of Local Community Services and Facilities
- CF6 Accessibility and Transport

### **Whaley Bridge and Furness Vale Neighbourhood area**

Supplementary Planning Guidance

- Residential Design
- Landscape Character
- Housing Needs Survey
- Planning Obligations

### **National Planning Policy Framework (2021)**

Paragraph 11 The Presumption in Favour of Sustainable Development

Section 4. Decision-making

Section 5. Delivering a sufficient supply of homes

Section 6. Building a strong, competitive economy

Section 7. Ensuring the vitality of town centres

Section 8. Promoting healthy and safe communities

Section 9. Promoting sustainable transport

Section 12. Achieving well-designed places

Section 14. Meeting the challenge of climate change, flooding and coastal change

## National Planning Practice Guidance (NPPG)

### 6. CONSULTATIONS CARRIED OUT

<b>Site notice</b>	Expiry date for comments: 18/05/2022
<b>Neighbours</b>	Expiry date for comments: 18/05/2022
<b>Press notice</b>	N/A

#### Neighbours

Breakdown of representations received

Letters of support: 2

Neutral representations: 4

Letters of objection: 37

The comments of the representations received are outlined below and have been summarised as multiple points were repeated in the representations submitted. It should also be noted that in some instances multiple representations were received from the same address:

- The pub has always been at the heart of the village with historical stories linked to its past. I do not wish to see this pub turned into a housing complex. I do hope that this application is sensitively reviewed.
- Communities need places like the Soldier Dick and the more you remove places people can gather socially the more isolated you make the people who live there. Furness Vale hardly has any community facilities as it is so taking this pub away will be devastating for some people. Its not London not everything has to be turned into luxury flats. I will admit we have not been to the Soldier Dick enough since lockdown but I will be making a point of going to support them now. It's very upsetting to hear such a historic place is going to be gentrified and turned into a load of air bnbs no doubt.
- I am surprised, as on the occasions I have visited, it always seems well attended. It is unique in the immediate area having a good external garden area. Its calm ambience making it a safe place for the whole family. It is used as an easy to find meeting place and a place of fellowship by the community, the latter being an important but sadly declining resource. How many pubs have we lost from Horwichend, Whaley bridge, Bridgemont, Newtown?
- While sympathising with those in the hard-hit hospitality industry striving to recoup their investments, I do not feel the plan submitted would be fully workable within the area available or environmentally desirable given that the front of the present building abuts directly onto the A6 with heavy traffic passing scarcely a metre away. To one side is a well-used access road to the RE Knowles Industrial Estate whose units extend along the back of the hotel's parking area, in turn bounded on the other side by neighbouring houses. From my own experience of living on a virtual traffic island in pre-bypass Chapel en le Frith, with the A6 in front, the exit road for buses and Ferodo traffic at the back and another firm's lorry park to look out on, I would caution against such a crowded development achieving the standard of uptake and financial yield expected by landlords today. In our own case with husband and daughter suffering chronic respiratory problems we were fortunate to eventually secure a sale and escape to a run-

down cash property in a less polluted area, not the choice of so many these days.

- They have always shut early which is their prerogative and now are opening later than before. All of this I am sure will make it look like a failing business but in truth it's been run into the ground on purpose because the proposed houses and flats would add nicely to their property portfolio.
- I am a long standing customer and I feel the loss of this business would be detrimental to the surrounding community. I stopped going in regularly once they stopped the Sunday dinners despite them continuously claiming to be reopening "next month" for several months. Also due to the increase in the cost of the drinks in comparison to the other local pub and club in the village.
- It would be sad to lose this historically valuable building when I believe, with more effort in the right hands who actually wants to make it a viable business, it could be successful.
- The traffic on the A6 in Furness Vale is horrendous as it is, this will just make matters worse for health and safety and cause unnecessary distress to home owners who have lived in the Furness Vale Community for all of their lives.
- We do not need any more housing, as we believe there has been permission granted on the nursery site adjacent to the canal and railway line, which will also cause chaos during building.
- Interference with the retaining wall to the rear may interfere with neighbouring properties.
- I think the answer is to sell the building as a going concern which may take a while in the commercial market, or to have it as a community run and owned pub/restaurant, if someone can be found to run it if the rent is reasonable for a fledgling business.
- I strongly object to these plans I do not want 6 flats looking at me plus this is a historical pub with all those old fabulous paintings on the walls.
- We strongly object to this development. We have the documentary evidence to prove we acquired the land. The development will cause disruption to the tenants on the Industrial Estate.
- I believe this pub could be a viable business under the correct ownership as shown in the past, despite their obvious slander of past landlords. The Crossings pub across the road, has reemerged as a successful business without sky sports (removed recently due to inflation) due to the efforts put in by the current tenant. Examples, opening the kitchen, putting on entertainment and the basics of a friendly face being put forward. They only opened under the current managership in October 2021 and have surpassed the Soldiers current owners in business acumen in every way in a very short period of time.
- This could be the hub of the village again if it had the right people running it. It used to be a very well run business, there should be no planning allowed as this would ruin our village, that we have lived in for over 50 years.
- I have resided in the area for over 30 years attended furness vale primary school and grew up with this historical pub. The thought of it being used for more housing saddens me. There are no shops here yet you want to build more houses that will possibly stress an already full school.
- The proposed build looks like a large block of urban flats not a lovely Georgian property in a rural location. No thought whatsoever has gone into the integrity of the building just how much can be crammed into it. I also believe the landlord is

a property developer. I realise pubs must be used to remain open but a few years ago the Soldier Dick was the best pub in the area, serving top class food, delicious Sunday lunches, log fires, entertainment and good company everything a village pub should be.

- I also have concerns at the size of the proposed building. It will be taller than all the immediate surrounding properties and given how historical the pub is I think more should be done to retain this local business and community facility instead of just turning it into residential properties.
- The Soldier Dick has a long and enduring history of over 200 years. Why would you want to take away our local heritage, it is wrong to do so in my opinion.
- Covid-19 has seen 10,000 pubs and restaurants closed during 2020 alone (source Sky News Jan 2021). Many will have been added to this number over the last sixteen months. Once they are closed we will not be getting these facilities back. They are a great part of our culture and you close them at the peril of creating more social problems. Struggling businesses following covid should be given help and support in my opinion and not closed down, after all "Build Back Better" is an empty slogan if our local heritage and facilities are going to be closed and communities deprived of social meeting spaces.
- As a mental health practitioner (psychotherapist) I have been alarmed at the number of young people in this area suffering from mental health conditions as a result of the lockdowns and covid. Their world has been thrown into chaos by 'project fear' in the media in spite of covid having a 99.7% recovery rate. Isolation and loneliness does actually make people ill, anxious and depressed and will put further strain on already overloaded statutory services. Social interaction, having people to talk to and making new connections in places like the local pub reduces the risk of mental illness. It is a vital part of any community and is now more important than ever, the public space the pub offers to congregate is irreplaceable.
- Whenever I have visited the soldier Dick pub, there are both young and old, engaged in friendly conversation. It is absolutely vital for young people to be able to gather in social places like the Soldier Dick. There is always a welcoming atmosphere and someone to chat with at the bar. It is cruel on many levels to deprive our local community of a meeting place where young and old can mingle together.
- It is also important for those locally who live alone for whom the pub may be the only opportunity they have to talk to someone. I remember a lady in her late 90's who used to come to the Soldier Dick on a regular basis and chat with anyone and everyone, she was such an inspiration and respected by everyone there. This is what local community is about.
- Pubs are one of Britain's oldest and most popular social institutions, the Soldier Dick pub plays a key role in our local community in Furness Vale. It is a focus of community life in the village and the only place to buy a meal (other than the chippy which is also under stress from rising costs).
- The public house has been a central part of the community for hundreds of years and contains precious historical artefacts (in particular the mural currently hidden by recent developments). I do not see how this could be converted into flats without destroying history. The flats themselves are likely to have limited parking (as I believe due to an old agreement for the current car parking with the brickyard).

- The scheme represents a considerable extension to the size and scale of the building and will impose a four storey apartment block on the centre of the village. The Soldier Dick is an historic building and a well known landmark on the A6. If the existing business is no longer viable then it is inevitable that a new use be found for the building, but to retain the character of the site, this should be within the existing framework.
- Historic pub or not, people need homes more than they need another unviable drinking place.
- Offers the reuse of a building and parking for current A6 residents not an issue given onsite parking will be provided.

#### Case Officer comments:

- The council has received a revised certificate (B) of ownership from the applicant in association with this application addressing concerns raised about the ownership of the access to the site.
- Following correspondence with Historic England, there is no intention for the buildings to be added to the national heritage list and the buildings remain undesignated in terms of any national or local designations.
- Other elements of the proposal including, highways and parking, the loss of the public house and community facility, impacts on neighbour and visual amenity, are all considered in the assessment section of this Officer Report.

## Consultations

### Town / Parish Comments

The Council are aware of a Mural with artistic and historic value in the building and request that it could be protected via a planning condition.

### Furness Vale Local History Society

The Soldier Dick housed the meeting rooms of the Oddfellows, a mutual society, a branch of which was founded here in 1829. They occupied the top floor where monthly meetings were held and in 1840, an artist, F. W. Roche was commissioned to paint a series of murals on the walls of this room. The paintings depicted scenes from historic wars such as the Civil War and Battle of Crecy. The Oddfellows continued meeting here until 1960. In the late 20th century, the upper rooms were converted to provide six letting bedrooms. The licensee at the time ensured that the builders carrying out the work preserved those paintings behind the new plaster board that was being installed. Those murals therefore still exist. Furness Vale History Society consider that those paintings should be conserved should alterations to the building take place. The Soldier Dick is an historic pub with a unique name which reflects the legend of a lost soldier given succour when found lost on Whaley Moor in the 17th century. In closing the pub, we would lose this historical association. The Soldier Dick has played an important role in village life during the 217 years of its existence and it would be sad indeed if it were to close. Given its prominent location on the A6 road and at the heart of the village, we feel that further consideration should be given to making the pub viable before granting permission for its closure.

## **Derbyshire County Council Highways**

No objection. In 2009 the access to the rear of the Public House contained lining to delineate the carriageway and footway, but on my site visit I noticed this lining has been removed. I assume this lining was provided to separate pedestrians from vehicles due to the other use of the access road (industrial Estate) mentioned in the submitted Design and Access Statement (D&AS) which states:

- Access to the carpark is via a shared private road to an industrial estate behind.
- Proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs.
- The building is situated in the centre of Furness Vale. The primary school is in walking distance as are a number of employment sites. There is a fish and chip shop over the road and a community association and social club which houses a café, bar, function room, small shop and post office. A bus stop is located outside the front of the building, with buses to Stockport, Buxton and Manchester Airport and the railway station is situated within easy walking distance with train lines to Buxton and Manchester. It is an accessible and sustainable location.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

**HPBC Environmental Health** - No objection. This looks very low risk from public health/ nuisance perspective, involving the conversion of a public house into a separate dwelling, with no commercial use remaining. You may want to consider model construction conditions.

**Waste and Refuse** – No objection.

## **7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE**

7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the High Peak Local Plan 2016.

7.3 Paragraph 11 of the National Planning Policy Framework (NPPF) explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay; or where the



development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and 6 demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

7.4 The NPPF seeks to proactively drive and support sustainable economic development through the delivery the homes, business and industrial units, infrastructure and thriving local places that the country needs. High quality design should be sought and a good standard of amenity provided for all existing and future occupants of land and buildings.

7.5 Section 5 of the NPPF relates to delivering a wide choice of high quality homes. Paragraph 60 identifies the need to boost significantly the supply of housing meeting the needs of groups with specific housing requirements. Planning policies should identify a sufficient supply and mis of sites and identify a five year supply of housing land. The Council is considered to have a five year housing land supply and therefore housing supply policies are up-to-date.

7.6 Local Plan policy S1a establishes a presumption in favour of sustainable development as contained within the NPPF.

7.7 The site lies within the built up area boundary as defined by Policy S2 of the adopted Local Plan. In accordance with Policy H1, sites which lies within the built-up area boundary, but unallocated for residential development, will be supported in principle for housing development, subject to other policies in the Local Plan.

**Principle of Development (including an assessment of the loss of a public house/community facility)**

7.8 When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). Development will be directed towards the most sustainable locations in accordance with the settlement hierarchy set out at LP (Local Plan) Policy S2.

7.9 Development is directed towards the most sustainable locations in accordance with the settlement hierarchy outlined by policy S2. The spatial strategy seeks to focus future growth within the largest settlements in the High Peak, namely Buxton, Glossop, Chapel-en-le-Frith, New Mills and Whaley Bridge, in order to strengthen their role as service centres.

7.10 Furness Vale is classed as one of the larger villages within the borough with having been built upon by success of the nearby historic market town of Whaley Bridge. Various forms of development may be acceptable, consistent with meeting local rural needs and maintaining or enhancing their role, distinctive character or appearance whilst also maintaining existing facilities and services.

7.11 The Council considers the availability of local services and facilities as an important factor in ensuring the sustainability and viability of communities. The loss of

such facilities can have severe consequences, particularly when there is no alternative provision nearby. Local plan policy CF5 seeks to maintain and improve the provision of local community services and facilities. This is to be achieved by resisting proposals involving the loss of community assets and facilities, unless it can be demonstrated that the existing use is no longer financially viable and there are no other means of maintaining the facility, or an alternative facility of the same type is available or can be provided within an accessible location.

7.12 In this instance the proposed development would result in the loss of an established Public House facility which is now closed to the public and mostly vacant with the building occupied by the current owner. While the applicant has made reference to the closure of other pubs in the borough, the Soldier Dick pub demonstrates a high value asset in the context of the surrounding neighbourhood as a facility for the local community. The pub features a larger car park than most and also provides level access for patrons which are desirable features when assessing the value of such community assets.

7.13 The application has been supported by the original design and access statement submitted March 2022, an additional supplementary statement submitted October 2022 and most recently, evidence of a marketing exercise lasting a minimum of six months to ensure that the vacant pub has been effectively marketed in a reasonable time period.

7.14 Additional information submitted to the Local Planning Authority explains that the pub was originally marketed on 29/11/2022 with an asking price of £650,000 with a reduction in price on 27/02/2023 to £600,000. The pub was marketed by agents Gascoigne Halman and advertised nationally online. Links to the property advert as well as pictures of the for sale board erected to the front of the building have been submitted alongside the additional evidence submitted.

7.15 The applicant concludes evidence of the marketing activity by explaining the one request to view the property was received and this was later cancelled and never rescheduled. No other enquiries were received. The supporting information concludes that it is not commercially viable for the Public House to re-open and re-commence trading.

7.16 The financial information submitted in the original planning statement provides recent income and expenditure figures as well as profit and loss indicators explaining that the most recent trading performance for the year ending 2022 shows weekly trade down by 27.48% against combined pre-covid averages from 2018, 2019 and 2020.

7.17 In light of the extra information submitted by the applicant, the Local Planning Authority is satisfied that all possible avenues of marketing have now been undertaken during the lifetime of this application. Combined with the downturn in revenue experienced the Council is satisfied that the applicant has sufficiently demonstrated that the loss of the facility can be justified in this instance in accordance with the requirements of Local Plan policy CF5.

7.18 The Local Plan seeks to deliver a wide choice of high quality housing in appropriate locations to meet the needs of all residents in the Borough in order to support the local economy and to address the housing needs of the Borough. Policy H1

relates to the location of housing development and promotes the effective re-use of land by encouraging housing development including the change of use of existing buildings to housing on all sites suitable for that purpose.

7.19 Policy H1 promotes the effective reuse of land by encouraging housing development including redevelopment, infill, conversion of existing dwellings and the change of use of existing buildings to housing, on all sites suitable for that purpose. The site lies within the built up area boundary of Furness Vale within a primarily residential area with commercial operations located to the rear of the application site. and the neighbouring terraced properties are in residential use. The proposed dwellings/flats will be compatible with neighbouring uses. The site is within a sustainable location in terms of access to services and public transport with a regular bus service along Buxton Road and Furness Vale train station in walking distance.

7.20 Taking account of the presumption in favour of sustainable development outlined by the NPPF and accordance with policies S1, S1a, CF5 and H1, the principle of development is considered to be acceptable subject to all other policies in the Local Plan and National Planning Policy Framework.

### **Design and Impact on Local Character and Appearance**

7.21 The NPPF highlights that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

7.22 Local Plan policies S1 and EQ6 expect new development to contribute to a sense of place by taking account of the distinct character, townscape and setting of the area and securing high quality and locally distinctive design and amenity.

7.23 The High Peak Design Guide 2018 requires new development to be guided by existing character and context, including the grain of development and building heights.

7.24 Overall, the external alterations to the original building will represent an improvement to the existing neglected façade and the upgrading of windows in particular as well as the enhancing of the existing masonry would represent a positive addition to the street scene over the existing appearance. Following negotiations with the applicant, the size and scale of the extensions proposed have been reduced significantly and the now proposed three storey side extension is complete in materials that will enhance the existing building and area. The inclusion of a stone gable end is considered to be a positive addition and the reduction in fenestration to this gable end is supported also.

7.25 Overall, subject to conditions, the proposal therefore complies with the general design tenets of Local Plan policies EQ6 and S1 and those outlined in section 12 of the NPPF.

### **Residential Amenity**

7.26 LP Policy EQ6 seeks to secure development that does not result in unacceptable

effects on the amenity of the area by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

7.27 Similarly, LP Policy EQ10 states that the Council will protect people and the environment from unsafe, unhealthy and polluted environments. Given the scale of the buildings and their positions relative to nearby dwellings, it is not considered that they do or would give rise to harm in terms of visual intrusion, overbearing, loss of light or overshadowing.

7.28 LP Policy H3 sets out specific requirements for new housing developments. All new proposals are required to provide a satisfactory amount of internal space that accords with DCLG (2015) Nationally Described Space Standards, in order to provide a suitable level of amenity for future occupiers.

7.29 The proposed dwelling/apartments would have the following floor areas:

Dwelling no.1, three storey, three bedroom providing 115.5sqm. Complies (minimum required 108sqm)

Dwelling no. 2, single storey, two bedroom providing 80sqm. Complies (minimum required 70sqm)

Dwelling no. 3, three storey, two bedroom dwelling providing 87sqm. Complies (minimum required 79sqm)

Dwelling no. 4, a three storey, three bedroom (one of which is single occupancy so 5 persons in total), dwelling with habitable accommodation in the eaves and a private outdoor terrace at ground floor providing 99sqm. Complies (minimum required 99sqm)

Dwelling no. 5, a single storey, two bedroom providing 82sqm. Complies (minimum required 70sqm)

Dwelling no. 6, a two storey, two bedroom providing 89sqm. Complies (minimum required 79sqm)

7.30 The proposed arrangement would have a few of the dwellings overlapping as the internal arrangements of the buildings are modified to facilitate the conversion. Overall, and given the constraints of the building it is not considered that there are practical alternatives to achieve a significantly better layout in this regard, however, a condition requiring a scheme of noise insulation both between the 2 flats and between the flats and adjoining neighbours is considered to be prudent. For the above reasons the proposed units are considered to be acceptable in terms of the amenity of future occupiers. As such, the application as revised is considered to provide a suitable level of amenity for future occupiers in line with LP Policy H3.

7.31 In terms of existing residents along the A6, the development would not result in additional windows (other than in the gable of the new extension), and therefore the relationship would not have any additional impact. The windows on the side elevation would serve at ground floor a kitchen and WC, and at first floor a landing area, and at 2<sup>nd</sup> floor a bedroom, the later which would be a habitable room. With respect to the bedroom window, it would be placed at 18m from the closest neighbour, and whilst not strictly meeting the Councils privacy standards would overlook the access road to the

site and industrial estate to the rear. As such this relationship is considered to be acceptable. The proposed three storey side extension will remain sited away from neighbouring properties and the proposed relationship maintains habitable room windows in line with the front and rear elevations of the existing buildings maintaining appropriate separation distances in light of the existing arrangement. The new extension does not pose a risk of overshadowing neighbouring properties either and in the context of the existing building, is considered to be acceptable. The proposed reconfiguration of the proposed side extension will not result in any greater level of overlooking of the neighbouring properties at the front, rear and side of the building.

7.32 The proposed conversion would not include any additional windows or other external alterations which could give rise to any harm to amenity of neighbouring properties, including in terms of loss of light and overshadowing over the existing arrangement.

7.33 In light of the overall scale of the development, including surrounding space to mainly to the rear of the property, it is not considered that the change of use would result in significant harm to neighbouring occupants in terms of noise or other nuisance.

7.34 On this basis the application is considered to comply with LP Policies EQ6 and EQ10.

### **Highway Safety and Parking**

7.35 LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can satisfactorily accommodated within the existing highway network. Appendix 1 of the Local Plan contains the Council's parking guidelines.

7.36 Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.37 The property has an existing car park which is being reutilised to accommodate ten parking spaces for occupants of the proposed development. The revised site plan now delineates a pedestrian route to the side of the building to ensure that pedestrians and any industrial traffic are separated. Additionally, owing to the sustainable location of the site within Furness Vale and the nearby availability of bus and train services, it is considered that level of off-street car parking provision proposed is acceptable and does not pose a risk of harm to highway safety. The proposal is therefore considered to be acceptable in terms of policy CF6.

### **Other Matters**

7.38 The comments of the Town Council and Historic Society are noted in respect of the murals within the public house. However, the building is not listed and whilst of

importance to the local community and its heritage, unfortunately it would not be reasonable to impose conditions requiring their retention.

## **8. CONCLUSION & PLANNING BALANCE**

8.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision making this means that amongst other things, that local planning authorities should positively seek opportunities to meet the development needs of their area unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits and to secure a development that improves the economic, social and environmental conditions of the area.

8.2 The development of the site has been unoccupied and the applicant has submitted enough evidence to demonstrate that the property has been marketed for a minimum of six months during the lifetime of this application.

8.3 The revised plans sought during the determination process would ultimately result in an acceptable form of design and would not have an adverse impact on the character of the area. There is no adverse impact in terms of residential amenity for neighbours or existing future occupiers.

8.4 Accordingly, the proposal is considered to comprise sustainable development under the terms of the NPPF, and complies with Policies S1, S1a, S2, H1, H3, CF6 and EQ6 of the High Peak Local Plan 2016 which seek provide sustainable residential development. It therefore benefits from the presumption in favour and accordingly is recommended for approval.

## **RECOMMENDATIONS**

A. That approval be GRANTED subject to the following conditions:

1. Standard three year time limit
2. Approved Plans
3. Materials samples required
4. Glazing and door cross section and details required
5. Surface water drainage scheme required
6. Foul and surface water to be drained separately
7. Boundary treatment details required
8. Parking areas to be laid out and surfaced
9. Bin storage details required
10. Landscaping scheme required
11. Landscaping to be required
12. Scheme for noise insulation required
13. PD rights removed
14. Restriction on construction work working times
15. Details on management and maintenance of shared driveway required
16. No gates or barriers to be installed
17. Parking to be provided and laid out prior to occupation

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/ informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Development Control Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

### Site Plan

