

1.0 APPLICATION NUMBER: [2/2018/1829/FUL](#)

SITE ADDRESS: Crown Inn, High Street, Stalbridge, DT10 2LL

PROPOSAL: Make alterations to existing single storey skittle alley, demolish storage shed/garage and replace with pitched roof extension to form 1 No. apartment. Internal alterations to existing Inn to create 2 No. apartments and refurbish existing apartments.

APPLICANT: Mr S Cox

Case Officer: Hannah Smith

Ward Member(s): Councillor Graham Carr-Jones

2.0 Summary of Recommendation: GRANT, subject to conditions.

3.0 Reason for the recommendation:

- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There would not be any significant harm to neighbouring residential amenity, heritage assets, or highway safety.
- There are no material considerations which would warrant refusal of this application.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The site is located within the settlement boundary of Stalbridge. Therefore, the principle of providing dwellings in this location is acceptable as it would comply with the spatial distribution that is contained within Policy 2. An extant permission exists to convert the ground floor to three flats and a subsequent permission to convert the ground floor to two flats has also been granted. This current application would convert the ground floor to two flats and a single storey extension in the rear courtyard

	area would comprise an additional apartment. This would equate to three flats which does not result in an overall increase in numbers over what has been permitted previously.
Scale, design, impact on character and appearance	The development is designed so as to be in keeping with its surroundings.
Impact on amenity	The development has been deigned so as not to give rise to unacceptable impact on the amenity of surrounding residential and commercial properties.
Impact on Heritage Assets	There would be no harm to the significance of heritage assets. Both the character and appearance of the Stalbridge Conservation Area and the setting of listed buildings that surround the site would be preserved.
Economic and Social Benefits	The proposal would create construction jobs during the construction phase and provide three units of residential accommodation in a sustainable location.
Access and Parking	There would be no harm caused to the highway network. No parking is provided however due to the location in the centre of a town, there is no policy requirement that would require on site parking. Cycle stores are proposed.

5.0 DESCRIPTION OF SITE

5.1 The Crown Inn sits in the centre of Stalbridge at the junction of High Street, Station Road and Ring Street. The building looks to be Edwardian in date and looks to have been built specifically as a public house with accommodation on the upper floors. The building is a prominent, rendered and red brick structure with a clay tiled roof and large timber arched windows facing High Street. The windows on the front of the property are a combination of timber and upvc. The building is located centrally within the conservation area and, notwithstanding the upvc, it is considered to make a positive contribution to the character and appearance of the area due to the design, materials and scale of the property providing a focal point for the centre of the town. This is also reflected in the former community use of the building as a public house. This all contributes to the significance of the asset. The pub is now closed and has been for some time

but the character of the building as a public house still contributes to the street scene.

- 5.2 Within the former Crown Inn, part of the building contains two self-contained flats which are not within the ownership of the applicant. These flats do not form part of the application and they have separate accesses onto the high street.
- 5.3 The site is bound by the grade II listed building Wayside to the north of the site, The Maples to the east, and the commercial properties and Meaders Yard, located on Station Road.

6.0 DESCRIPTION OF DEVELOPMENT:

- 6.1 It is proposed to make alterations to existing single storey skittle alley, demolish a storage shed/garage and replace it with a pitched roof extension to form 1 No. apartment. Internal alterations to existing Inn at ground floor would create 2 No. apartments and the existing two apartments would be refurbished.

7.0 RELEVANT PLANNING HISTORY:

- 7.1 Application: 2/2018/0209/FUL Proposal: Change of use and conversion of ground floor from public house into 2 No. flats.
Decision: Approve
- 7.2 Application: 2/2016/1586/FUL
Proposal: Change of use and conversion of ground floor from public house into 3 No. flats.
Decision: Approve

NOTE: There is an extant consent to convert the ground floor of the building to three units of accommodation and a subsequent application to convert the ground floor into two flats. This current application would form a unit of accommodation in the rear courtyard by the addition of a single storey extension, but the number of units overall would still be three.

8.0 LIST OF CONSTRAINTS:

- Within the Stalbridge Conservation Area and within the setting of grade II listed buildings (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*).

9.0 CONSULTATIONS

(All consultee responses can be viewed in full on the website)

Conservation Officer – Support, subject to conditions.

Dorset Highway Authority – No objection.

Stalbridge Town Council – Objection for the following reasons –

- The site plan is misleading in terms of the total area of the site as the red line incorporates adjacent joined flats which are in separate ownership
- The negative impact on the conservation area
- The negative impact on the neighbouring grade 2 listed property
- The inadequate amenity space to serve 5 no 2 bedroom flats
- The overlooking of neighbouring properties is an intrusion to their privacy and detrimental to the residential amenity.

Cllr Carr-Jones-

I have concerns with regarding over development of the property. There are up to three bedsits and a ground floor flat in association with this property NOT within ownership of the applicant I believe. Mr H A***s is the landlord. This would mean a total of 5 Flats & 3 bedsits already occupied on the site.

There is no parking provision for the existing flats and a further will exacerbate the situation.

Representations received:

3 letters of objection were received.

Within the letters of representations received objections were made on the grounds of -

- It is stated in the application that there will be no altered vehicle access, no altered pedestrian access and no plans for bins,
- The two rear 'fire escapes', which are clearly back doors suggest access to the rear. Party wall concerns and concerns regarding drainage.
- The problem will be the inevitable access to the rear via Wayside's private driveway.
- Should the residents start using this either by vehicle or by foot there will be an increase in danger to the public as driveway is frequent vehicle use.
- Object to the overdevelopment of the site.
- Overlooking from the raised balcony area into the adjacent properties,
- Loss of light to windows.
- Concern has been raised regarding the use of the rear doors. (Access over 3rd party land is a matter between the two parties. There is access from the street which is adequate to serve the development.

10.0 RELEVANT POLICIES

10.1 North Dorset Local Plan Part 1–

- Policy 1 – Sustainable Development
 - Policy 2 – Core Spatial Strategy
 - Policy 4 – The Natural Environment
 - Policy 5 – The Historic Environment
 - Policy 20 – The Countryside
 - Policy 23 – Parking
 - Policy 24 – Design
 - Policy 25 – Amenity
 - Policy 29 – The re-use of Existing Buildings in the Countryside
 - Policy 31 – Tourist Accommodation in the Countryside
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- Policy 1.7 – Settlement Boundaries.

10.2 National Planning Policy Framework

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes

Paragraph 78 – To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

- Section 6 – Building a strong, competitive economy

Paragraph 83 – Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; the development and diversification of agricultural and other land-based rural businesses; sustainable rural tourism and leisure developments which respect the character of the countryside; and the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

- Section 12 – Achieving well-designed places

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

Paragraph 148 – *The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, **including the conversion of existing buildings**; and support renewable and low carbon energy and associated infrastructure.*

- Section 16 – Conserving and enhancing the historic environment
- Paragraph 192 – *In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.*

10.3 Planning (Listed Buildings and Conservation Areas) Act 1990

11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 – Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

12.0 PUBLIC SECTOR EQUALITIES DUTY

12.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

12.2 The proposed development would result in the creation of 3 No. dwellings within a sustainable location which benefits from access to facilities.

13.0 FINANCIAL BENEFITS:

13.1 The proposed development would result in the creation of 3 new dwellings. The proposal would contribute to the rural economy in terms of increased support for local businesses.

14.0 CLIMATE IMPLICATIONS:

14.1 The proposed development would result in the conservation of building resources through the re-use of an existing building, within a sustainable location.

15.0 PLANNING ASSESSMENT:

- Principle of development
- The impact on the Conservation Area and the setting of listed buildings,
- Amenity , and
- Parking and highway considerations.

15.1 Principle of Development

15.1.1 The application site is within the settlement boundary of Stalbridge as defined by saved Policy 1.7. The town is one of the locations identified in Policy 2 for further growth. The site is located within walking distance of the town's facilities. Therefore, the dwellings are considered to be in a sustainable location.

15.1.2 The loss of the Public House has been agreed previously. The applicant demonstrated that the use was no longer viable. A comprehensive marketing campaign was undertaken with the property being advertised at a reasonable price. In view of this, the proposal was considered to comply with the requirements of policy 27 of the local plan which relates to the loss of community facilities.

15.1.3 A concern has been raised in terms of whether this development would represent an overdevelopment of the site. It is material to the consideration of this application that three units of accommodation have been permitted previously, although this scheme has not yet been implemented. This current application seeks a small extension to the former skittle alley and the use of the roof of the skittle alley to provide an amenity space for flat 4. Three flats would be provided in total at ground floor in addition to the two flats that exist at first and second floor. The two bedsits located in the building that are not in the ownership of the applicant do not form part of this application. They have separate front doors which provide an access directly onto the High Street.

15.1.4 The proposed layout of the three proposed flats would provide a good standard of accommodation with each flat having two good sized bedrooms, a lounge and kitchen space. Flat 4 would have access to the roof terrace area at first floor which would result in an improvement to the existing unit's amenity through the provision of a garden terrace. Flat 5 is exists at present and has an access onto the High Street with use of the amenity area for bin storage. Flats 2 and 3 would have direct access onto the shared amenity area.

15.1.5 The proposed layout would accommodate bin storage to serve all five units. Landscaping is shown in the courtyard and this would soften the appearance of the area. A cycle store would be accommodated within the shared space. This would be conditioned. The new extension would add an additional 14m² of floor area to the site. The proposal includes the demolition of a single storey garage with a floor area of 35.8m². Therefore, the proposal would lead to a loss of floor area overall.

15.1.6 Overall, the level of amenity that would be enjoyed by the occupiers of the flats is considered to be acceptable and the development would not constitute an overdevelopment of the site.

15.2 The Impact on the Conservation Area and the Setting of Listed Buildings

15.2.1 The site is located within the Stalbridge Conservation Area and immediately south of Wayside, a grade II listed building. There are also grade II listed buildings located on the corner of Ring Street and Station Road and on the opposite side of the road on the High Street. As the works to the building would be located in the rear courtyard, the heritage assets that would be most impacted by the proposal are Wayside and the Conservation Area. Views are possible from Station Road looking back towards the rear of the Inn. Only the roof is visible however. The site shares a close relationship with Wayside as it falls within the buildings immediate setting. Hence careful consideration must be given to safeguarding the significance of the asset.

15.2.2 Concern was originally raised in relation to the detailing of the extension in terms of the proposed materials, the design of the balcony, the window and door details and the size and design of the rooflights. Clarification was also requires in relation to the works to the boundary walls and the extent of the works to the skittle alley. In response, the applicant has submitted a number of design improvements to overcome these concerns. The windows and doors have been altered from plastic to painted timber, the new extension would have a brick plinth constructed from garden wall bond with a timber top section, the number of rooflights has been reduced and they would be of the conservation style. In terms of the balcony, it would be 1.8 metres in height and constructed in timber. The use of hit-and-miss boarding with a central section that could be planted which would soften the appearance of the structure, but at the same time afford privacy

to the neighbour. The Conservation Officer did request a reduction in the length of the screen. However, for the screen to be effective it should run the whole length of the raised area and the design of the enclosure is not considered to be in any way detrimental to the setting of Wayside. In addition to the list of amendments, conditions would be required to ensure that the materials and the balcony details are high quality to reflect the historic setting.

15.2.3 Because of the need to consider the effect of the development on designated heritage assets and the reference to these in footnote 6 of the National Planning Policy Framework, it would mean that the 'tilted balance' in paragraph 11d is not triggered unless the proposal can first pass the simple balancing exercises in paragraph 195 (in cases where harm to the significance of a designated heritage asset is judged to be substantial), or 196 (where any harm is found to be less than substantial).

15.2.4 On that basis, the correct approach to decision making here would be to first assess whether any harm would be caused to the significance of the designated heritage assets affected. If any is found, then the degree of that harm needs to be defined. Then, that harm needs to be balanced against the public benefits of the proposal. If the public benefits do not outweigh the harm then, following the Framework's path, planning permission should be refused for the proposal.

15.2.5 In this case, in the opinion of officers, there would be no harm caused to the character and appearance of the Conservation Area or to the setting of listed buildings, in particular Wayside. The proposal is considered to result in a positive impact as the Inn has lacked investment for a number of years and the rear courtyard of the Inn does little to enhance the setting of either the Conservation Area or listed buildings. This application represents an opportunity to enhance and refurbish the Inn to the benefit of the visual amenities of the area. There is also a benefit in terms of bringing the building back into use as it is considered to be a non-designated heritage asset.

15.2.6 The proposed development would bring the non designated heritage asset back into use whilst not harming the significance of the Conservation Area or the setting of nearby listed buildings. This conclusion has been reached having regard to: (1) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; and (2) Local Plan policy.

15.3 Amenity

15.3.1 Policy 25 of the Local Plan seeks to maintain the levels of amenity that are afforded to surrounding land users. Concern has been raised in respect of overlooking and loss of light.

Wayside

- 15.3.2 Concern was raised in relation to the raised balcony that would serve flat 4. It is proposed to refurbish the flat roof above the skittle ally to provide a roof terrace for flat 4. Without proper screening, occupiers of flat 4 would be able to look into the ground floor windows and doors of Wayside. Of particular concern to the neighbour is a ground floor toilet.
- 15.3.3 To ensure that the amenity of Wayside is safeguarded, the proposed balcony area has a 1.8 metre screen running along the length of the flat roof area. This would limit any possible overlooking from the balcony. The precise design of the enclosure would be conditioned however there is no conservation concern to the proposed approach.
- 15.3.4 Wayside has a ground floor bedroom which faces towards the proposed single storey extension. To limit any overlooking, a condition that requires the erection of gates to the courtyard area is recommended. This would ensure that there is no direct overlooking of the adjacent property. Likewise, the amenity of the development will benefit from the installation of gates as it will limit views into the site from the street.

The Maples

- 15.3.5 Concern was raised in relation to a high level window opening that currently serves an office and workshop area. The window is the only opening that serves the room and the concern related to the impact that the new pitched roof would have in terms of loss of light. It is considered that the proposed roof would be sufficiently located away from this window and that sufficient light would still be afforded to the room. The applicant has provided a section of the window that demonstrates that the room would be afforded with sufficient light. Whilst the outlook of the room would be altered, there would still be a view of sky past the pitched roof.
- 15.3.6 The proposal would not lead to any overlooking of the private amenity area of The Maples.

15.4 Parking and Highway Considerations

- 15.4.1 There is no highway objection. The proposal makes no provision for on site car parking but allowing for the site's town centre location, this is not a reason to resist the application. It would not be possible to provide parking on the site and this is not considered to be a reason to withhold consent. The site is in walking distance to the post office, public house, supermarket and the other facilities within the town.

16.0 CONCLUSION

- 16.1 In terms of sustainable development and the three component dimensions, there would be a social benefit in providing three extra housing units. Economic advantages would also arise from the construction and occupation of the new dwellings. No heritage harm has been identified. When assessed against the policies in the Framework taken as a whole, there would be no adverse impacts that would outweigh the identified benefits. Therefore, the proposal would be a sustainable form of development. There would be no conflict with the development plan and therefore permission should be granted.
- 16.2 The proposed development would not have an adverse impact on the amenity currently enjoyed by occupiers of neighbouring residential properties.
- 16.3 The proposed development would not have an adverse impact on highway safety.
- 16.4 Other matters raised include party wall matters which are not planning considerations. The applicant has confirmed that there would be no alteration to the boundary wall.

17.0 RECOMMENDATION:

GRANT planning permission, subject to conditions.

CONDITIONS:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details forming the approved application; COX/6/PL01 F, COX/6/PL07 REV F, COX/6/PL06 REV E, COX/6/PL07 REV E, COX/6/SLP REV E, COX/6/PL02 REV F , COX/6/PL03 REV G, COX/6/BP

Reason: For the avoidance of doubt and to clarify the permission.

3. No development above foundation level shall commence until samples of materials to be used in the construction and finish of the external walls and roof (to include a sample of the bricks, slate, ridges, hips, timber boarding, rain water goods, render colour) shall be submitted to the local planning authority for approval in writing. The development shall be carried out in accordance with the approved samples.

Reason: To safeguard the character of the locality.

4. Prior to the construction of any exterior wall, a sample panel measuring at least 1 metre by 2 metres, using the approved brick and demonstrating the proposed coursing, mortar mix and pointing detail, shall be constructed on site for the approval in writing of the local planning authority. Thereafter, the stone panel shall remain on site until the external walls of the dwelling have been constructed to eaves height and the external brickwork of the development shall be carried out in accordance with the approved panel.

Reason: To safeguard the character of the locality.

5. Prior to the installation of any new door or window, detailed drawings (at a scale of not less than 1:20) showing the design, materials and construction specifications of external doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved drawings.

Reason: To safeguard the character of the locality.

6. All new rooflights shall be of a conservation style and shall be fitted flush to roof plane. All rainwater goods shall be half round painted cast metal or black imitation cast metal. The eaves, soffit and barge boards shall be constructed in painted timber.

Reason: To safeguard the appearance of the Conservation Area.

7. Prior to first use of the development, details of the entrance gates shall be submitted to the local planning authority for approval in writing. The approved gates shall be installed prior to first use of the development and thereafter they shall be retained.
Reason: In the interests of safeguarding the amenity of the adjacent property and future occupiers of the site.

8. Prior to the commencement of the development above foundation level, precise details of the balcony screen to include planting details, materials and construction of the screen, shall be submitted to the local planning authority for approval in writing. The balcony screen shall be fully installed prior to first use of the development and it shall thereafter be retained.
Reason: In the interests of safeguarding the amenity of the adjacent property and future occupiers of the site.

9. Prior to the commencement of the development above foundation level, precise details of all tree, shrub and hedge planting (including positions and/or density, species and planting size) shall be submitted to and approved in writing by the Local Planning Authority. Planting shall be carried out before the end of the first available planting season following substantial completion of the development. In the five year period following the substantial completion of the development any trees or landscaping that are removed without the written consent of the Local Planning Authority or which die or become (in the opinion of the Local Planning Authority) seriously diseased or damaged, shall be replaced as soon as reasonably practical and not later than the end of the first available planting season, with specimens of such size and species and in such positions as may be agreed with the Local Planning Authority. In the event of any disagreement the Local Planning Authority shall conclusively determine when the development has been completed, when site conditions permit, when planting shall be carried out and what specimens, size and species are appropriate for replacement purposes.
Reason: In the interests of continued visual amenity.

10. Prior to first use of the development hereby permitted, the cycle store shown on drawing number COX/6/PL01 F shall be provided. Thereafter the cycle store shall be retained.
Reason: To provide for adequate cycle storage to serve the development.