

# Delegated Report for P/2021/00344

<b>Application Number</b>	P/2021/00344	
<b>Planning Officer</b>	Barbara Toy	
<b>Application Type</b>	Detailed Planning Application	
<b>Site Address</b>	Derby Inn 17 Derby Road Burton Upon Trent Staffordshire DE14 1RU	
<b>Proposal</b>	Change of Use from Public House to C3 Dwelling, including single storey front extension, part single storey part two storey side and rear extension, single storey rear extension installation of dormer windows to front and rear elevations to form additional accommodation, extension to existing garage including raising of ridge height to form storage and gym and formation of dropped kerb	
<b>Dates</b>	<b>Date Registered</b>	29-03-2021
	<b>Neighbours</b>	22-04-2021
	<b>Consultations</b>	19-04-2021
	<b>Site Notice</b>	24-04-2021
	<b>Expiry</b>	21-05-2021
<b>Application not Determined within Statutory Time Period - Reason</b>	Amended plans negotiated to include some amenity space and application called in to Planning Committee by Councillor Thomas Hadley due to the adverse impact the development is likely to have on the amenities of the adjoining neighbour. A time extension has been agreed with the agent until 29-10-2021	
<b>Recommendation</b>	Grant Permission subject to conditions	
<b>Environmental Assessment</b>	<b>Screening opinion undertaken</b>	Not applicable
	<b>Schedule 1 or 2</b>	Not applicable
	<b>EIA Required</b>	Not applicable
<b>Relevant Planning Policies/Guidance</b>	<b>Government Documents</b>	The National Planning Policy Framework The National Planning Practice Guidance
	<b>Local Plan Policies</b>	<ul style="list-style-type: none"> <li>• NP1: Role of Neighbourhood Plans</li> <li>• SP1: East Staffordshire Approach to Sustainable Development</li> <li>• SP2: Settlement Hierarchy</li> <li>• SP4: Distribution of Housing Growth 2012 - 2031</li> <li>• SP22: Supporting Communities Locally</li> <li>• SP24: High Quality Design</li> <li>• SP29: Biodiversity and Geodiversity</li> <li>• SP35: Accessibility and Sustainable Transport</li> <li>• DP1: Design of New Development</li> <li>• DP3: Design of New Residential Development, Extensions and Curtilage Buildings</li> <li>• DP7: Pollution and Contamination</li> </ul>
	<b>Supplementary Planning Documents</b>	East Staffordshire Design Guide Parking Standards SPD Separation Distances and Amenity SPD

	<b>Other Policies/Guidance</b>	Horninglow and Eton Neighbourhood Plan Policies: HE1 – protection of Local Centres and Community Facilities HE5 – Parking Standards
<b>Relevant History</b>	The only planning history for the site relates to signage for the pub use.	
<b>Consultation Responses</b>	<p><b>SCC Highways</b> – No objections subject to a condition to ensure that the parking and manoeuvring areas are appropriately surfaced, the access gate remains at least 6m back from the highway and the parking spaces remain available for use at all times.</p> <p><b>Environmental Health</b> – No objections subject to a condition to require a scheme of noise mitigation to ensure that the future residents are not adversely impacted by road traffic noise and a condition requiring a Phase 1 continuation report.</p> <p><b>Environment Agency</b> – No comments refer to the Standing Advice for residential extensions of less than 250sqm in Flood Zone 2.</p> <p><b>Conservation Officer</b> – No objections. The definition of non-designated heritage asset within the NPPF is specifically an asset “identified by the local planning authority” and as such the determination of whether or not the building should be considered a non-designated asset falls to ESBC. The interior of this pub relates to a 1960’s refit and as such is not an interior original to the Victorian building. Clearly an intact 1960’s interior would be of heightened significance if it were found in a 1960’s public house, but in this case the building is Victorian. Externally the building is nothing particularly unusual or striking and has had some modest alterations. It is the interior of the building that CAMRA have identified as having value, it does appear that this is an unusual survival relatively intact from c. 60 years ago. This is not a unique survival – but I would further concede that the regularity of typical pub refits must make them relatively uncommon survivals.</p> <p>It should be noted that internal works themselves do not require planning permission and if any heritage value is limited to the interior, as seems to be the case, then there would arguably be no control over this work.</p> <p>It may be worth considering a pre commencement condition for the applicant to provide a photographic record of the interior prior to any works commencing, although it should be noted that there is already a photographic record held by CAMRA on their register on line.</p>	
<b>Parish Council</b>	<p><b>Horninglow and Eton Parish Council</b> have raised the following concerns:</p> <ul style="list-style-type: none"> <li>• <b>Parking:</b> The allocated car parking at the Derby Inn was for a business. The gym on the back takes quite a considerable amount of this space, yet it is still a business but with the addition of a HMO conversion for the existing building. Generally individuals avoid driving to a public house, but this would not be the case for a gym or residents.</li> <li>• In line with the neighbour plan, I do not feel the parking for a HMO conversion in addition to a new gym building is adequate without putting a strain on the already difficult parking on Derby Road. Whilst the pub had restricted hours, and we’re not necessarily at peak time for traffic on the road, the gym and HMO would change this and cause an impact on the already busy highway. I also do not believe the proposed plans are in line with parking allocation on the neighbourhood plan.</li> <li>• <b>Adjustments to the building:</b> The proposed front extension is not in keeping and is out of place for this area. There are also concerns over the impact on neighbouring residential properties, particularly the extension on the back (light reduction, sound, increased footfall).</li> <li>• <b>Loss of the pub.</b> As a brewing town, I believe we should be protecting the rich world leading history of our town as opposed to converting bars into HMO’s. The Derby Inn is quite a significant pub to the history of Burton and its interior (50/60’s bar) is quite noted and spoken about for its rarity. In addition, the pub is one of the few bars on route from the station for match days at the Pirelli Stadium. The existing building, as a public house and the social space this</li> </ul>	

	<p>provides, is much needed in the area, particularly given the increase of residential properties given the large development proposed for across the road.</p>
<b>Neighbour Responses</b>	<p>Six objections have been received, 2 from local residents and 4 in relation to the loss of the pub from Campaign for Pubs, CAMRA and 2 from outside of the East Staffordshire Borough.</p> <p>2 objections relating to the conversion and extensions:</p> <ul style="list-style-type: none"> <li>• Impact on standard of living from large extensions, including loft conversions, 2 and single storey extensions and detached 2 storey outbuilding</li> <li>• Changing the entire structure which will be out of character with the area creating an adverse visual impact</li> <li>• Extensions will lead to an increased level of occupancy which will lead to more traffic and additional parking, noise and disturbance, further pressure on public services including water pressure and land drainage</li> <li>• Privacy will be compromised with overlooking from loft windows, gym windows to the rear and Juliet balcony.</li> <li>• Loss of light through overshadowing as the sun sets.</li> <li>• The proposed gym could create a greater footfall of visitors using</li> <li>• Possibility of renting the rear building out in the future</li> <li>• Concerns about the access to the rear from Goodman Street where there has been social disorder.</li> </ul> <p>4 objections relating to the loss of the pub:</p> <ul style="list-style-type: none"> <li>• Derby Inn is a much loved community pub with a proud history of service in Burton and has won an award in 2016 and is a regular meeting place for football fans before and after games at Burton Albion.</li> <li>• Derby Inn is a longstanding real ale pub and appeared in CAMRAs national Good Beer Guide in 19 out of the last 34 years and gained pub of the year awards in 2018 and 2019.</li> <li>• Included on CAMRAs list of Historic Pub Interiors as ‘a historic pub interior of regional importance’</li> <li>• A Victorian pub that has been a local community hub for well over a century.</li> <li>• The loss of this pub is in no way balanced by the provision of one new home.</li> <li>• Question the meaningful marketing of the pub for the required time.</li> <li>• The pub was sold ‘under the radar’ without community knowledge</li> <li>• Pub registered as an Asset of Community Value (ACV) in 2016, the selling of the pub for non-pub use is a breach of the ACV</li> <li>• Covid 19 must not be used as an excuse to convert the pub.</li> <li>• A tenant landlord giving up a pub is no justification for losing a historic pub.</li> <li>• Given its largely intact 1960’s interior the Council should regard the Derby Inn as a non designated heritage assets and use the harm the change of use would cause as a reason for refusal.</li> <li>• This application does not consider how the heritage asset can be accommodated in the new use without carrying out significant harm to the context and fabric of the asset (Local Plan Policy DP5)</li> <li>• An independent assessment of viability is required and perhaps use CAMRAs Public House Viability Test.</li> <li>• The commercial non viability of the pub has not been sufficiently demonstrated</li> <li>• The submission does not address the potential loss to the community</li> </ul>
<b>Human Rights Act Considerations</b>	<p>There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person’s private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.</p>
<b>Crime and Disorder Implications</b>	<p>It is considered that the proposal does not raise any crime and disorder implications.</p>

<p><b>Equalities Act 2010</b></p>	<p>Due regard, where relevant, has been given to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.</p>
<p><b>Planning Officer's Assessment</b></p>	<p><b>Site and Surroundings</b></p> <p>The site is sited on the north western side of Derby Road and comprises the former Derby Inn pub, a storey detached property that is set back from the road frontage and has a gated driveway access to its southern side. The property has a gated pedestrian route to the rear which leads out onto Goodman Street.</p> <p>The property was operating as a pub with a 2 bed flat above and ceased trading 20th March 2021.</p> <p>The property has an existing single storey rear wing with a smoking shelter extension to the side and a detached single garage in the rear yard area.</p> <p>The site sits within a mix use area with traditional semi detached and detached houses (with rear wings) either side of the site and terraced houses set to the rear, fronting Goodman Street. Large commercial premises with extensive frontage parking is situated to the east on the opposite side of Derby Road.</p> <p>No 16 to the south is a semi deatched house with a two storey rear wing with a single storey wing and conservatory beyond almost the full length of the rear garden, which forms a boundary wall with the site.</p> <p>No 18 to the north is a semi detached house that has its main entrance on the side elevation onto an entry just over 2m wide. The house has a two storey rear wing with a single storey wing beyond and a detached outbuilding at the bottom of the garden (full width of 18/19) as well as further outbuildings within the rear garden.</p> <p>The site sits within the parish of Horninglow and Eton within the settlement boundary of Burton.</p> <p>The closest heritage assets to the site are between 80 to 90m set behind other large commercial premises on the opposite side of Derby Road.</p> <p>The frontage of the site sits within Flood Zone 1 and the rear half of the site sits within Flood Zone 2.</p> <p><b>The Proposals</b></p> <p>This is a full planning application for the change of use of the property from a pub with a 2 bed flat above to a 5 bed house together with extensions to the main property and a detached garage to the rear.</p> <p>Proposed works:</p> <ul style="list-style-type: none"> <li>• Dormer window to the rear, 6.3m wide and 1.5m in depth with a flat roof and shiplap cladding, situated centrally on the roof slope</li> <li>• Two gable roof dormer windows to the front elevation positioned above the first floor windows, 2.45m wide x 1.7m high, shiplap cladding with a ridge set below the ridge of the main roof. The dormer windows would allow for a bedroom to be created within the roof space.</li> <li>• Two storey rear extension 3m in depth the full width of the main property with a 5.5m high flat roof, which includes a Juliet balcony to the rear.</li> <li>• Single storey rear extension to the end of the existing single storey rear wing, 5m in length x 4.6m wide with a flat roof height of 2.9m to create a study</li> <li>• Single storey side extension beyond the two storey extension, 3.5m in depth in line with the side of the main building with a flat roof height of 3.1m to extend the width of the kitchen/dining area</li> <li>• Single storey front extension width 6.55m, stepped either side of a central front porch 2.55m wide x 1m in depth with 0.5m projection for 2m either side of the porch</li> <li>• Replacement detached double garage in the rear yard area 9.5m x 6m with a pitched roof maximum height 5.6m. The garage would have a flat roofed dormer</li> </ul>

to the front roof slope 8.5m wide x 2.7m in depth with a window at either end. The building would provide a double garage at ground floor with proposed storage/gym at first floor level within the roof space. The building would have a brick construction and a slate tiled roof with shiplap cladding to the dormer.

- Creation of an amenity space of 33.5sqm to the side of the single storey rear wing.

Four bedrooms and a bathroom would be provided at first floor level with a fifth bedroom and ensuite provided within the roofspace. The ground floor accommodation would comprise a lounge, living room, kitchen/dining room, utility, bathroom and study. The existing gated pedestrian route to Goodman Street remains part of the site.

The submission is supported by the following:

- Supplementary information regarding the viability of the pub, its sales particulars and alternative provision within the vicinity.
- A statement from the applicant confirming that the property and the proposed extensions are required in order to accommodate the needs of the family.
- A Flood Risk Assessment
- Planning Statement

### **Policy Context**

#### **Local Plan**

**Policy SP1** lists principles in determining whether proposals constitute sustainable development. One principle is that proposals are located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity or causing highway safety issues. Another principle is that proposals are designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping.

**Policy SP2** identifies the settlement hierarchy for the Borough.

**Policy SP22** – Supporting Communities Locally, identifies that proposals which result in the loss of a community facility will not be permitted unless:

- (i) adequate alternative provision is available within or adjacent to the settlement or will be provided as part of the development process;
- (ii) all reasonable efforts have been made to preserve the facility or service, including sharing of premises, but it has been satisfactorily demonstrated to the Council that the service is no longer viable and has been actively marketed for a period of at least 6 months; and
- (iii) the service or facility is in an inherently unsustainable location and the reuse of the site would be a more sustainable solution than the retention of the service or facility.

**Policy SP24** of the East Staffordshire Local Plan states that development proposals must contribute positively to the area in which they are proposed and reinforce character and identity through local distinctiveness.

**Policy SP35** of the East Staffordshire Local Plan relates to accessibility and sustainable transport, this is supplemented by the Parking Standards Supplementary Planning Document.

**Policy DP1** states that planning permission will normally be granted for development which responds positively to the context of the surrounding area and in itself exhibits a high quality of design and is compliant with the East Staffordshire Design Guide.

**Policy DP3** requires new development to have no materially adverse effects on neighbouring properties through issues including overlooking, loss of light to principal windows or private amenity space or create an overbearing impact. The Local Plan policies are supplemented by the East Staffordshire Design Guide and the NPPF (in paragraph 130) indicated that developments should have due regard to the future amenities of residents.

**Policy DP7** states that new development should not give rise to levels of pollution in respect of noise or light, or contamination of ground, air or water.

### **Horninglow and Eton Neighbourhood Plan**

**Policy HE1** - Protection of Local Centres and Community Facilities, in relation to community facilities it identifies that the change of use of existing facilities to other uses will not be permitted unless the following can be demonstrated:

- a) the proposal includes alternative provision, on a site within the locality, of equivalent or enhanced facilities. Such sites should be accessible by public transport, walking and cycling and have adequate car parking; or
- b) satisfactory evidence is produced that there is no longer a need for the facility

**Policy HE5** – Parking Standards unless a lower provision can be justified in the terms set out below, new residential development requiring planning permission, including extensions that create additional bed-spaces and changes of use and the creation of large Houses in Multiple Occupation (sui generis) must provide off-street parking in accordance with the following schedule:

- A minimum of 2 parking spaces where 1 or 2 bedspaces are created.
- Provision of 1 additional parking space per additional bed space for each residential unit

### **Assessment**

The main issues in the determination of this application are:

- Principle of the Development
- Design and Layout
- Impacts on the Amenities of the Surrounding Occupiers
- Impact on the Character and Appearance of the Area and the Street Scene
- Highway Implications
- Other Issues

### **Principle of the Development**

The principle of the change of use of the property needs to be assessed against Policy SP22 of the Local Plan and HE1 of the Horninglow and Eton Neighbourhood Plan (detailed above), as the proposals will result in the loss of a public house.

Policy SP22 is in line with the requirements of the NPPF in supporting local facilities and resisting their loss.

It should be noted that despite the comments from the Campaign for Pubs, the Derby Inn is not registered as an Asset of Community Value.

The submission includes a statement regarding the viability of the pub, a letter from the pub landlord for the last 6 years of its operation, marketing particulars for the pub and details of alternative provision within the area. Additional information was provided during the course of the application.

The former landlord identifies that although the pub won awards and was included in the beer guide for 4 years running they only just broke even and lost money in the final year the pub was operating which left them no choice but to hand in their notice to Admiral Taverns. They consider that if they couldn't make the pub work in profit then no one could.

Admiral Taverns marketed the property as a pub for just over 12 months between 18-02-2020 and 05-03-2021 through their own website and social media outlets. Admiral Taverns have previously been awarded Best Leased and Tenanted Pub company and regularly advertise pubs to rent and sell on their website which has a very heavy traffic flow. During the time that the pub was marketed there were only 10 enquiries (predominantly from residential developers) and 1 offer made.

Edward Jones Estate Agents have provided a viability report on the pub. The report identifies the national trends and the steady closure of local pubs due to non-viability of the use and the changing drinking habits to drink at home, accentuated recently due to Covid 19. The pub businesses that look to be successful and viable are the larger pubs with large professional kitchens, run by breweries, which have larger economies of scale than smaller tenanted pubs. The report listed 8 other pubs within 1.5 miles of the Derby Inn which offer better facilities and larger commercial kitchens.

The report also identifies a number of other local small tenanted pubs in and around Burton that have closed, including The Anglesey Arms, Anglesey Road and the

Wellington Arms Wellington Street (closed and has been marketed since Jan 2017).

The Derby Inn was a tenanted pub with a bar and small kitchen and had a declining trade evidenced by the barrelage volumes decreasing by 19.9% between 2013 and 2016. The level of trade at the pub provided a low turnover with high running costs.

The report also made reference to the deterioration of the external appearance of the building and the need for internal redecoration throughout the property, which would require significant investment in order to turn the pub into a successful venture. The report concludes that the costs involved in refurbishing the property combined with the staffing and trade costs would make it unviable going forward as a pub.

Alternative pub facilities within walking distance of the Derby Inn:

Royal Oak Horninglow Road North

The Navigation Horninglow Road

The Hanbury Arms Sydney Street

The Weighbridge Millers Lane

The Alfred Derby Street

It is therefore considered that the submission complies with Policy SP22 of the Local Plan and Policy HE1 of the Horninglow and Eton Neighbourhood Plan in identifying alternative local provision easily accessible within the surrounding area, showing that reasonable efforts have been made to market the property over a 12 month period and have demonstrated that the pub is no longer viable.

If no longer viable as a pub an alternative use as a detached house is considered appropriate for the property. The property sits within a residential frontage with residential properties either side. It is situated within a sustainable location within walking distance of shops and services, close to Burton town centre and on a bus route. The principle of the conversion of the property from public house to a detached 5 bed house is therefore considered appropriate in this case.

#### **Design and Layout**

The size and design of the proposed extensions are considered appropriate for the size, design and scale of the building.

The proposed layout will allow for the rear yard area to be retained to provide for parking and vehicle manoeuvring as well as extended amenity space for the occupiers.

Whilst the dedicated amenity space to be provided would not meet the 80sqm required by the Separation Distance and Amenity SPD, the additional space within the yard area would allow for additional space which is considered appropriate.

#### **Impacts on the Amenities of the Surrounding Occupiers**

The proposed two storey rear extension at 3m in depth would comply with the 45 degree code in relation to the rear facing first floor window at No 18 adjacent and in relation to No 16 that has a two storey gable wall along the site boundary. The flat roof design further reduces the overall height of the extension and any perceived impact.

274 Goodman Street sits to the rear of the site at approx. 31m from the rear boundary where the new garage will sit. Whilst it is recognised that the height of the garage at 5.6m is high to allow for the gym/storage within the roof space, the separation to 274 more than meets the required 12m separation distance. The garage would sit alongside the conservatory at No 16 and the existing detached outbuilding to the rear of 18/19 and it is considered that the proposals would have no adverse impact on the amenities of the adjoining occupiers and the proposed dormer window of the frontage of the garage would no create any overlooking issues to the neighbours.

#### **Impact on the Character and Appearance of the Area and the Street Scene**

The proposed dormer windows to the frontage are considered acceptable and their design reflects a number of other similar extensions within the immediate area and therefore forms part of the character of the area.

Again the proposed single storey front extension is similar to other extensions to residential properties within the street frontage and would not appear out of character.

### **Highway Implications**

The proposals would utilise the existing gated vehicle access off Derby Road which sits to the side of the property. The existing roller shutter gate is set back from the road frontage by approx. 13.5m, which would allow a vehicle to park in front of it clear of the highway whilst the gate is opened, although the roller shutter operates by a remote.

The proposals also include the provision of a further dropped kerb to the frontage to allow for an in and out access arrangement on the frontage for a vehicle to park for easy access to the front door required for one of the future occupiers who has a disability.

The proposals include the demolition of the existing single detached garage in the rear yard area and erection of a double garage with gym/store above. The size and position of the garage will allow for parking and manoeuvring within the rear yard area to allow for vehicles to enter and leave the site in forward gear. The garage will provide parking for 2 vehicles and space for a further vehicles to park within the yard (at least 2), as well as a space forward of the gated access and a space on the frontage of the property. The proposals will more than meet the parking requirements of the Parking Standards SPD (3 spaces for a 5 bed house) and the Horninglow and Eton Neighbour Hood plan Policy HE5 (1 space per bedroom).

The Highway Authority have raised no objections to the proposals. Whilst the proposed additional footway crossing to the frontage would not normally accord with SCC policies in this case it would provide easier wheelchair access to the building therefore a relaxation in this case is considered reasonable and acceptable.

### **Other Issues**

#### **Flood Risk**

The site sits partly within Flood Zone 1 and partly in Flood Zone 2 and the submission is supported by a Flood Risk Assessment (FRA). The main source of potential flooding would be from the Trent, but the Environment Agency data shows this as a low hazard. Evacuation to Flood Zone 1 (the front half of the site where the main building is) is considered appropriate and feasible in this case and given the fact that the proposals are for conversion and given the scale of the development flood compensation is not considered necessary.

The FRA concludes that based on the likely flooding risk, it is considered that the proposed development can be constructed and operated safely in flood risk terms, without increasing flood risk elsewhere and is therefore appropriate development in accordance with the NPPF.

#### **Heritage Assets.**

It is considered that given the separation distance and additional buildings set between that the proposals would have no adverse impact on the character or appearance of the listed buildings set on the opposite side of Derby Road.

Two of the objectors consider that the internal fixtures of the building fall within a non-designated heritage asset designation and the harm caused by the change of use and the loss of the interior should form a reason to refuse this application. The definition of non-heritage asset within the NPPF is specifically an asset "identified by the local planning authority" and as such the determination of whether or not the building should be considered a non-designated asset falls to the Local Planning Authority. The Derby Inn is not a registered heritage asset.

The interior of the pub dates to the 1960s (a refit) and is not original to the Victorian building and whilst its loss would be unfortunate as there are not that many left, it should be noted that here are restrictions on the retention of these features, even if the premises were to remain as a pub, internal alterations could be made without the requirement for any planning consent.

### **Planning Officer's response to Parish Council and Neighbours**

The Parish Council mention of business use for the gym and conversion of the premises to an HMO in relation to parking. The gym would sit above the residential garage and would be ancillary residential accommodation and the proposals are to convert to the property to a 5 bed single family dwelling not an HMO.



	<p>The issues relating to the design of the extensions and the loss of the pub are addressed in the main report above.</p> <p>The issues raised by the objectors in relation to the loss of the pub are addressed in the main report above.</p>
<b>Conclusion</b>	<p>It is considered that the proposal demonstrate compliance with policies SP22 of the Local Plan and HE1 of the Horninglow and Eton Neighbourhood Plan and therefore the principle of the change of use of the site from a pub to residential is considered appropriate given the residential nature of this side of Derby Road.</p> <p>The design and layout of the proposed extensions are considered appropriate for the building and the street scene or the character of the area. The proposed extensions would comply with the Separation Distance and Amenity SPD and it is considered that they would have no adverse impact on the amenities of the surrounding occupiers.</p> <p>The level of off street parking proposed would meet the requirements of the Parking Standards SPD and Policy HE5 of the Horninglow and Eton Neighbourhood Plan.</p> <p>It is therefore considered that the proposals would satisfactorily comply with Local Plan Policies SP1, SP22, SP24, SP27, SP35, DP1, DP3 and DP7, Neighbourhood Plan Policies, the Separation Distances and Amenity SPD, the Parking Standards SPD, the East Staffordshire Design Guide, and the National Planning Policy Framework.</p>
<b>Engagement</b>	<p><b>003a: Engagement (Proactive)</b></p> <p>During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.</p>
<b>Section 106 required?</b>	No
<b>Recommended condition(s)</b>	<p><b>1. Time Limit - 3Yr Standard</b> The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p><b>2. Approved Plans</b> The development hereby permitted shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission:</p> <p>Site Location Plan dated as received on 26-03-2021 Block Plan and Existing Proposed Garage Plans dated as received on 22-09-2021 Existing and Proposed Elevations dated as received on 10-03-2021 Existing and Proposed Floor Plans dated as received on 10-03-2021 Planning Statement dated as received on 10-03-2021 Viability of Public House Statement dated as received on 10-03-2021 Marketing Information Dated 18-02-2021 dated as received on 10-03-2021 Letter from Former Tenant of the Derby Inn dated as received on 10-03-2021 Supplementary Policy Information dated as received on 13-09-2021 Flood Risk Assessment dated as received on 25-03-2021</p> <p>Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and</p>

efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP22, SP24, SP27, SP29, SP35, DP1, DP3 and DP7, the East Staffordshire Design Guide, the Separation Distance and Amenity SPD, the Parking Standards SPD, the Horninglow and Eton Neighbourhood Plan and the National Planning Policy Framework.

### **3. Matching Materials**

All external materials used in the development shall match those of the existing building including colour, size, coursing and texture unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the building(s) and its surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **4. Surfacing of Access, Parking and Turning Areas**

Before the development hereby authorised is brought into use the parking and manoeuvring areas shown on the submitted plans shall be laid out, constructed, hard surfaced and drained to ensure no surface water runs onto the highway. Once the development has been brought into use the parking and manoeuvring areas shall be kept clear and available for use at all times and maintained as such thereafter.

Reason: As recommended by the Highway Authority in the interests of highway safety, and to ensure porous materials are used where appropriate to reduce the risk of flooding in accordance with East Staffordshire Local Plan Policy SP27 and the National Planning Policy Framework.

### **5. Noise Assessment**

No development shall take place until a Noise Impact Assessment has been submitted to and approved in writing by the Local Planning Authority which shall include a scheme of noise mitigation that shall ensure compliance with BS8233: 2014 Guidance on sound insulation and noise reduction for buildings. The development shall only be implemented in accordance with the approved mitigation measures prior to the first occupation of the property as a dwelling and maintained as such for the life of the development.

Reason: In the interests of the amenity of the future occupiers of the dwelling(s) in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

### **6. Contaminated Land (prior to commencement)**

No development shall take place until a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses (by written confirmation) with any such requirement:

- a. A desktop study/Phase 1 Contamination Report shall be prepared and submitted for approval. This should document the previous history of the site and surroundings, identifying the potential sources of contamination and the impacts on land and/or controlled waters relevant to the site. A Conceptual Site Model should be produced for the site which should identify all plausible pollutant linkages.
- b. Where the phase 1 report has identified potential contamination, an intrusive site investigation shall be carried out to establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, water and chemical analysis, identified as being appropriate by the desktop study, should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. The details of this investigation (including all technical data) shall be submitted to the Council, as a phase 2 report, for approval prior to any site demolition, remediation or construction works.
- c. In those cases where the phase 2 report has confirmed the presence of contamination, a Remediation Method Statement shall be submitted to this Department (for approval prior to works) detailing the exact manner in which mitigation works are to be carried out. The Statement should also include details of validation testing that will be carried out once works have been completed.
- d. If during remediation works, any contamination is identified that has not been

considered within the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to this Department for written approval. Any approved proposals should, thereafter, form part of the Remediation Method Statement.

e. The development shall not be occupied until a validation report has been submitted to and approved in writing by this Department. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

**7. Building Recording**

No development shall take place until a scheme of building recording of the 1960's pub interior has been undertaken on site and submitted to the local planning authority for written acceptance. The record should be undertaken in accordance with best practise within "Understanding Historic Buildings: A Guide to Good Recording Practise" (Historic England, May 2016) to consist of: Items 1 or 2 from the list of plan/drawing requirements in table 4.3.3 mainly as a reference to locate photographs from the photo record, items 1, 4, 5, 7 and 8 from the list of photography requirements in table 4.4.8 and items 1-4 from the list of written record elements in table 4.5.2. The locations of photographs should be annotated on the plan to establish the locations of photographs within the plan of the building. This level of record represents a record largely at Level 2 as described within the guidance with some components from Level 3.

Reason: To enable heritage remains and features of the interior of the pub to be adequately recorded, in the interests of the cultural heritage of the town.

**8. Retention of Garage/Parking Spaceq**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the garage accommodation and parking spaces provided in connection with the development hereby approved shall be made available at all times for the parking of vehicles in relation to the residential use of the premises unless planning permission for any alternative use has first been granted by the Local Planning Authority.

Reason: To ensure adequate off-street parking exists to serve the development to avoid vehicles parking on the adjoining road and obstructing the free flow of movement of traffic in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP35.

**9. Access Gates**

Any gates to be provided to the vehicle access shall be set back a minimum of 6m from the back of the highway and shall not open outwards and shall remain as such for the life time of the development.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP35 and the National Planning Policy Framework.

**10. Ancillary Accommodation**

The detached garage hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 17 Derby Road Burton Upon Trent.

Reason: To protect the amenities of occupiers of adjoining properties and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1, DP3 and DP7.

**Recommended informative(s)**

**002a: Pre-commencement Conditions**  
 The conditions identified below require details to be approved before commencement of the development/works.

	<p>Condition No(s) 5, 6 and 7</p> <p>This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of these conditions have been met.</p> <p>As from 6th April 2008 requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request.</p> <p>Payment can be made by cheque or card only. Please telephone 01283 508606.</p> <p>Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.</p> <p><b>002b: During development Conditions</b></p> <p>The condition(s) identified below require details to be approved during the development/works.</p> <p>Condition No(s) 4</p> <p>This means that a development may not be lawful unless the particular requirements of these conditions have been met.</p> <p>Confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request.</p> <p>Payment can be made by cheque or card only. Please telephone 01283 508606.</p> <p>Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.</p> <p><b>003a: Engagement</b>  <b>003a: Engagement (Proactive)</b></p> <p>During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.</p> <p><b>005d: Surfacing of Access, Parking and Turning Areas</b></p> <p>The applicant(s) is/are advised that in complying with Condition 4 above materials with a high degree of porosity would be the most likely to be acceptable as they will reduce the amount of surface water run-off.</p> <p><b>005e: Vehicle Access Crossings</b></p> <p>The applicant is advised that a Section 184 Notice of Approval from Staffordshire County Council is required prior to the new access being constructed. A vehicle access crossings information pack and an application form for a vehicle access crossing (dropped kerb) are available on the County Council's website at <a href="http://www.staffordshire.gov.uk/transport/staffshighways/licences/Vehicle-access/VehicleAccessCrossings">www.staffordshire.gov.uk/transport/staffshighways/licences/Vehicle-access/VehicleAccessCrossings</a>. The application form can be completed online or downloaded, completed and sent to Network Management Unit, Staffordshire County Council, Staffordshire Place 1, Wedgewood Building, Tipping Street, Stafford, ST16 2DH or emailed to <a href="mailto:nmu@staffordshire.gov.uk">nmu@staffordshire.gov.uk</a>.</p>
<p><b>Officer Details</b></p>	<p>Barbara Toy  Tel 01283 508729  <a href="mailto:Barbara.toy@eaststaffsbc.gov.uk">Barbara.toy@eaststaffsbc.gov.uk</a></p>