

DELEGATED DECISION REPORT

SMD/2021/0472
Valid 18/08/2021

BOAT INN
170 BASFORD BRIDGE
LANE
CHEDDLETON

ALTERATION TO
OUTBUILDING TO BLOCK UP
BASEMENT ACCESS,
REMOVAL OF TREE AND
REPLACEMENT ROOF TILES
ON ADJACENT SHELTER
STRUCTURE.
(FULL - MINOR)

MAIN ISSUES

- Heritage
- Design
- Character and appearance
- Tree and protected species

DESCRIPTION OF SITE

Characterful detached stone and clay tile outbuilding on canal bank within the Caldon Canal Conservation Area. Large mature ash between the building and the canal edge. Publicly prominent location visible from Basford Bridge Lane and the canal tow path opposite. Also a public footpath passes in front of the Boat Inn and along the west side of the application building. Although a humble building, its obvious age and character and its striking position in relation to the canal side make it a landmark feature of the location in conjunction with the canal, Grade II Listed canal bridge c.20m to the north east and the Boat Inn façade.

Full descriptive details of the building are given in the applicant's accompanying Structural Report.

PROPOSAL

Revised plans and change in description (as above) provided in agent's e-mail dated 15.12.2021. Initially the scheme had proposed a partial demolition, removing the roof and lowering the walls to 900mm above floor on the east elevation and 2.5m on the west elevation. Retention of the building was agreed by the applicant in response to the comments of the Council's Heritage Conservation Officer.

In addition to the structural report the application is accompanied by a Planning Design and Access Statement, Heritage Statement and ecology protected species reports.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places; 13 – Protecting Green Belt Land; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS**Publicity**

Site Notice expiry date: 16.09.2021
Neighbour consultation period ends: N/A
Press Advert: 22.09.2021

Public Comments

None

Town / Parish Comments

Cheddleton Parish Council - no objection provided that the conditions are adhered to.

Severn Trent Water

Minimal impact on the public sewer system therefore no objections and no requirement for a drainage condition. Add informative re possible unrecorded public sewer within the site.

Canal and River Trust

Concerned by heritage loss and effect on the Caldon Canal Conservation Area. Request conditions to address / safeguard impact on structural integrity of the adjacent Caldon Canal.

Environmental Health

1. Construction Timings (Condition)
2. Amplified Sound (condition)
3. Timings (Condition)
4. Asbestos (Advisory)

SCC Lead Flood Authority

There will be no significant change to the impermeable area and so little change to the surface water runoff generated by the site.. Therefore, as non-statutory consultees, we have no comment to offer.

SWT Ecology consultation response

No objection subject to condition.

SMDC Heritage Conservation Officer (20.10.2021)

Building contributes to character and appearance of Conservation Area and should be retained in original form as far as possible. These small outbuildings contribute much to the interest of the area; provide evidence of function and connection with the canal and can provide useful storage/accommodation. It clearly has some structural problems, arising from subsidence of a corner, which need addressing. The attached canopy looks recent and we may find out that it was put up during the pandemic without PP (needs clay tiles). I would not support the removal of its roof to retain only the lower walls as a seating shelter. The structural info shows that the building is capable of repair (condition method and finish if necessary).

OFFICER COMMENTS

Principle of Development

In its amended form the scheme essentially involves the repair and stabilisation of an existing structure. The proposal does however also involve the blocking up of an opening in the east elevation, addition of clay tiles to a roof over an attached adjacent structure and the felling of a large mature ash tree. The building is not residential and therefore does not benefit from Part 1 pd rights.

The adjacent attached un-consented canopy structure appears from air photos to have been present at least since May 2017 and as this is in excess of four years it must be considered immune from enforcement action. As an un-authorised structure it could not benefit from pd in any event (GPDO article 3 section 5).

GPDO(2015) Schedule 2 Part 7 provides pd for 'Non-domestic extensions, alterations etc'. Part 7 Class A allows 'The extension or alteration of a commercial, business or service establishment. However under A.1 development is not permitted if (e) any alteration would be on article 2(3) land. Although the works proposed in the amended scheme are minor they are considered to need planning permission.

Before a tree can be felled in a Conservation Area there is a requirement to give notice to the Local Planning Authority. However, if the felling is approved as part of a planning application consent there is no separate notification required.

Design and Heritage

The blocking up of the small east elevation opening is considered acceptable and no doubt doing so may assist in re-establishing structural integrity.

The taking down of the tree is essential and urgent.

The re-roofing of the previously un-consented adjacent attached canopy structure using clay tiles in place of tile-effect metal sheet roofing would represent a welcome design improvement beneficial to the Conservation Area.

As the structure is being retained there is no harm to heritage (notwithstanding the blocking up of the basement opening) and in fact the works overall deliver a public heritage benefit by securing the retention of the building.

Amenity

As first submitted, the scheme would have created a new outdoor seating terrace for the pub and EH recommended conditions to limit use of the terrace to between the hours of 10.00 and 23.30 and to stipulate:

"No speakers or means for the amplification of voice or music whatsoever shall be installed for use on or inside the outdoor seating terrace."

The submitted planning DAS commented:

"The proposed hours for the outdoor seating area are 10:00-23:30. The pub itself has longer hours but the proposed hours for the outdoor seating area have been shortened to reflect the outdoor nature of this use. It should be noted that the seating area is adjacent to the canal and beyond the existing pub and seating area."

However, as the revised scheme does not extend the existing outdoor seating areas long established at the pub it is concluded that the attachment of conditions in relation to this specific application (as amended) could not be justified.

Other matters – land stability

Canal and River Trust request a condition for a construction method statement to be approved prior to the work commencing. CRT bases this on concern that there may be a risk of canal embankment instability and they point out the NPPF requirement in planning decisions to take land stability into account. CRT says:

In order to fully understand the likely effect of the work on the cutting slope however, we would need to know whether courses at ground level are to be reconstructed, and if foundations are to be exposed and remodelled, and we would need to see sections showing the existing and proposed levels in relation to the cutting slope crest and canal level and showing how the operations to excavate and reinstate the walls would not destabilise the slope. We will need to review a detailed methodology for all demolition and construction works, including works to remove the existing tree, in order to be satisfied that risks to the canal and canal users are adequately addressed and that the risk of creating land instability likely to damage the canal infrastructure is minimised.

The LPA considers that it will be absolutely incumbent on the applicant to liaise with CRT regarding work alongside the canal and CRT have requested an informative which can be attached to the decision. Attention can also be drawn to the Party Wall Act. As regards a condition, now that the revised scheme is reduced in scope the LPA can reasonably conclude that a condition to require structural propping under the guidance of a qualified structural engineer at or before the start of work would be appropriate and the project to be guided by a qualified structural engineer but it is not necessary for further details of this to be submitted to the LPA.

Other matters – Ecology

Regarding protected species, the planning DAS sets out that a Preliminary Roost Assessment was undertaken by Focus Ecology in March 2021. This identified moderate potential for roosting bats and recommended a further specialist bat survey. This was conducted in June 2021. The Bat Survey Report, also by Focus Ecology, found that the building has moderate potential for bats and identified a single bat emerging. The Survey concluded this can be addressed under a low impact bat license and provision of a bat box and suitable landscaping to the new patio area. This can be secured by way of a suitably worded condition.

CONCLUSION / PLANNING BALANCE

After successful negotiation with the applicant's agent the revised scheme by retaining the existing building in a restored state and by introducing traditional roof tiles to the attached canopy building represents a positive outcome for the Caldon Canal Conservation Area in this much visited prominent location.

OFFICER RECOMMENDATION : **approve**

Case Officer: Arne Swithenbank

Recommendation Date: 9th March 2022

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

