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Our Ref
Your Ref

Date: 27 March 2023

Dear Councillor,

Planning Committee

A Meeting of the **Planning Committee** will be held at **Council Chamber**, Civic offices, Civic Way, Swadlincote on **Tuesday, 04 April 2023 at 18:00**. You are requested to attend.

Yours faithfully,

Head of Legal and Democratic Services
and Monitoring Officer

To:- **Labour Group**
Councillor Tilley (Chair), Councillor Shepherd (Vice-Chair) and
Councillors, Gee, L Mulgrew, Pearson and Southerd.

Conservative Group
Councillors Bridgen, Brown, Dawson, Haines, Redfern and Smith.

Non-Grouped
Councillor Wheelton



AGENDA

Open to Public and Press

- 1** Apologies and to note any Substitutes appointed for the Meeting.
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 4** REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY) **3 - 13**

Exclusion of the Public and Press:

- 5** The Chairman may therefore move:-
That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.
- 6** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.

Report of the Strategic Director (Service Delivery)

Section 1: Planning Applications

In accordance with the provisions of Section 100D of the Local Government Act 1972, background papers are the contents of the files whose registration numbers are quoted at the head of each report, but this does not include material which is confidential or exempt (as defined in Sections 100A and D of that Act, respectively).

1. [Planning Applications](#)

This section also includes reports on applications for: approvals of reserved matters, listed building consent, work to trees in tree preservation orders and conservation areas, conservation area consent, hedgerows work, advertisement consent, notices for permitted development under the General Permitted Development Order 2015 (as amended) responses to County Matters and strategic submissions to the Secretary of State.

Reference	Item	Place	Ward	Page
DMPA/2023/0160	1.1	Melbourne	Melbourne	6

When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the report of the Strategic Director (Service Delivery) or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Strategic Director (Service Delivery), arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases.

Glossary of terms

The following reports will often abbreviate commonly used terms. For ease of reference, the most common are listed below:

LP1	Local Plan Part 1
LP2	Local Plan Part 2
NP	Neighbourhood Plan
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
PPG	Planning Practice Guidance
NPPF	National Planning Policy Framework
NDG	National Design Guide
SHMA	Strategic Housing Market Assessment
SHELAA	Strategic Housing and Employment Land Availability Assessment
s106	Section 106 (Agreement)
CIL	Community Infrastructure Levy
EIA	Environmental Impact Assessment
AA	Appropriate Assessment (under the Habitat Regulations)
CPO	Compulsory Purchase Order
CACS	Conservation Area Character Statement
HER	Historic Environment Record
LCA	Landscape Character Area
LCT	Landscape Character Type
LNR	Local Nature Reserve
LWS	Local Wildlife Site (pLWS = Potential LWS)
SAC	Special Area of Conservation
SSSI	Site of Special Scientific Interest
TPO	Tree Preservation Order
PRoW	Public Right of Way
POS	Public Open Space
LAP	Local Area for Play
LEAP	Local Equipped Area for Play
NEAP	Neighbourhood Equipped Area for Play
SuDS	Sustainable Drainage System
LRN	Local Road Network (County Council controlled roads)
SRN	Strategic Road Network (Trunk roads and motorways)
DAS	Design and Access Statement
ES	Environmental Statement (under the EIA Regulations)
FRA	Flood Risk Assessment
GCN	Great Crested Newt(s)
LVIA	Landscape and Visual Impact Assessment
TA	Transport Assessment
CCG	(NHS) Clinical Commissioning Group
CHA	County Highway Authority
DCC	Derbyshire County Council
DWT	Derbyshire Wildlife Trust
EA	Environment Agency
EHO	Environmental Health Officer
LEP	(D2N2) Local Enterprise Partnership
LLFA	Lead Local Flood Authority
NFC	National Forest Company
STW	Severn Trent Water Ltd

Item No. 1.1

Ref. No. DMPA/2023/0160

Valid date: 02/02/2023

Applicant: Jim Hewlett

Agent: TUK Architecture

Proposal: **Listed building consent for the replacement of windows and doors Thomas Cook Memorial Cottages, High Street, Melbourne, DE73 8GJ**

Ward: Melbourne

Reason for committee determination

This item is presented to the Committee as Councillor Hewlett is the Secretary of the Board of Trustees for the Memorial Cottages and the named applicant on the application forms.

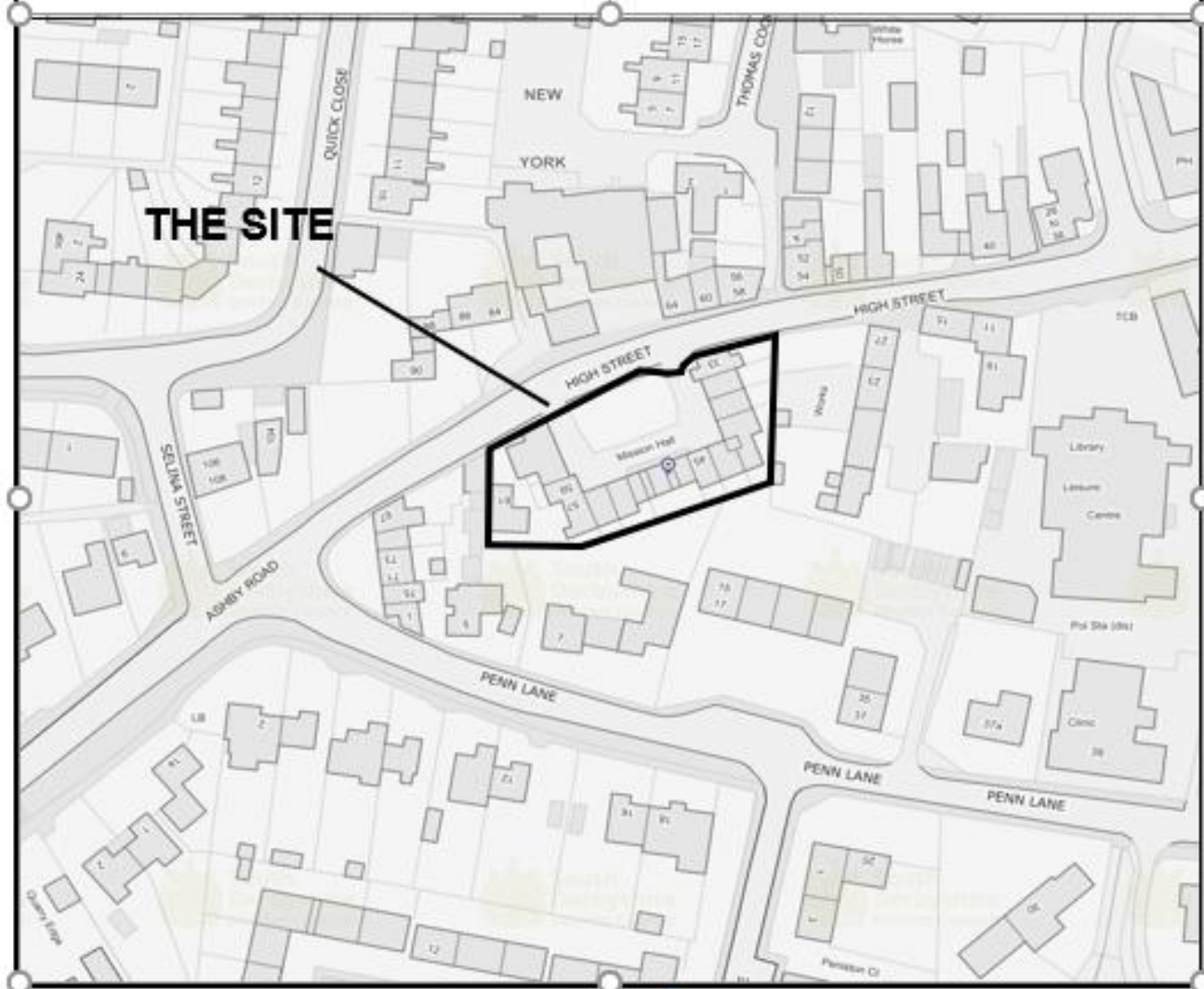
Site Description

The application site comprises the Thomas Cook Memorial Cottages or 'Almshouses' which are located on the southern side of the High Street in Melbourne, within the Conservation Area. The Memorial Cottages are Grade II listed and the listing also covers the adjoining Mission Hall (chapel) building and railings within the site.

The list entry dates from 11 March 1987 and states the following:

SK 38/3925 PARISH OF MELBOURNE HIGH STREET 6/116 (South Side) Thomas Cook Almshouses, Chapel and Railings GV II Almshouses, chapel and railings. 1891 by G Burgess for Thomas Cook, the famous travel agent. Red brick with tile hanging and applied timber framing to the attics and some terracotta dressings. Steeply pitched red clay tile roof with large brick ridge stacks with semi-circular headed panels to sides, and moulded brick coped gables to caretakers house and the chapel, both of which are at the street end of the side wings. U-plan with seven bay central range and four bay side wings, three central bays of the central range advanced. Mostly single storey plus attics but with single storey chapel and two storeys plus attics to three central bays. These central bays have a Tuscan columned arcade to ground floor with four plain doorcases, two leading to an open staircases, and three small pane windows behind. Above there are three 5-light timber mullioned casement windows with central 3-lights of each canted out to form small oriels. Above again there is a jettied attic storey with applied timber framing and 5-light timber mullioned casements to each gable. Below the central window there is a moulded plaque with inscription 'Memorial House of call for Mr Cook and invited friends', and above there is a projecting pedimented clock with balusters to either side. Beyond the central bays to either side there are plain panelled doors and two 3-light small paned casements plus two gabled roof dormers over with similar windows. Beyond again there are angled segment headed doorcases with brick pilasters to each side and brick cornice above, across each corner. East wing has three similar 3-light windows to ground floor and above in gabled dormers, with two panelled doors between the northern windows. To north end, the caretakers house has advanced gabled bays to west and north, that to north with canted small paned bay window to ground floor and stone plaque above inscribed 'Memorial Cottages Caretaker No 1', also three small paned casements above, that to centre larger than the other two, set in a pilastered surround with semi-circular blind arch over the central window. North elevation has three semi-circular headed arches to ground floor with railing across, and three small paned windows above in a pilastered surround

DMPA/2023/0160 Thomas Cook Memorial Cottages, High Street, Melbourne, DE73 8GJ



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with moulded eaves cornice, topped by ball finials to the corners. Wet wing has an advanced gabled bay to north of the angled doorcase with 2-light window below and 4-light one above, also with lights to each side of the bay. Beyond to north is a double chamfered. segmental arched brick doorcase into the chapel with buttress beyond and three 4-light terracotta flat headed windows with four-centred arched lights and incised spandrels. North elevation has similar 4-light window with plaque inscribed 'General Baptist Memorial Cottages and Mission Hall. Erected by Thomas Cook, a Native of Melbourne 1890'. To centre of the chapel roof is a square tile hung bellcote with louvred top and ogival leaded roof. Between the wings there are the original railings with two sets of gates, one to either side.

The proposal

The proposal is to replace a number of external windows and doors within the Almshouses. The specific details are set out in the application plans.

The Existing and Proposed Window Schedule (2209-ALT-47-WS1, Rev A) shows that there are 40 types of windows on the building including the adjoining chapel. Thirty-five types are proposed for replacement with double glazing, painted timber frames. The application as originally submitted incorporated the replacement of a number of original windows (types 2, 3, 4, 5), however these and window type 6 have been omitted following feedback from the Council's Conservation Officer on 19 March 2023. The final submitted schedule (2209-ALT-47-WS1, Rev A) shows that the original windows would remain unaffected and retained as part of the proposal.

The Existing and Proposed Door Schedule (2209-ALT-47-DS1, Rev A) shows that eleven doors (not considered to be original) would also be replaced with half (double glazed) glass wooden doors and painted timber frames.

Applicant's supporting information

Design and Access Statement, TUK Architecture (22 March 2023)

The statement notes that the existing windows of the building have largely been replaced over the years and as such the profiles differ slightly from window to window across the elevations. Secondary glazing was installed in parts in 2013 (planning reference 9/2013/0472). It is noted that the majority of existing windows and doors have defects such as wet rot and evidence of previous repairs. The replacement windows would replicate the profiles of the remaining original windows with a uniform timber profile and Georgian beads. The applicants consider that the proposal represents an opportunity for betterment.

Relevant planning history

DMOT/2020/0396 Pruning back of a Walnut tree at no. 7 Penn Lane. No objection 2 July 2022.
DMOT/2020/1174 The felling of elder trees and the pruning of fruit trees. No objection 23 December 2020.

9/2013/0472 The installation of secondary glazing panels to all external windows. Approved 7 August 2013.

9/2007/1306 The installation of a clock. Approved 14 January 2008.

Responses to consultations and publicity

Melbourne Parish Council

No objections (10 March 2023)

Melbourne Civic Society

Application should be rejected.

- a) Little evidence is offered to substantiate the assertion that only two windows are original. The rear elevation windows have certainly been replaced, but there has been no comprehensive replacement of the front ones.
- b) It would be inappropriate to apply uniform sections across all the windows. They have different profiles and designs because they relate to different parts of the building, and not because they have been replaced piecemeal. The difference in materials is deliberate also. Most of the windows are timber, while those of the mission hall have leaded lights in terracotta frames. Some of the windows appear to be designed for inward opening, while others open outwards. The differences are part of the architectural richness of the buildings, which is part of the reason why they are listed.
- c) It is simply not possible to replace the mission hall windows in timber with double glazed units without causing significant harm to the special interest of the building. The double-glazing details are too small and sketchy. How are 28mm sealed units to be accommodated in genuine glazing bars without the bars becoming unacceptably thick and heavy? The application does not help us to understand this important detail.
- d) Historic England guidelines suggest that original historic windows should be retained where possible, but if a case is to be made for sealed unit glazing, thinner units (say 14mm) may be necessary, which can be accommodated in 24mm glazing bars.

Conservation Officer

Initial (19 March 2023)

I have had pre application conversations regarding replacement windows to the Almshouses for one year. During this time, I have visited the site on several occasions and met with some of the Trustees of the building. I identified two original windows on the rear elevation, which I have advised are used as the basis for any replacement windows to the rear elevation.

The focus of my advice and discussions has been replacement windows on the rear elevation. However, I note that the application seeks replacement of all windows and doors throughout the site. I have viewed the rest of the building and made the Trustees aware of three potential original or of significant age windows to the front elevation. I suggest that these remain with no intervention detailed below.

I have viewed a selection of replacement sample windows and concluded that a timber replacement was necessary on this site. I have taken into account the constraints of the site and weighed the proposed double-glazing replacements against the public benefit and the proposed enhancement by reinstating lost architectural detail.

The application seeks to replace the windows and doors in timber, incorporating double glazed panes with true functional glazing bars. I have no objection to the principle of replacing the previously replaced windows and doors on the site. However, I do object to the removal of original windows on the site, and suggest that the window schedule is amended prior to a decision notice including reference to the replacement windows.

I suggest that the following windows are omitted from the schedule, or more clarity provided. I recall these windows being of a different style (including a Yorkshire sliding sash), and potentially original examples (and no alteration with cill detailing required): 2, 3, 4.

My involvement thus far has been focussed on the requirement for the rear elevation to be replaced, and I have not been made aware of proposed replacement windows to the

chapel building. Please omit the chapel windows being incorporated into the scheme. The detail in the existing is incorrect and replacement is not necessary (nor are they timber windows as existing). Numbers: 5 (x5)

The position of the windows within the reveal and the addition of new cill detailing, especially on the rear elevation, was one of my concerns with the existing arrangement (a previous alteration when the replacement windows were installed c.1970/80s). I have spoken at length about these previous alterations and how a level of enhancement could be achieved, which could then outweigh any potential harm resulting from incorporating double glazed units. I note that this brick cill detailing has been reinstated in the proposal on the area of concern – the rear elevation, and I consider this to be enhancement on the existing arrangement.

If the schedule can be amended (omitting 2,3,4,5 from replacement – alter to '*window to be retained*') as per my request above, I make no objection to the proposal. I assess the incorporation of double glazing in this instance to have minimal impact: the existing windows are modern replacements, therefore no historic fabric is being lost.

In addition, I conclude there is a level of preserve and enhance to this application, and the benefits resulting from the proposal outweigh any potential harm from incorporating double glazed units in this instance.

- The replacement will be in timber, painted, without trickle vents; the traditional material and finish
- The proposed schedule provides a level of consistency and design, especially for the doors, which has previously been lost.
- The glazing bars will be functional
- The original profile of the windows will be reinstated
- The cill detailing will be reinstated
- The recess detailing will be reinstated**

Subsequent (21 March 2023)

The amended schedule confirms window types 2,3,4,5 will also be retained as existing. No objection to the proposal.

Relevant policy, guidance and/or legislation

The Planning (Listed Building and Conservation Areas) Act 1990 requires an application for listed building consent to be submitted for all applications requiring alteration, extension, or demolition to a listed building.

In determining planning applications with respect to Listed Buildings, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that '*in considering whether to grant permission for development which affects a listed building or its setting, special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*'.

It is noted that whilst applications for planning permission must be determined in accordance with the 'development plan' unless material considerations indicate otherwise, this does not apply to the consideration of listed building consent applications. Notwithstanding this, the planning objectives for an area may be material to the consideration in such consents.

The relevant Development Plan policies are:

2016 Local Plan Part 1 (LP1): SD2 (Presumption in Favour of Sustainable Development), BNE1 (Design Excellence), BNE2 (Heritage Assets)

2017 Local Plan Part 2 (LP2): BNE10 (Heritage);

2022 Melbourne Neighbourhood Plan: HC1 (Heritage and Conservation)

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issue central to the determination of this application is:

- The potential impact of the proposal upon the property as a listed building.

Planning assessment

The applicant has submitted a Design, Access and Heritage Statement which includes an assessment of the significance of the heritage assets and potential impact of the works. The applicant considers the replacement of the windows and doors to be a betterment compared to the existing situation.

The Council's Conservation Officer has been engaged in pre-application discussions about the proposal and has been consulted on the original application and the final (revised) plans. Concerns were raised initially regarding the loss of potentially original windows types 2, 3, 4 and type 5 on the adjoining chapel building, which had not formed part of the previous pre-application discussions. Following the Conservation Officer's initial feedback (19 March 2023) these windows were omitted from the schedule. The Conservation Officer raised no objections to the final plans and schedules.

The comments from Melbourne Civic Society are noted. The primary concern appears to relate to the proposed replacement of windows within the Mission Hall. Following feedback from the consultation period and Conservation Officer, the final schedule confirms that the type 5 windows of the Mission Hall would be retained, thus addressing this concern. The Civic Society also raised concerns related to the thickness of the glazing bars. The applicant has confirmed that the information submitted with regards to sectional detail and glass thickness would be the maximum sizes and if it can be reduced for betterment they will be. These details would be reviewed on site with the Conservation Officer, Trustees and contractor.

The application seeks to replace the windows and doors in timber, incorporating double glazed panes with true functional glazing bars. The Council's Conservation Officer has no objection to the principle of replacing the windows and doors on the site that comprise previous replacements from the c.1970s/1980s. It is noted that the cill brick detailing was lost in the previous replacements and would be reinstated as part of the proposal. This is considered to represent an enhancement. Whilst the incorporation of double glazing in this instance would have minimal impact, as no historic fabric would be lost (only modern replacements). Additionally, there is a level of preserve and enhance to this application, and the benefits resulting from the proposal outweigh any potential harm from incorporating double

glazed units in this instance.

Overall, it is considered that the timber replacement windows with cill detailing and doors would represent a betterment from the existing situation. It is recommended that conditions be attached to any forthcoming planning approval to require submission of the window recess measurements, details of any new masonry or materials related to the cills, and that all scaffolding etc. be removed from the site on completion of the works.

Conclusion

In accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard has been given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is concluded that the proposal would preserve the heritage asset, resulting in a betterment (with provision of the cill detailing) that would outweigh any harm caused through the provision of double glazed units, and that due consideration has been given in accordance with Section 66 (1). The proposal would also be in accordance with the objectives of LP2 Policy BNE10 and Melbourne Neighbourhood Plan Policy HC1.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation

Approve subject to the following conditions:

1. The works hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The works hereby permitted shall be carried out in complete accordance with the approved plans and schedules, with no trickle vents and the windows painted (not stained):

- Location Plan (2209-ALT-47-P04, Rev A)
- Existing and Proposed Window Schedule (2209-ALT-47-WS1, Rev A);
- Existing and Proposed Door Schedule (2209-ALT-47-DS1, Rev A);
- Existing Elevations (2209-ALT-47-E01, Rev A)
- Proposed Elevations (2209-ALT-47-P01, Rev A)
- Proposed Window Detailed Sections (2209-ALT-47-P02, Rev A)
- Proposed Door Detailed Sections (2209-ALT-47-P03, Rev A)

Reason: For the avoidance of doubt and in the interests of avoiding unreasonable harm to the designated heritage assets and achieving sustainable development.

3. Prior to incorporation into the listed asset, details of the window sectional details (if different to those submitted) and recess measurements shall be submitted to and

approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved details.

Reason: In the visual interest of the designated heritage asset.

4. Prior to their incorporation into the listed asset, details of any new masonry or materials, including bespoke manufactured bricks and mortar, shall be to a specification to closely match the original as possible in colour, texture and composition and submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken using the approved materials.

Reason: In the visual interest of the designated heritage asset.

5. All temporary scaffolding and other contractors items shall be completely removed from site within one month of the completion of the work.

Reason: In the visual interest of the designated heritage asset.