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**10. OUTLINE APPLICATION – PROPOSED 12 NO. ONE BEDROOM FLATS, ENDCLIFFE COURT, ASHFORD ROAD, BAKEWELL (NP/DDD/0716/0678 P.11903 420931/368985 19/9/2016/BJT)**

**APPLICANT: COUNTY ESTATES (BAKEWELL) LTD**

**Site and Surroundings**

Deepdale Business Park lies approximately 1km to the northwest of Bakewell's town centre and is accessed from the A6 Ashford Road. The site is designated for employment uses (B1 and B2) by saved policy LB6 in the Local Plan, and to the rear of the site there are a range of units occupied by various tenants. At the front of the site, there are two units known as Media House and Endcliffe House, which overlook the A6.

Media House and Endcliffe House have a curved plan form and are built primarily from natural stone and have pitched roofs clad with blue slates. These buildings have now been converted to residential apartments under permitted development rights for conversion of B1(a) offices to C3 dwellings. These two units are now part of Endcliffe Court, which has been subdivided from the remainder of Deepdale Business Park.

Planning permission has been granted at appeal for a further block of six residential apartments on Endcliffe Court, which will be made available on the open market to meet general demand. These are close to completion.

**Proposals**

The current application seeks outline permission for the erection of two new buildings within part of the Business Park to the rear of Endcliffe Court, which would accommodate a total of twelve one-bedroom flats. All matters have been reserved, which means that the precise details of the appearance of the building, means of access from the A6, landscaping, layout and scale, are reserved for further approval at "reserved matters" stage. Consequently they are not material to the decision required on the principle of an outline application.

**RECOMMENDATION:**

**That the application be REFUSED for the following reasons:**

- 1. Core Strategy policy E1D requires safeguarding of the existing land and buildings for business use where they are in high quality suitable locations such as Deepdale Business Park. As the location is considered to be appropriate for business use, the proposal is contrary to policy E1D.**
- 2. Policy HC1 does not permit new open market housing other than as an enhancement to a previously developed site. As this proposal offers no enhancement it is contrary to policy HC1.**

**Key Issues**

- The loss of high quality employment space in a sustainable location;
- Whether the applicant has demonstrated that there is no potential for sustainable business use on the site;
- Whether the site requires enhancement in order to justify open market development;
- Whether there is any other exceptional justification for the proposed development.

## **History**

- 2000 Full planning permission granted conditionally for Media House (NP/DDD/0499/187).
- 2002 Full planning permission granted conditionally for Endcliffe House (NP/DDD/0901/406).
- 2013 Planning permission refused for the change of use of Media House and Endcliffe House from offices to apartments (NP/DDD/0612/0616).
- 2013 Notification of the change of use of Endcliffe House to residential use accepted (NP/GDO/0613/0452)
- 2013 Notification of the change of use of Media House to residential use not accepted because of condition 12 attached to NP/DDD/0499/187 limiting the use of the building to offices (NP/GDO/0913/0771).
- 2013 Planning permission refused for variation of condition 12 - office use only on NP/DDD/0499/187 – the subsequent appeal was allowed in 2014 and condition 12 has been deleted (NP/DDD/0613/0451).
- 2014 Notification of the change of use of Media House to residential use accepted (NP/GDO/0514/0562).
- 2014 Notifications of the change of use of Units 1-6 and 8-12 at Arden House on Deepdale Business Park not accepted (NP/GDO/0214/0110-0119)
- 2014 Outline planning permission refused for erection of building to accommodate 6 No. One bedroom flats (NP/DDD/0914/0997). The subsequent appeal was allowed and the reserved matters application was consented in 2015 subject to a planning obligation securing a commuted sum of £55,000.
- 2016 Outline planning permission refused for 12 one bedroom flats on Plot 3 and 11A on Deepdale Business Park (NP/DDD/1215/1135). This is now subject to an appeal, with a Hearing scheduled for 1 November. The current application is a resubmission of this previous application and is running parallel to the appeal.

## **Consultations**

County Council (Highway Authority) – No objections subject to conditions

District Council (Economic Development) - The application is not supported for the following reasons:

*The plots proposed for development form part of the remaining Business Park and, unlike the current residential area, are not subdivided from business activities. The District Council is of the view that residential uses should be limited to the frontage area of the site and not encroach on the remainder of the business park. The site is allocated for business use and should be retained for this purpose.*

*The application also refers to the plots being empty for circa 15 years with no interest for business use. However, no evidence is provided regarding the level of proactive marketing undertaken to properly test the market.*

Town Council - Recommend approval and welcome the financial contribution to the community.

## **Representations**

No other representations were received by the Authority during the statutory consultation period.

## **Main Policies**

The site is a Business park and the application proposes new housing. The most relevant policies in the Development Plan are therefore E1 and policy HC1 of the Core Strategy. E1 of the Core Strategy says that the National Park Authority will safeguard existing business land and buildings particularly those which are of high quality and in a sustainable location. Where the location, premises, activities, or operations of an employment site are considered by the Authority to no longer be appropriate, opportunities for enhancement should be sought, which can include re-development to provide affordable housing or community uses. HC1 says provision will not be made for housing solely to meet open market demand and HC1(A) goes on to say that exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where it addresses eligible local needs.

Officers consider that these policies are consistent with policies in the National Planning Policy Framework ('the Framework') which say in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Moreover, the footnote to paragraph 115 of the Framework cross refers to: English National Parks and the Broads: UK Government Vision and Circular 2010 ("the Vision Circular"), which sets out very clearly that the role of the National Park is to support the delivery of affordable housing.

This approach to housing is consistent with the overarching landscape conservation objectives of Paragraph 115 of the Framework, which says that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Local Plan policy LB6 of the Local Plan is also relevant to this application because it clarifies that general industry or business development (Use Classes B1 and B2) will be permitted on Deepdale Business Park, and that development which would prejudice the development of this site for general industry or business development will not be permitted.

These policies are also consistent with the Framework, which promotes sustainable rural economic development but encourages local planning authorities to consider appropriate alternative uses of employment sites that are no longer viable.

## **Wider Policy Context**

The Authority's housing and economic development policies are supported by GSP1 of the Core Strategy which says all development in the National Park shall be consistent with the National Park's legal purposes and duty and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.

As this is an outline application, with all matters reserved, policies on detailed design and layout are not relevant at this stage.

## **Assessment**

### **Previous Appeal Decision**

Planning permission has previously been granted at appeal for a block of six residential apartments on Endcliffe Court, which will be made available on the open market to meet general

demand. An offer of a commuted sum of £55,000 to facilitate affordable housing to meet local needs elsewhere in Bakewell was afforded significant weight by the Planning Inspector when granting permission for these apartments. The apartments are now nearing completion and the commuted sum is due to be paid to the Authority prior to them being taken into use.

In his decision letter on this appeal the Inspector referred to Paragraph 54 of the Framework which concerns housing in rural areas, and states that local planning authorities should “in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs”. This is not a provision allowed for within either Policy HC1 or LH1. In this respect the Inspector found that these policies are not consistent with the Framework. In coming to this view the Inspector did not give consideration of the different expectation placed on housing delivery in National Parks by virtue of the National Parks Vision and Circular 2010, which in itself is referenced in the Framework. Officers are aware of the statement in Paragraph 54 but consider that it should not outweigh the protection of National Parks elsewhere in the Framework or the provisions of the Core Strategy.

In his decision letter the Inspector did point to paragraph 14 of the Framework which states that where the development plan is “*silent or out of date*” that permission should be granted for sustainable development unless any adverse impacts would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted. Paragraph 14 states that unless material considerations indicate otherwise:

*“For **decision-taking** this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.*<sup>9</sup>

The Inspector was clear that he was dealing with the appeal site on its own merits and explained that the **site was an exceptional one** in terms of its location, the possibility to construct a building to match the existing units in terms of scale and design, and utilising brownfield land with minimal impacts on the landscape and the scenic beauty of the National Park.

He also went on to place weight on the views of the District Council Housing Enabler in suggesting that the offer of £55,000 as a commuted sum would be “very helpful” in facilitating the scheme proposed at Lady Manners School in Bakewell that could ultimately provide 40 affordable homes.

In considering the new proposal officers have to assume that an Inspector would approach the statements in the Framework in a similar way. Officers consider that it important to restate the principles behind adopted policies which aim to deliver National Park purposes and duty through the delivery of the spatial strategy. In taking this case on its own merits officers believe there are key material differences that lead to a recommendation to refuse planning permission. Unlike the previous application this is not a rounding off of a part of the site which had become residential in character by virtue of the permitted development approval for the 12 units on the front of the site. The design and layout of the 6 flats allowed on appeal fitted well with the layout of the existing residential blocks.

The current application site is in the area of the business park to the rear of the existing flats and a residential development here would be a clear encroachment into allocated and safeguarded employment land. With all detailed matters being reserved it is therefore reasonable to reconsider the principles of losing such strategically important space.

Moreover the response from the District Council in this case focusses on the loss of employment space as distinct from any benefit that may accrue to the delivery of affordable housing elsewhere in the town.

As such officers believe this proposal to be materially different to that which was allowed on appeal and it is clear that any potential benefits are outweighed by the harm to core objectives of the development plan and to sustainable development goals of the National Park as a whole.

### Loss of Employment Land

In terms of the sustainability of the proposals, representations by the District Council note that the site is allocated for business use and should be retained for this purpose. They point out that Core Strategy policy E1(D) says the National Park Authority will safeguard existing business land or buildings, particularly those which are of high quality and in a suitable location such as Deepdale Business Park. Local Plan policy LB6 says general industry or business development (Use Classes B1 and B2) will be permitted on Deepdale Business Park, and that development which would prejudice the development of this site for general industry or business development will not be permitted. The District Council also point out that there is no evidence that the land has been marketed for business use.

In this case, the new buildings would be located within the allocated employment site, some of which (although not the land subject of this application) has permission for additional employment buildings. Nevertheless, the proposals would directly result in the loss of potential employment land within the site (policy E1D applies to business land i.e. land within the site and not just existing business premises and those with permission for such use). Recent evidence commissioned by the Authority to assess strategic need for employment space in Bakewell and the rest of the National Park concluded that there is an additional need for 1.3ha of employment space. For Deepdale it concluded that this *“recent development provides high quality employment accommodation with good strategic road access. There is some vacant land with development potential to the rear of the site. The vacant site will provide 0.4Ha of employment land.”* Consequently, it is considered that up to date evidence confirms the site to be a key part of the strategically available employment space in the National Park. The development of this site would continue the gradual material change of land use, eroding the overall land use mix in the town and representing a loss in one of the few core employment sites of high quality in the National Park.

### Impact on Housing Policy

The application is also contrary to HC1 because the current application proposes 12 one bedroom flats that are intended to meet general demand. There are no provision in the Core Strategy for open market housing in the National Park to meet general demand unless the proposed housing would be required to conserve or enhance a valued vernacular or listed building (HC1(C)I) or, within settlements, the proposed housing would be required to achieve enhancement objectives or the relocation of a non-conforming use in accordance with policy HC1(C)II of the Core Strategy.

In this case, the proposed development does not meet the requirements of HC1(C)I or HC1(C)II and the current application conflicts with the more general presumption in HC1 and LH1 that new housing within the National Park will only be allowed exceptionally if it is affordable housing to meet local need. These proposals also conflict with Government guidance in the Vision and Circular, which sets out very clearly that the role of the National Park is to support the delivery of affordable housing in terms of meeting the need for housing within Bakewell and the National Park as a whole

Paragraph 215 of the Framework does state that, in the case of plans adopted prior to the publication of the Framework, due weight should be given to the degree of consistency of

policies with the Framework. Paragraph 54 of the Framework concerns housing in rural areas. The Authority's policies prioritise affordable housing in accordance with national policy, paragraph 55 of the Framework, however paragraph 54 does require local planning authorities to "*consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs*". The applicant has sought to justify the application through the offer of a commuted sum to build affordable houses on elsewhere in Bakewell.

Despite being an outline application the applicant has submitted a financial development appraisal. This demonstrates that in itself the development would not be expected to generate sufficient profit to pay a commuted sum, by that by removing the plot value from the appraisal this would generate a realistic and achievable sum of £110,000. The developer is offering this sum for off-site provision of affordable housing to meet local needs. However, HC1 allows for commuted sums to be levied only in the event that there is no evidenced need for affordable housing in a Parish subject of an application (HC1Civ). This is to ensure that the conservation objectives of the National Park are not consistently outweighed by financial incentives, and that commuted sums are only used in cases where a scheme would provide more affordable homes than are needed in the parish. In this case the scheme is not proposing any affordable housing, therefore the scheme is not seeking to address policy objectives on site. The development of land in the National Park for land uses other than those supported in the development plan represents a strategic loss and an adverse impact on the long term sustainability of the area. The long term need to safeguard employment space is clearly set out in the emerging Development Management Policies DPD. The rationale for this is that if employment sites are developed and then replacement space is required in future this would need to be found by development on the edges of Bakewell, with this having an impact on the conservation of Bakewell as a valued market town and a key visitor destination in the National Park.

The Deepdale site is considered of high quality employment land and is safeguarded accordingly. If the Authority considers that the site is not appropriate for additional employment use, and that it offers no enhancement opportunity, any new build housing must, under adopted policies, be affordable housing. Whilst the proposed housing would be little landscape impact, permitting market housing on this site would unnecessarily increase the pressure to deliver affordable housing on other greenfield sites. Site search work carried out for the emerging Neighbourhood Plan has shown that Bakewell has only limited capacity to meet all its affordable housing need through this and future plan periods. Approving open market housing on the Deepdale site would therefore represent a lost opportunity to deliver 12 affordable units.

The Authority has previously questioned whether a financial contribution could facilitate the provision of significant additional affordable housing, as required by Framework. The sum proposed on a previous scheme on this site (approved on appeal) was considered to be insufficient to pay for the construction of one house. The District Council Rural Housing Enabler Officer stated in relation to the earlier application that this type of contribution would be "very helpful" not just in supporting capital funding, but also as a method of showing partnership support and assisting with bids for funding from national agencies. Therefore, the proposed commuted sum being offered with the current application could also be used to facilitate a scheme elsewhere in Bakewell, such as that proposed near Lady Manners School for 35-40 affordable homes. However it is doubtful that this commuted sum in itself would result in '*the provision of significant additional affordable housing*' as required by paragraph 54 of the Framework. Consequently it is considered that the proposed commuted sum does not provide a strong justification for an approval as an exception to adopted policy and guidance.

Moreover, in response to this application the District Council seeks to prioritise the protection of employment land and makes no mention of the value of commuted sums for affordable housing.

The Town Council has supported the application, but the emerging Neighbourhood Plan, whilst supporting affordable housing provision, seeks to protect employment space in line with strategic

need. In this case the support of the Town Council may indicate support to facilitate additional affordable housing, but this would be at the expense of supporting retention of employment space.

### **Conclusions**

The proposal seeks to extend the principle of residential development on this safeguarded employment site. In the context of the National Planning Policy Framework, an earlier appeal at the front of the site was allowed, with the Inspector considering the relationship to the two adjacent blocks and the offer of a commuted sum towards affordable housing represented compelling reasons to allow the appeal.

However, officers consider that the proposals in this case would also be contrary to the Development Plan policies E1 and HC1, notwithstanding an offer of a commuted sum equivalent to that offered on the previous development. Officers consider that the scheme on this part of the site is materially different and as such it is reasonable to strongly restate the objectives of the development plan. Moreover the cumulative impact and encroachment of residential use into the safeguarded employment land only serves to reduce the long term sustainability of town.

The benefits that the commuted sum might provide by way of facilitating the delivery of affordable housing elsewhere in Bakewell is questionable and of itself does not guarantee the delivery of significant additional amounts of affordable housing. The proposal due to come forward at the Lady Manners site is anticipated regardless of this application and is not reliant upon it. As such the use of a commuted sum does not meet the requirements of paragraph 54 of the Framework.

Officers conclude therefore that this application represents unsustainable development in the context of National Park purposes and duty; the adopted Development Plan, and in particular E1 HC1 and LB6; the National Planning Policy Framework paragraphs 14 and footnote 9 (which state a requirement to meet objectively assessed unless specific policies in the Framework indicate that development should be restricted, for example those relating to land within a national park); and paragraph 115 and footnote 25 (the English National Parks and the Broads Government Vision and Circular which states that great weight should be given to protecting national parks and that housing delivery should concentrate on addressing affordable housing needs).

### **Human Rights**

Any human rights issues have been considered and addressed in the preparation of this report.

#### **List of Background Papers** (not previously published)

Nil