

10. FULL APPLICATION – CHANGE OF USE TO 3 AFFORDABLE DWELLINGS AT HURST WATER TREATMENT PLANT, DERBYSHIRE LEVEL (NP/HPK/0916/0875, P.8289, 405202 / 393910, 02/09/2016/AM)

APPLICANT: PAUL MILNER

Site and Surroundings

The application site includes the former water works building and its curtilage and is located approximately 1.7km to the east of Glossop. Glossop lies outside of the National Park, with Hurst Road, 180m to the west of the site indicating the boundary line at the nearest point. The site is separated from the edge of Glossop by open fields and the Glossop and District Golf Course and is therefore considered to be in open countryside.

The site is dominated by a substantial building which was erected in 1960 to serve the former Hurst Reservoir. This use has since ceased following the decommissioning and removal of the reservoir and the building on site is vacant. The building measures 23m by 7m with a further single storey flat roofed section measuring 21m by 5.2m and almost covering the whole of the front elevation. The building is constructed from gritstone with the main part under a shallow pitched roof. The site area which forms the curtilage of the building extends to approximately 0.25 hectares. There is a block of woodland to the immediate south of the site and the golf course lies across the access lane to the north.

The nearest neighbouring properties are the buildings relating to the golf club to the north west and two domestic properties located to the south east and adjacent to the application site. Access to the building is via the existing private way which serves the golf club and the neighbouring dwellings.

Proposal

The conversion and alteration of the former water works building to create three affordable dwellings.

The submitted plans show that part of existing building would be converted to create the proposed three dwellings with the existing flat roofed element of the building closest to the access road demolished and replaced with two smaller elements to provide access. New window and door frames would be installed within the existing openings, three new door openings would be created on the rear elevation and seven roof lights installed on the front elevation.

Each of the three dwellings would provide accommodation on two floors with bedrooms above open plan living space. Plots 1 and 2 on the submitted plans would each have a total of four bedrooms and a gross internal floor area of 117.9m² and 121.7m² respectively, Plot 3 would have two bedrooms and a total gross internal floor area of 75.3m².

Parking space would be provided to the front of the building and garden space to the rear and side. The submitted plans indicate that a boundary would be erected to the side of the converted building but it is not clear on the plans what the size of the garden areas would be or what is proposed for the land adjacent to the building or the existing holding tanks.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. **No housing need survey or other evidence has been submitted to demonstrate a proven need for the proposed affordable housing. Given the sparsely populated nature of the Parish of Charlesworth and in the absence of any compelling evidence to demonstrate that there is an un-met demand for affordable housing within the Parish it is therefore considered the application has not demonstrated any proven need for the proposed development and is therefore contrary to saved Local Plan policy LH1 (i) and the Authority's adopted Supplementary Planning Guidance 'Meeting the local need for affordable housing in the Peak District National Park'.**
2. **The total floor area of proposed four bedroom dwellings named Plot 1 and Plot 2 would be substantially greater than the floor space guidelines within paragraph 7.2 of the Authority's adopted Supplementary Planning Guidance 'Meeting the local need for affordable housing in the Peak District National Park'. The development would also be set in a large plot potentially providing large garden areas to each of the proposed dwellings. It is therefore considered that the proposed dwellings would not be affordable by size or type to local people on low or moderate incomes contrary to saved Local Plan policy LH1 (iv).**
3. **It is therefore considered that the proposed development would not address eligible local needs for homes that remain affordable contrary to Core Strategy policy HC1 A. The application building is modern and of no architectural, historic or vernacular merit therefore the conversion of the building to create open market dwellings would be unsustainable development contrary to Core Strategy Policies GSP1, GSP2, GSP3, HC1, saved Local Plan policy LH1 and the National Planning Policy Framework.**

Key Issues

- Whether there is a proven local need for the proposed affordable housing.
- Whether the proposed dwellings would be affordable by size and type to local people on low or moderate income.
- Whether the development would preserve the amenity of neighbouring properties.
- Whether the development would be served by safe and suitable access and adequate parking and turning arrangements.

History

2015: NP/HPK/1114/1162: Planning permission granted conditionally for conversion of building into B1 Class managed office space comprising of 12 office units and associated parking.

2014: NP/HPK/0514/0493: Demolition of water works building and change of use for the stationing of caravans for occupation by gypsy-traveller site, with associated development including hard standing, utility building and external lighting, refused.

Appeal against the 2013 decision for change of use to a dwelling dismissed.

2013: NP/HPK/0513/0441: Change of use from former waterworks to dwelling including partial demolition and re-modelling of building, refused.

2012: NP/HPK/0312/0239: Change of use of building to dwelling and office, refused.

2011: NP/HPK/0811/0831: Change of use of building to dwelling and commercial office, refused.

Appeal against the 1998 decision for change of use to a dwelling dismissed.

Consultations

Highway Authority – No objections subject to conditions to secure site construction compound, parking and bin storage.

Borough Council – No response to date.

Parish Council – No response to date.

Representations

The Authority has received a total of eight letters of representation. Four of the letters support the application and four object. The reasons given in support or objection are summarised below, the letters are available to read in full on the website.

Support

- Previous applications have not been suitable and this is the most appropriate re-use of the building put forward to date.
- The site has not been used for over 20 years and is a dilapidated state and therefore has an impact on the surrounding area.
- The development is needed to improve the site in a positive way.
- More housing is needed in the area.
- There is a shortage of this kind of housing within the parish.

Object

- Object to the application due to the sites previous planning history.
- The building is not worthy of conversion due to its location within open countryside.
- The proposal will have an impact on local wildlife and there is also poor access to the site.
- The east facing gable end of the building overlooks the neighbouring property and is in close proximity. There is insufficient information to show how this would be addressed and where boundaries lie.
- A turning area was required on previous applications for road safety issues.

Main Policies

Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L2 and HC1

Relevant Local Plan policies: LC4, LC17, LC18, LC24, LH1, LH2, LT11 and LT18

National Planning Policy Framework

The National Planning Policy Framework (The Framework) is a material consideration which carries particular weight where a development plan is absent, silent or relevant policies are out of date.

Paragraph 55 of the Framework says that housing should be located where it will enhance or maintain the vitality of rural communities. New isolated homes in the countryside should be avoided unless there are special circumstances.

Paragraph 115 of the Framework says that great weight should be given to conserving landscape and scenic beauty in National Parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight. Paragraph 115 refers to the National Parks and the Broads Circular which states that Government Policy is that the National Park should encourage affordable housing to meet local need and that the Parks are not suitable locations for unrestricted housing and therefore does not provide general housing targets.

Development Plan

HC1 says that exceptionally, new housing can be accepted where the proposals would address eligible local needs and would be for homes that remain affordable with occupation restricted to local people in perpetuity. The provisions of HC1 are supported by policy LH1 of the Local Plan, which gives more detailed criteria to assess an application for a newly-built housing, which is intended to be affordable and meet local need.

LH1 states exceptionally residential development will be permitted either as a newly built dwelling in or on the edge of Local Plan settlements provided:

- i. there is a proven need for the dwelling(s). In the case of proposals for more than one dwelling, this will be judged by reference to an up to date housing needs survey prepared by or in consultation with the district council as housing authority; and
- ii. the need cannot be met within the existing housing stock; and
- iii. the intended occupants meet the requirements of the National Park Authority's local occupancy criteria (policy LH2); and
- iv. the dwelling will be affordable by size and type to local people on low or moderate incomes and will remain so in perpetuity; and
- v. the requirements of Policy LC4 are complied with.

Local Plan policy LC4(a) says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible it enhances the landscape, built environment and other valued characteristics of the area. Local Plan policy LC4(b) goes on to say, particular attention will be paid to scale, form, mass and orientation in relation to existing buildings, settlement form and character, landscape features and the wider landscape setting.

L1 and L2 state that all development must conserve landscape character and biodiversity, LC17 and LC18 provides detailed criteria to assess proposed development where it would or could impact upon protected species or habitats.

LT11 and LT18 require satisfactory parking and safe access as a pre-requisite for any development. LC24 requires appropriate assessment and treatment of contaminated land.

Wider Policy Context

The Authority's adopted Supplementary Planning Document entitled 'Meeting the local need for affordable housing in the Peak District National Park (July 2003) is relevant and provides more detailed policy in regard to affordable housing within the National Park. The Authority's adopted design guide is also relevant in regard to detailed design guidance.

Assessment

Need and affordability

The application site is considered to be within open countryside as it is separated from the edge of Glossop by open fields and the Glossop and District Golf Course. The conversion of the application building to create open market housing would not be in accordance with policy HC1 C or the Framework as the development would not be required to achieve conservation or enhancement of a valued vernacular or listed building. A proposal to convert the building to a market dwelling was refused planning permission by the Authority in 2013 and the subsequent appeal was dismissed.

Therefore, conversion of the building to housing would only be acceptable in principle and in accordance with policies DS1 and HC1 A if the conversion was to affordable housing which would address eligible local needs for homes that remain affordable, with occupation restricted to local people in perpetuity.

Saved Local Plan policies LH1, LH2 and the adopted affordable housing SPD provide detailed policy for the assessment of applications for affordable housing within the National Park. Relevant policies require a proven need for the proposed dwellings and in the case of a proposal for more than one dwelling (as is the case here) state that this will be judged by reference to an up-to-date needs survey prepared by or in consultation with the Borough Council as housing authority. Paragraph 4.2 within the SPD indicates that a survey should be carried out at Parish level to identify local need for affordable housing.

The application is not supported by any up-to-date housing need survey and no other evidence has been submitted to indicate that there is a proven need for the proposed dwellings within Charlesworth parish. There is also no evidence of any named individuals with a local qualification in accordance with policy LH2 who would be able to occupy the proposed dwellings.

The applicant states that a site visit has been conducted by the Peak District Rural Housing Association (PDRHA) to assess if the site would fit their criteria for potential re-development. It is reported that the site was rejected as it does not fit within their criteria due to the site not being within close proximity to a village.

The part of the Parish of Charlesworth which is located within the National Park is very sparsely populated with the majority of land moorland with isolated farms focused around Derbyshire Level and Chunal. In the absence of an up-to-date housing need survey or any other compelling evidence to demonstrate that there is an un-met need for affordable housing within Charlesworth it is therefore considered that the application does not demonstrate any proven need for the proposed development and therefore the proposals are contrary to policies HC1 and LH1 (i). The comments from the PDRHA re-inforce this conclusion.

Officers also have significant concerns that the proposed dwellings would not be affordable by size and type to local people on low or moderate incomes. HC1 A states that the occupation of affordable housing will be restricted to local people in perpetuity. The applicant has not indicated whether or not he would be willing to enter into a legal agreement with the Authority to restrict the occupation of the proposed houses, but irrespective of this fact Officers consider that the two larger four bedroom dwellings would not be of a size or type that would be affordable to people in housing need.

The affordable housing SPD at paragraph 7.2 sets out floor space guidelines with a maximum size of 87m² for a five person dwelling. The floor space of proposed Plot 1 and Plot 2 (117.9m² and 121.7m² respectively) would be significantly above the maximum floor space guideline. The application site also includes a significant amount of land around the existing building and in the absence of proposed defined curtilages Officers are also concerned that the dwellings would be provided with large gardens which would also undermine their affordability.

Given the floor space of the proposed dwellings and the size of the plot it is therefore considered that the proposed dwellings would not be size or type to remain affordable and therefore that the proposals are contrary to LH1 (iv).

Landscape / visual impact

The proposal would make use of a previously developed site and the conversion would be contained within the existing building without any significant extensions. The proposed use and car parking areas would be effectively contained within the curtilage of the existing building. The application site is located in a slight dip to the south of the golf course and is generally well screened in the wider landscape by existing mature tree planting associated with the golf course and by the woodland to the immediate south of the site.

Closer views into the site are limited to a section of the Derbyshire Level (a highway approximately 160m to the west of the application site) and from parts of the adjacent golf course, the two nearest neighbouring dwellings and from parts the private way which provides access to the site from Hurst Road. It is therefore considered that due to the established tree planting around the site, the re-use of the existing building as dwellings along with the associated hard standings and parked cars would not have an adverse impact upon the scenic beauty of the wider National Park landscape.

Officers do have some concerns in regard to the proposed design. There are no objections to the removal of the existing flat roofed section of the building and conversion of the remainder, subject to some minor design amendments to roof lights and window and door fenestration. However, the introduction of the proposed rendered entrance porches would be a retrograde step and would spoil the lane side elevation of the building.

Subject to appropriate design amendments and the submission of a comprehensive landscaping scheme, it is considered that the proposed development would not have an adverse landscape or visual impact or harm the character or appearance of the building. Officers have not pursued amendments in this case due to the strong concerns in regard to the principle of the development.

Impact upon neighbouring properties

Concerns have been raised by the occupants of the neighbouring property in regard to the impacts of the proposed development.

The application site shares a boundary with the neighbouring dwelling. The proposed use would take place within the shell of the existing building, and no further extensions are proposed along this boundary. It is therefore considered that the development would not be any more overbearing to the neighbouring property or overshadow that property compared to the existing building.

The south east facing gable of the building does look towards the neighbouring property at a distance of approximately 9m (gable to gable) or 4.25m to the boundary. The existing windows on this elevation would be retained, the gable window would serve a kitchen / living room at ground floor and a bedroom at first floor.

Officers have visited the site and the neighbouring property and consider that if clear glazing was used then occupants of the neighbouring property would be likely to suffer a significant loss of privacy due to occupants of the bedroom in particular being able to look out through these windows towards the neighbouring dwelling and its rear garden contrary to policy LC4. However, a scheme for obscure glazing would satisfactorily mitigate this potential impact by preventing views into and out of the dwelling from the neighbouring property. This could be secured by a suitably worded planning condition.

The occupants of the neighbouring property own and manage the woodland to the rear (south west) of the site. This woodland would be overlooked by occupants of the dwellings. The woodland does not form part of the domestic garden of the neighbouring property and therefore, subject to an appropriate boundary treatment, it is considered that overlooking of activities within the woodland would not have such a significant impact upon privacy or amenity to warrant refusal of planning permission.

Highway safety and amenity of road users

Access is via a private way which serves the site, the golf course, neighbouring properties and the former reservoir site. The private way is single track with a passing place adjacent to the golf club car park. The private way joins Hurst Road, which is relatively narrow for 130m before meeting Fairways Close to the north, where the road widens up to the junction with the A57. There is no public footpath along the route other than this last section between the A57 and Fairways Close.

The Highway Authority's consultation response advises that whilst the proposal would be likely to result in an increase in vehicular activity associated with the site, this would be considerably less than those associated with the office use which is subject to an extant planning permission granted in 2015.

Having to the Highway Authority comments, Officers consider that traffic generated by the proposed development would not be likely to harm highway safety or the amenity of road users. There is adequate space and visibility along the access to allow vehicles and pedestrians to be aware of each other and pass safely and there are places along the access where vehicles would be able to pass each other. Visibility onto Hurst Road / Derbyshire and the A57 is acceptable.

Ecology

The application site is located approximately 260m to the north west of the land forming part of the South Pennine Moors Special Area of Conservation (SAC), Peak District Moors Special Protection Area (SPA) and the Dark Peak Site of Special Scientific Interest (SSSI).

No comment has been received from Natural England but given that there were no objections to the office development approved in 2015 it is considered that the proposal would have less impact upon and therefore not have any significant impact upon designated sites. In coming to this conclusion Officers have also considered the reduced scale of the proposed development, the proposed use, intervening distance and the lack of direct access from the application site.

The applicant has previously submitted a report following a survey of the building by an ecologist as part of the 2015 office conversion. The bat report found no evidence of bats and considered the site to offer low potential with very limited suitable habitat available. It is therefore considered that subject to appropriate mitigation secured by planning condition that the development could take place without harming individual bats and populations of bats in the area and secure enhancement in accordance with L2 and LC17.

Other issues

The site was formerly used to treat water and the Environmental Health Officer has previously commented that that ground contamination was likely to be an issue here. The applicant has submitted reports following ground surveys which have indicated that any ground contamination is not serious and could be dealt with by appropriate mitigation. It is therefore considered that subject to an appropriate planning condition any ground contamination could be mitigated in accordance with LC24.

Conclusion

The application is not supported by any up-to-date housing need survey and no other evidence has been submitted to indicate that there is a proven need for the proposed three dwellings within Charlesworth parish. There is also no evidence of any named individuals with a local qualification in accordance with policy LH2 who would be able to occupy the proposed dwellings. It is therefore considered that the proposals do not demonstrate any proven need for the proposed housing and therefore the proposals are contrary to policies HC1 and LH1 (i).

The floor space of the two proposed four bedroom dwellings is significantly above the maximum floor space guideline within the Authority's affordable housing SPD. Given the floor space of the proposed dwellings and the size of the plot it is considered that the proposed dwellings would not be a size or type to remain affordable and therefore that the proposals are contrary to LH1 (iv).

It is therefore considered that the proposed development would not address eligible local need for homes which remain affordable with occupancy restricted to local people in perpetuity. In the absence of any other special circumstances which could justify the creation of the proposed three houses on the site it is therefore considered that the proposed development is contrary to relevant development plan policies and the National Planning Policy Framework.

In the absence of any further material considerations the proposal is therefore recommended for refusal.

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