

15. FULL APPLICATION - CHANGE OF USE OF BARN TO REHABILITATION CENTRE. THE SMITHY, MAIN ROAD, EYAM (NP/DDD/0318/0173, P4811, 421480 / 376718, 01/03/2018)

APPLICANT: MISS JOANNE BARNETT

1. Site and Surroundings

- 1.1. The site is located in Eyam within the designated Conservation Area, on Main Road at the junction with Little Edge. The building is not listed. The nearest listed building is approximately 30m to the west (Merrill House).
- 1.2. The building contributes positively to the character and appearance of the Conservation Area. In particular this is because of its simple design and robust appearance utilising traditional materials including natural gritstone walls and natural gritstone slate. It is considered to be a non-designated heritage asset.
- 1.3. The building has two sections, a single storey section already converted into an Osteopaths and a taller part which remains unconverted. On the front of the larger section there is a blocked up doorway and on the side elevation facing the road it has a vehicular sized opening which is treated with a plywood boarding, over this there is another blocked opening. The land in ownership/control relates to the buildings only, it does not include any parking. In front of the building there is a bus stop, public litter bin and a telecoms cabinet.
- 1.4. To the rear (north) of the building there is a garden area owned by the neighbouring dwelling to the east (1 Orchard Bank). There is also an electricity sub-station behind the building. The land immediately behind the house is on a higher level, reaching a height of just below the rear ground floor window. To the west the building fronts onto the highway and faces the neighbouring dwelling on the opposite side (Little Edge House), this property has some side facing windows and the side of the bay windows on the front elevation which roughly face towards the site.
- 1.5. Relatively nearby (approximately 120m to the east) there are public car parks on Hawkhill Road.
- 1.6. The site is not within a flood zone.

2. Proposal

- 2.1. The proposal is to change the use of the building to a non-residential rehabilitation centre (use class D1). The proposal also includes some external alterations including unblocking a doorway on the front elevation to enable wheelchair access, unblocking a window on the side facing elevation and installing bi-fold glazed doors to the vehicular sized opening and installing two rooflights to the north facing elevation. On the amended plans the glazing to the vehicular sized opening is opaque.
- 2.2. As submitted the proposal included replacing natural gritstone slates with natural blue slates. But this has since been negotiated to remain natural gritstone slates, reusing the existing ones where possible.
- 2.3. The nature of the proposed rehabilitation centre is an expansion of the existing osteopathy centre. It will provide an indoor endless swimming pool, disabled changing room facilities and a studio area. On the upper floor there would be two treatment rooms and wc. The pool will be used for multiple purposes including allowing people the ability to relearn to walk safely after a stroke, heart attack, neurological conditions, M.E etc.

3. RECOMMENDATION

Provided a protected species survey is not found to be necessary, that the application be APPROVED subject to the following conditions:

1. Standard time limit
2. Development in complete accordance with the submitted '1:1250 site plan' and the amended plans 'PL_01' and specifications, subject to the following conditions or modifications.
3. Roof clad with natural gritstone slates
4. With the exception of the rear window (elevation D) and the large opening on the gable end (elevation A) all windows and doors shall be made of timber.
5. Agree finish for windows and doors
6. Rooflights fitted flush with the roof.
7. Cast metal rain water goods, painted black, on rise and fall brackets.
8. All glazing in the west facing elevation shall be obscure glazed and permanently so maintained. The upper floor window shall be top hung and open a maximum of 100mm.
9. The rooflights shall be no less than 1.7m higher than the floor level of the room in which they are located, and this shall be permanently so maintained.
10. Windows and doors to be recessed from the external face of the stonework no less than 100mm.
11. The rehabilitation centre hereby approved shall be ancillary to the existing Osteopathy Centre.
12. No door or window on the front or side facing elevations shall open outwards at ground floor level.
13. Any permanent disabled ramping to aid pedestrian access via any doorway at ground level shall be wholly contained within the building(s) i.e. there shall be no works within the public highway. For information the highway boundary is the front face of the walls of the buildings facing Main Road and Little Edge.

4. Key Issues

- Design and amenity and the principle of the change of use.

5. Relevant Planning History

- 5.1. 1983 – Change of use from garage and store to shop – granted
- 5.2. 1983 – Change of use to maintenance of lorry and private cars – refused
- 5.3. 1994 – Alteration to building – granted
- 5.4. 2007 – Change of use of hairdressers to an osteopath clinic and change of wooden rear window to upvc – Granted on a personal basis to Ms Joanne Barnett, the permission was personal to ensure the use would revert to a shop if the applicant gave up the business. Planning officers note that the site area for the change of use included both sections of the building and that there were no restrictions placed on the opening hours of the premises. A

planning condition required all windows and doors to be timber.

- 5.5. 2017 Enquiry 30582 Confirmed planning permission would be required and that Core strategy HC4 is supportive of the change of use of traditional buildings within named settlements to community facilities, the principle is therefore acceptable. The enquiry also recognised that the site was in the Conservation Area and provided detailed design advice.

6. Consultations

- 6.1. Derbyshire County Council (Highways) – Full response available on the electronic file - *'Whilst this Authority would always recommend that any new development is provided with an appropriate level of on-site parking it is considered unlikely that a refusal on that lack of parking would be sustainable at appeal. Additionally, the proposed ancillary operations would re-use an existing building and this Authority has taken commensurate use into its consideration. In respect of the proposed disabled access ramp the Authority would not condone external ramps either permanent or temporary. If your Authority is minded to approve then I would ask that conditions to cover the following are included in any consent granted;*

- *The rehabilitation centre, the subject of this application, shall be ancillary to the existing operations at these premises and vice versa.*
- *No door or window shall open outwards at ground floor level.*
- *Any disabled ramping to aid pedestrian access via any doorway at ground level shall be wholly contained within the building(s) i.e. there shall be no works within the public highway. For information the highway boundary is the front face of the walls of the buildings facing Main Road and Little Edge.'*

- 6.2. Derbyshire Dales District Council – No response to date.

- 6.3. Eyam Parish Council – Object on the following grounds

- No parking
- Impact on sewers
- There is a culverted stream within 3 metres of the west elevation which has flooded on several occasions in the past including 1998, 2000 and 2004.
- An access ramp of the south facing elevation would impede an already questionable parking space in front of the smithy.
- General design and appearance of the proposed development would not be in keeping with the immediate area including the Conservation Area.
- Large glazed doors to the west would affect the neighbouring properties privacy and potentially the first floor roof lights depending on the finished floor levels.

7. Representations

13 number of representations have been received. These are all objections, no representations in support have been received.

Objections are raised on the following grounds

- No adequate parking provision.

- The local car park would not be suitable or used by clients with walking difficulties.
- Inappropriate parking on Little Edge could block emergency vehicle access to 1 to 8 Audrey Cottages and Hydon House.
- Parking in Little Edge is currently severely limited for residents and this will add to the existing pressure for parking spaces.
- No parking provision for the 6 staff that are mentioned in the application.
- In the summer when the car park is full where will the customers and employees park?
- Parking on Townhead is severely limited; there is not adequate parking for the existing residents. At times it is difficult for service buses and heavy goods vehicles to pass due to parked cars.
- The public car park on Hawkhill Road is a 5 minute walk away from The Smithy and would not be suitable for use by patients that require rehabilitation.
- Despite the Highway Authority's response it is unlikely that residents and employees will park at the public car park.
- Opening hours of 7 days a week from 8.30am to 8.30pm employing up to 6 members of staff would suggest a substantial number of users, who would need to park. The on street parking restrictions only cover Saturdays, Sundays and Bank Holidays 8am to 6pm.
- Would affect the amenity of nearby residents.
- Wheelchair access to the front of the barn if via an external ramp onto the highway will cause a hazard.
- The new bi-fold doors will overlook neighbouring properties kitchen and bedroom windows, affecting their privacy.
- The proposed development would change the aesthetic feel of the village which would cause a drop in tourism footfall and affect local shops.
- Flooding risk from the Jumber brook which is culverted under Little Edge.
- Application forms are incorrect as there are 2 watercourses running under the highways adjacent to the site.
- Access ramp to front could impede access to the private garage next to the property.
- The appearance of additional cars parked around the site would not conserve or enhance the character and appearance of the conservation area.

8. Policies

8.1. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

National Planning Policy Framework

8.2. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.

8.3. Para 115 of the NPPF states 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. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*

Development Plan policies

8.4. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.

8.5. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.

8.6. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.

8.7. Core Strategy Policy HC4 deals with the provision and retention of community services and facilities. Part A is the relevant provision, which sets out the following –

The provision or improvement of community facilities and services will be encouraged within

settlements listed in core policy DS1, or on their edges if no suitable site is available within. Proposals must demonstrate evidence of community need. Preference will be given to the change of use of an existing traditional building, but a replacement building may be acceptable if enhancement can be achieved in accordance with policy GSP2. Shared or mixed use with other uses and community facilities will be encouraged.

- 8.8. L3 Deals with Cultural heritage assets of archaeological, architectural, artistic or historic significance. Development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their setting, including statutory designations and other heritage assets of international, national, regional or local importance or special interest. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset of archaeological, artistic or historic significance or its setting, including statutory designations or other heritage assets or international, national, regional or local importance.
- 8.9. Core Strategy Policy 'T7: Minimising the adverse impact of motor vehicles and managing the demand for car and coach parks' is relevant to the proposal. Part C deals with non-residential parking and restricts this in order to discourage car use.
- 8.10. Policies in the Core Strategy are also supported by saved Local Plan policies LC4, LC5 and the SPD the 'Design Guide'.
- 8.11. Local Plan Policy LC4 explains that if development is acceptable in principle it will be permitted provided that the detailed treatments are to a high standard that respects, conserves and where possible enhances the landscape, built environment and other valued characteristics of the area. Particular attention is paid to *inter alia* (i) scale, form, mass and orientation in relation to existing buildings, settlement form and character, and (ii) the degree to which design details, materials and finishes reflect or compliment the style and traditions of local buildings.
- 8.12. Local Plan Policy LC5 deals with development in Conservation Areas and also with development that affects the setting of a Conservation Area or important views into or out of the area. It requires that as part of the application it is demonstrated how the proposal will conserve and enhance the character and appearance of the Conservation Area. The following matters are taken into account, form and layout of the area including views into or out of it and open spaces; scale, height, form and massing of the development and existing buildings to which it relates; locally distinctive design details including traditional frontage patterns and vertical or horizontal emphasis; the nature and quality of materials.
- 8.13. The Authority's SPD the 'Design Guide' provides advice about conversions. The guiding principle behind the design of any conversion should be that the character of the original building and its setting should be respected and retained.

Relevant Core Strategy (CS) policies: DS1, GSP1, GSP2, GSP3, GSP4, L1, L2, L3, HC4, T7.

Relevant Local Plan (LP) policies: LC3, LC4, LC5, LC17, LT10, LT18.

9. Assessment

9.1. Principle

- 9.2. The principle of the development expands an existing D1 use into the adjoining part of the building. However on close inspection of the planning history a D1 use has already been granted in principle in this section of the building because when the osteopaths was granted planning permission in 2007, this section was included in the red edged site area. That

permission has been implemented and is therefore extant. So although planning permission has been applied for the use of this section of the building as a D1 rehabilitation centre, it doesn't in itself constitute a material change of use. It is therefore only the external alterations which need planning permission and are the subject of this proposal.

9.3. Design and heritage assets.

9.4. As initially submitted there were issues with the design. In particular this related to replacement of the natural gritstone slate with natural blue slate. A key part of the building's character is that it has a natural gritstone slate roof, to alter this material to natural blue slate would significantly change its character to the detriment of the character of the building and its conservation area setting. The mix of natural blue slate and natural gritstone slates used as roofing materials in this part of Eyam are a key feature of the conservation area, and the stone slates are a key feature of this building and the part it plays in contributing to that mix. It is not considered appropriate to replace the natural gritstone slates with natural blue slates on this building as the building would lose a key part of its character. Amended plans have been submitted which address this issue and propose natural gritstone slates.

9.5. The use of white upvc gutters is not appropriate in a Conservation Area. Whilst the single storey section of the building already has this detail, it stands out as being inappropriate to the building character and the Conservation Area setting. Planning conditions can ensure that details of more appropriate cast metal, painted black, is secured.

9.6. The addition of the doorway to the south elevation and first floor window to the west facing elevation both utilise former openings so are considered to work with the buildings existing character and are therefore acceptable. The rooflights to the rear elevation would be relatively discreet as they are on the rear elevation, so are also considered to be acceptable.

9.7. The proposal seeks permission to replace the timber window on the rear with a upvc window. Being within a conservation area, this would normally be strongly resisted. However there are practical considerations to consider as the land behind the site slopes down to the site, and is up to approximately ground floor cill level of the windows. The applicant has explained that water is discharged off the land onto this window cill which causes ongoing maintenance problems with the timber. On this window only the proposed material is considered to be acceptable on maintenance grounds, and because it is relatively hidden from public view.

9.8. Subject to conditions the design and detailing of the amended plans are considered to be acceptable and in accordance with the policies of the development plan in so far as they relate to design and heritage assets.

9.9. Amenity

9.10. Initially officers were concerned about the potential impact of overlooking from the rooflights on the rear as these have a close relationship with the neighbours garden. Officers requested sections to be able to understand how high these were in relation to the internal floor levels, to ascertain if views onto the neighbours garden could be achieved. However following submission of sections through the building these show that on the amended plans these are positioned on the roof to be 1.7m from the floor of the room it is located in. This essentially means that views out to the neighbour's garden couldn't be achieved. Planning conditions can ensure this detail and that this relationship between internal floor level and height of roof lights is permanently so maintained.

9.11. There are concerns expressed in the representations about the impact of the glazing in the gable end overlooking the property opposite. There is a road in between, but nevertheless on amended plans the applicant has shown the large glazed doors to be obscure glazed. Planning conditions can secure this detail, the first floor window in this elevation would also need to be obscure glazed and with a mix of being recessed 100mm from the external face

of the stonework and limiting its opening to being top hung and opening only 100mm this will ensure that overlooking does not occur with the property opposite.

- 9.12. Objections have been received in relation to the amenity of neighbouring properties being affected by the lack of any off street parking at the site. The nature of these objections is fully understood, but it is expected that the staff and customers of the rehabilitation/osteopathy centre will park at the nearby public car parks on Hawkhill Road. Whilst the representations suggest many reasons why this is unlikely, the intentions of the applicants are acceptable in planning terms and should be taken in good faith. It is also noted that the Highway Authority have also accepted this position in relation to highway safety.

9.13. Highway Considerations

- 9.14. The Highway Authority have provided a detailed consultation response on the proposal. They have pointed out that the front face of the building facing Main Road (and also Little Edge) is the highway boundary at this location and that there are traffic regulation orders restricting parking in the vicinity of the site.
- 9.15. The Highway Authority have set out that given the highway boundary the door will need to open inwards and any disabled ramp installed within the building. The applicant has discussed this with planning officers and it is anticipated that there will not be that many wheelchair users accessing the property. The applicants therefore may choose to utilise a temporary ramp, laid out for access and removed immediately. Planning officers consider this to be a pragmatic solution and on balance acceptable although it is acknowledged that this would not be fully in line with the condition suggested by the Highway Authority.
- 9.16. The Highway Authority's have found no reasons for objection even though there is no parking at the site, as there are car parks available nearby. Planning officers agree with this position, which is also in accordance with the relevant core strategy policy T7, Which restricts non-residential car parking in order to discourage car use.

9.17. Ecology

- 9.18. As submitted there has not been a protected species report submitted with the proposal. However it would seem that the proposal meets the Authority's criteria for a protected species report as it includes alterations to a traditional building which is more than likely built before 1939.
- 9.19. Given that the building is currently well sealed and breaking down what works the scheme actually needs permission for (which his unblocking a doorway, inserting rooflights into the rear elevation, unblocking a first floor window and replacing the doors with glazed bifold doors, (replacement of the roof covering with natural blue slate has been negotiated out of the scheme)) officers do not consider that it is likely that a protected species would be affected by the proposal. Planning Officers have consulted the Authority's ecologists (24.05.2018) to ascertain if a protected species survey is essential in this case and the intention will be update Planning Committee on this issue, at the meeting. If no protected species survey is required then the proposal is considered to be in accordance with the policies of the development plan insofar as they relate to protected species (LC17 and L3), however in the alternative if one is found to be necessary then without one the proposal would be considered to be contrary to the aforementioned policies of the development plan.

9.20. Flood Risk

- 9.21. In the representations and consultation responses from the parish council the issue of flooding has been raised. However the site does not fall within a flood zone, so no flood risk assessment is required.

9.22. Other matters

9.23. Other matters have been raised in the representations and consultation responses in relation to drainage from the site and the capacity of drains to take the additional load without flooding and their effect on the highway and other structures. These matters are not planning considerations as drainage details and structural stability are dealt with under other non planning legislation and licences.

9.24. Disturbance from construction has also been raised in the representations however these are not planning considerations.

10. Conclusion

- Provided that no protected species survey is found to be required then the proposal is considered to be in accordance with the policies of the development plan and having considered other material considerations, officers have found no reason to make a recommendation other than in accordance with the development plan.

11. Human Rights

None

12. List of Background Papers (not previously published)

None

Report Author and Job Title

Steven Wigglesworth, Planner