

10. OUTLINE APPLICATION – PROPOSED EIGHT AFFORDABLE/LOCAL NEED FLATS AND FOUR OPEN MARKET FLATS. PLOT 3 AND 11A, DEEPDALE BUSINESS PARK, BAKEWELL (NP/DDD/0618/0467 P11903 MN)

APPLICANT: MR D CLAPHAM

1. Site and Surroundings

- 1.1. 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 three units, which overlook the A6.
- 1.2. 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 building 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.
- 1.3. Planning permission was granted at appeal for a further block of six residential apartments on Endcliffe Court, which are constructed and available on the open market to meet general demand.
- 1.4. The site is outside of the Bakewell conservation area.

2. Proposal

- 2.1. The current application seeks outline permission to construct two further blocks of flats on land behind those on Endcliffe Court, within Deepdale Business Park These would comprise eight one-bed affordable flats and four open market flats.
- 2.2. 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 only the principle of the proposed residential development is under consideration at this time.

3. RECOMMENDATION

That the application be REFUSED for the following reasons:

1. Core Strategy policy E1 part D 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 E1 part D.
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. Furthermore, it is considered that the development would not deliver affordable housing that would meet the identified local need to help justify new open market housing and is therefore also contrary to the National Planning Policy Framework and the guidance provided within English National Parks and Broads: UK Government Vision and Circular 2010.

4. Key Issues

This application follows refusal of an application by the Authority on the same site in April 2018. Physically, the proposed development is unchanged from that proposal, comprising two new

blocks of flats. The difference between the two proposals is that the refused application proposed a split of eight open market flats and four affordable flats, whereas the current application proposes a split of four open market flats and eight affordable flats. The planning considerations pertinent to the development remain unchanged, and are as follows:

- The relevance of previous appeal decisions to the current proposal
- Whether the loss of employment land is acceptable in this location
- Whether the provision of market housing on the site is acceptable
- Whether the proposal would provide significant additional affordable housing

5. Relevant Planning History

- 5.1. 2000 - Full planning permission granted conditionally for Media House (NP/DDD/0499/187).
- 5.2. 2002 - Full planning permission granted conditionally for Endcliffe House (NP/DDD/0901/406).
- 5.3. 2013 - Planning permission refused for the change of use of Media House and Endcliffe House from offices to apartments (NP/DDD/0612/0616).
- 5.4. 2013 - Notification of the change of use of Endcliffe House to residential use accepted (NP/GDO/0613/0452)
- 5.5. 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).
- 5.6. 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).
- 5.7. 2014 - Notification of the change of use of Media House to residential use accepted (NP/GDO/0514/0562).
- 5.8. 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)
- 5.9. 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.
- 5.10. 2016 - Outline planning permission refused for 12 one bedroom flats on Plot 3 and 11A on Deepdale Business Park (NP/DDD/1215/1135). The subsequent appeal was refused. A financial contribution of £110,000 towards the provision of off-site affordable housing was proposed by the applicant/appellant at the appeal stage. In reaching their decision the Inspectorate considered that the development would result in harm to the overall purposes of the National Park due to the release of a good quality employment site for a type and tenure of housing which would not meet the priority local housing needs of the National Park. Further, they concluded that government's policies for National Parks in paragraph 115 of the NPPF and the assertion in the English National Parks and Broads: UK Government Vision and Circular 2010 that National Parks are not suitable locations for unrestricted housing meant that the proposed development should be restricted. They also concluded that the proposed financial contribution of £110,000 towards the provision of off-site affordable housing would not represent or facilitate a significant provision of affordable housing.

5.11. 2016 – Outline planning permission refused for 12 one bedroom flats on Plot 3 and 11A on Deepdale Business Park (NP/DDD/0716/0678), including a contribution of £110,000 to the provision of off-site affordable housing. This was a resubmission of the earlier 2016 scheme with the additional of a financial contribution, and ran parallel to the appeal against that decision.

5.12. 2018 – Planning permission refused for two blocks of flats on land behind those on Endcliffe Court, comprising four one-bed affordable flats and eight open market flats.

6. Consultations

6.1. **Derbyshire County Council (Highways)** – The application would appear similar to earlier applications (Refs NP/DDD/1215/1135 and NP/DDD/0716/0678) which were refused on planning grounds alone. As you are aware this Authority did not raise objections. If Officers are minded to approve the application they request that all previously recommended highway conditions and notes are included in any consent granted.

6.2. **Derbyshire Dales District Council** – Advise that their comments on the earlier 2018 application similarly apply to the proposed development. These previous comments are summarised as follows:

6.3. Advise that the applicant has not been in contact with the Council about the proposal and that the application does not indicate whether the proposed affordable homes would be owned and managed by a housing association.

6.4. It is advised that the Council have been working with Lady Manners School in Bakewell and Westleigh Partnerships on a proposal to deliver 30 affordable homes in Bakewell for local people. They note that this scheme would provide a mix and type of homes based on the local housing need identified in the Bakewell Housing Need Survey Report, with the predominant need being for 2 bedroomed houses.

6.5. From an economic development perspective, they advise that the plots proposed for development form part of the remaining Business Park and, unlike the current residential area, are not subdivided from business activities. They consider that residential uses should be limited to the frontage of the site and not encroach on the remainder of the business park, which is allocated for and should be retained for business use purposes.

6.6. They note that the application refers to the application plots being empty for circa 17 years with no interest for business use but that no evidence appears to have been supplied regarding the level of proactive marketing undertaken to properly test the market.

6.7. In addition to these previous comments the Council also advise that, in summary, they do not support the proposal and, as an update to the previous comments, planning permission has now been secured to develop the aforementioned affordable housing scheme in Bakewell, which will be for local people and which will be owned and managed by a housing association (Waterloo Housing Group).

6.8. **Bakewell Town Council** – Advise that the application is consistent with the emerging Neighbourhood Plan objectives, Policy H1 (provision of affordable housing) and H3 A (open market housing) but has not satisfied H3 B within the submission of the application. H3B requires all housing to be affordable housing as defined by the National Park Authority's planning policies. The only exceptions are on brown field sites where re-development would enhance the built environment where sites do not provide level access to the town centre.

- 6.9. On design and appearance grounds they support the application subject to no material objection from neighbouring premises, on condition that the Highway Authority is satisfied with the application, and providing the development complies with policy H3B.

7. Representations

- 7.1. None received at time of writing.

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 and National Planning Practice Guidance (NPPG)

- 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. A revised NPPF was published on 24 July 2018. 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. Paragraph 172 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.'* Paragraph 172 goes on to state that planning permission should be refused for major development within National Parks other than in exceptional circumstances.
- 8.4. Paragraph 120 of the NPPF states that Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:
- a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
 - b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

- 8.5. Paragraph 77 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.
- 8.6. However, Paragraph 172 includes footnote 54, which notes that further guidance on how National Parks should be managed is provided in the English National Parks and Broads: UK Government Vision and Circular 2010 (the Vision and Circular). In paragraph 78 of the Vision and Circular, the government recognises that National Parks are not suitable locations for unrestricted housing. This is consistent with the Authority's own housing policies, which focus on meeting affordable housing needs within the National Park, as detailed below.
- 8.7. Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 8.8. Paragraph 163 sets out that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.

Development Plan policies

- 8.9. 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.
- 8.10. Policy GSP2 addresses enhancement within the National Park and states, amongst other things, that opportunities will be taken to enhance the Park by the treatment or removal of undesirable features or buildings.
- 8.11. 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.
- 8.12. Policy DS1 provides an overview of the development strategy for the Park.
- 8.13. 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.
- 8.14. Policy E1 is applicable because the site is a business park and the application proposes housing on it. This policy states that the National Park Authority will safeguard existing business land and buildings particularly those which are of high quality and in a sustainable location. It notes that 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.

- 8.15. Policy 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.
- 8.16. Policy LH1 only permits residential development for affordable housing on an exceptional basis in or on the edge of named settlements provided that there is a proven need for the dwelling, the need cannot be met within the existing housing stock, the intended occupants meet the requirements of the National Park Authority's local occupancy criteria (policy LH2), and the dwelling will be affordable by size and type to local people on low or moderate incomes and will remain so in perpetuity.
- 8.17. 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.
- 8.18. Policy LC4 states, amongst other things, that any development must, at least, respect and conserve the landscape of the area.
- 8.19. Policy LT18 states that the provision of safe access arrangements will be a prerequisite of any development, and that where the provision of safe access would damage the valued characteristics of the area, the National Park Authority will consider refusing planning consent.
- 8.20. Policy LC22 states that development will be permitted provided that adequate measures are included to deal with the run-off of surface water from the site. It notes that such measures must not increase the risk of a local watercourse flooding.
- 8.21. Emerging Development Management policy DME3 sets out the long term need to safeguard Deepdale Business Park as an employment site. This policy is not yet adopted but, given the advanced stage of the emerging policy document. It can be given some limited weight.
- 8.22. These policies are also consistent with the NPPF, which promotes sustainable rural economic development but encourages local planning authorities to consider appropriate alternative uses of employment sites that are no longer viable.
- 8.23. As this is an outline application, with all matters reserved, policies on detailed design and layout are not relevant at this stage.

Wider Legislative and Policy Context

- 8.24. In terms of legislation, under the provisions of the Town and Country Planning (Development Management Procedure) Order 2010 the current proposals represent 'major development' as they would create 10 or more dwellinghouses. In planning policy – both national and local – the term major development is also referenced. Specifically paragraph 116 of the NPPF and Core Strategy policy GSP1 seek to resist major development in National Parks in all but exceptional circumstances.
- 8.25. The NPPF seeks to resist major development in National Parks in all but exceptional circumstances, stating that proposals should be judged against the following criteria:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and

- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

- 8.26. Footnote 55 of the NPPF advises, however, that whether a proposed development in a National Park should be treated as a major development to which the policy in paragraph 172 of the NPPF applies will be a matter for the relevant decision taker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated. The NPPF is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 172 is applicable.
- 8.27. Further general policy advice is provided in the emerging Development Management Policies Development Plan Document (DPD). This document is at an advanced stage of preparation, and has been submitted to the Secretary of State for examination. This document will form part 2 of the Local Plan for the Peak District National Park and at this stage – in accordance with paragraph 216 of the NPPF – can be given some weight in assessing the current application.
- 8.28. Policy DME3 of this document addresses the safeguarding employment sites. It safeguards a number of sites within the Park, including Deepdale Business Park, for B1, B2 or B8 industrial use and employment use unless the Development Plan and evidence of strategic need justifies mixed use development, in which case the predominant use(s) should remain in the B1, B2 or B8 use classes.
- 8.29. It is noted that there was an outstanding objection to this draft policy as submitted for examination, limiting the weight that can currently be placed upon it.
- 8.30. The Bakewell Neighbourhood Plan is currently undergoing revision prior to pre-submission consultation. Due to the outcome of those revisions and that consultation potentially altering its content it can also be given only limited weight at this stage.

Relevant Core Strategy (CS) policies: GSP1, GSP2, GSP3, DS1, L1, HC1, LH1, E1

Relevant Local Plan (LP) policies: LC4, LB6, LT18

9. Assessment

Principle of major development within the National Park

- 9.1. As noted above, due to the number of houses being proposed and the floorspace that the development would provide the proposal does represent major development under the terms of the Development Management Procedure Order.
- 9.2. In planning policy terms though, the NPPG is clear that determining whether or not development should be treated as major development to which paragraph 172 of the NPPF applies is a matter for the relevant decision taker, taking into account the proposal in question and the local context.
- 9.3. It is therefore necessary to assess whether or not the development is major in terms of its impacts on the National Park's valued characteristics as protected by planning policy.
- 9.4. The proposed buildings would be within the confines of the existing developed site, which is an established commercial site that is already populated with a number of large buildings of similar and larger scale to that of those now proposed.
- 9.5. It is also significant that the Authority's planning policies specifically seek to protect the site from being developed for uses other than further commercial use, and recognise that it is a suitable location for further development of this type.

9.6. On this basis it is concluded that new buildings similar in scale and appearance to those proposed would not have major adverse visual impacts above and beyond those resulting from the current site.

9.7. As a result, it is not considered that the development should be treated as major development to which paragraph 172 of the NPPF applies.

Previous Appeal Decisions

9.8. Planning permission has previously been granted at appeal for a block of six residential apartments at 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.

9.9. However, a more recent appeal has greater relevance to the current application, being for the same number of dwellings and relating to the same application area as the current proposal.

9.10. That appeal was against a refusal for twelve residential apartments, including a £110,000 contribution to affordable housing delivery. The appeal was dismissed.

9.11. When dealing with the appeal, in relation to the change of use of the existing employment site to provide residential accommodation the Inspector acknowledged that the two plots forming the appeal site had been vacant since Deepdale Business Park opened and had been marketed with no take up to date. He also recognised that the commercial property market in the sub-region was challenging and that the appeal site was in competition with other properties in the Park and other more accessible locations within the surrounding city regions.

9.12. However, he noted that plots on the business park had been taken up over time, and the space which had been developed was well let, with 22 out of 24 units occupied at that time.

9.13. He concluded that this suggests that there is demand for business space of the right quality and type in Bakewell, and was not persuaded that the point has been reached where there was no reasonable prospect of the site being used for employment purposes. He commented that, on the contrary, given its quality, location and availability, and the difficulties with other sites in Bakewell, the appeal site remained an important part of the supply of employment land in Bakewell and the National Park.

9.14. He therefore concluded that the loss of employment land would be contrary to planning policy.

9.15. In relation to the provision of housing, the Inspector referred to Paragraph 54 of the NPPF 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”, which is not a provision allowed for within either Policy HC1 or LH1.

9.16. However, the Inspector gave consideration to 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 NPPF and states that National Parks are not sustainable locations for the provision of unrestricted housing.

9.17. He concluded that whilst policies HC1 and LH1 do not make provision for housing in the circumstances detailed in Paragraph 54 they are otherwise consistent with the NPPF, and

with the restrictions on housing development in National Parks set out in the Vision and Circular, which is itself referenced as a supporting document in the NPPF.

- 9.18. On this basis he concluded that housing development should be restricted, and that as proposed the development was contrary to planning policy in so far as it relates to housing provision within the National Park.

Loss of Employment Land

- 9.19. Deepdale Business Park is considered to be a high quality and appropriately located business site. As such policy E1(D) safeguards it for this purpose, with policy LB6 protecting this site specifically from development which would prejudice its use for general industry or business development.
- 9.20. 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, and policy E1D and LB6 apply to business land and not just existing business premises and those with permission for such use.
- 9.21. As a result the proposed use of part of the site for housing would be contrary to both policy E1(D) and LB6.
- 9.22. The Economic Development Manager of the District Council supports this position in their submitted consultation response, advising that the site is allocated for business use and should be retained for this purpose.
- 9.23. The applicant's comments that there has been a lack of interest from businesses to develop other parts of the site for further business use are noted, although no evidence of how that land has been marketed has been submitted as part of the application and, in any case, a lack of need at the current time does not preclude one arising going forward.
- 9.24. The Bakewell Employment Land and Retail Review (2016) (BEL&RR) – an assessment undertaken by real estate consultancy GL Hearn that considered the need for employment land in the area between 2014 and 2034 – concluded that there is an additional need for 1.3ha of employment space within the town, and identifies the business park as a suitable location for future office and light industrial uses, with high quality accommodation and good strategic road access. The report concludes that all the sites identified – which include Deepdale – should have the existing employment generating uses safeguarded for B-class employment uses, with the exception of two named sites (that are not part of Deepdale Business Park). It advises that applications which would result in a reduction of B-class employment uses should be rejected where possible.
- 9.25. 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.
- 9.26. In addition, the long term need to safeguard Deepdale Business Park as an employment site is clearly set out in draft Development Management Policy DME3. The rationale for this is that if employment sites are developed for other uses and then replacement space is required in future this would be likely to require development of sites on the edges of Bakewell, having an adverse impact on the conservation of Bakewell as a valued market town and a key visitor destination in the National Park. Taking account of the advanced progress of the draft policy document of which this policy is part, this policy is considered to carry some weight.

- 9.27. On the basis of the above the conclusions reached by the Inspector in dealing with the appeal in 2016 continue to remain applicable; that is to say, it is not considered that the point has been reached where there is no reasonable prospect of the site being used for employment purposes. As a result the application is contrary to policies E1 and LB6 of the Development Plan, draft policy DME3, and the guidance provided within Paragraph 120 of the NPPF.

Compliance With Housing Policy

- 9.28. The proposals would comprise four open market one-bed flats and eight affordable one-bed flats. It is acknowledged that the open market flats would provide accommodation for smaller households for which the Bakewell Housing Needs Survey (2015) identifies some need. However, they would not be affordable housing as defined by Policy LH1 or as detailed in Annex 2 to the NPPF.
- 9.29. There are no provisions in the policies of the Development Plan 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.
- 9.30. In this case, the proposed development does not meet the requirements of HC1(C)I because it would not represent conversion of a valued vernacular or listed building – being entirely new build.
- 9.31. It would also fail to comply with HC1(C)II because the site is not in need of enhancement; the current plots are given over to grass and in no way detract from the appearance of the settlement.
- 9.32. Therefore, in the absence of justification for a permitted exception, the application conflicts with the more general presumption in policies HC1 and LH1 that new housing within the National Park will only be allowed exceptionally if it is affordable housing to meet local need.
- 9.33. These policies prioritise affordable housing in accordance with Paragraph 77 of the NPPF.
- 9.34. The applicant has sought to justify the proposal through the provision of eight affordable dwellings, with the implication being that the four market dwellings proposed are necessary for the development to be viable, facilitating the provision of the affordable units.
- 9.35. Paragraph 77 advises that the Authority should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.
- 9.36. The applicant has asserted that the provision of a scheme comprising only affordable units would not be viable, providing a letter from Milner Commercial Chartered Surveyors that summarises the Financial Development Appraisal carried out in support of the 2016 application.
- 9.37. That letter and associated appraisal concluded that any additional burden against cost such as a planning gain contribution or an affordable housing provision would create a significant development loss and render the project commercially unviable. However, on Appeal the developer proposed a contribution of £110,000 towards off-site affordable housing provision. Further, the recently refused scheme proposed four affordable flats out of 12, and the current scheme proposes that eight of the 12 flats could be affordable. On this basis it is clear that changes to costs or other market factors make it clear that the

previous Financial Development Appraisal can no longer be relied upon to inform an assessment of viability of the current proposal.

- 9.38. In any case, with the exception of the aforementioned requirement of Paragraph 77 to consider whether some market housing would facilitate the provision of affordable housing to meet an identified local need on rural exception sites, policies HC1 and LH1 are otherwise consistent with the NPPF; they reflect the overall approach to housing in rural areas set out in paragraphs 77 and 78 of the NPPF including an emphasis on providing for local needs and affordable housing, they are consistent with the policy of limiting development in National Parks to conserve their landscape and scenic beauty as recognised in paragraph 172, and are consistent with the restrictions on housing development in National Parks set out in the Vision and Circular – which is referenced in footnote 54 of the NPPF and makes clear that the role of the National Park is to support the delivery of affordable housing and that the provision of unrestricted housing in the area is not sustainable.
- 9.39. Paragraph 213 of the NPPF states that for plans adopted prior its publication, weight should be given to relevant existing policies according to their degree of consistency with the NPPF. On the basis of the assessment above, Officers attach very substantial weight to Policies HC1 and LH1 as they are consistent with the NPPF in almost every regard and this position was endorsed by the Inspector in the 2016 decision.
- 9.40. Therefore, if the Authority were to accept that the site is not appropriate for employment use then it is maintained that any new housing provision must comprise only affordable housing in accordance with adopted policy.
- 9.41. Even if a different view was taken on this issue – and if there was not also an objection in principle to the loss of the employment site for market housing - then the development would still need to demonstrate that it was delivering affordable housing to meet an identified local need.
- 9.42. In relation to the affordable units proposed, the local District Council advise that the applicant has not been in contact with them regarding the proposal, in contrast with a larger affordable housing scheme that is currently being brought forward adjacent to Lady Manners School in Bakewell. They point out that the joint working on that project has led to the scheme reflecting the housing need identified in the Bakewell Housing Need Survey Report, and note that the predominant need for affordable housing in the area is for two bed properties rather than one bed as is proposed as part of this application.
- 9.43. That survey dates from 2015 and reveals a predominant need for smaller family homes, advising that provision should focus on 2 bed 4 person houses for affordable rent. A need for 2-bed bungalows, 3 bed family houses and some flats for younger single people are also identified.
- 9.44. The District Council also consider that the application sites are not suitable for the proposed development because, unlike the current residential area to the front of the site, they are not subdivided from business activities. They conclude that they do not support the proposal.
- 9.45. On the basis that the Housing Enabler at the District Council does not support the proposal, and because the size and type of housing proposed is not addressing the primary need for affordable housing in the area, it is concluded that the application is not responding to local circumstances and would not represent a significant contribution towards affordable housing to meet the identified local need. Accordingly, the proposal would not comply with paragraph 77 of the NPPF.

- 9.46. Further, whilst the proposed housing would have an acceptable landscape impact (according with policies L1 and LC4), permitting market housing on this site would not only be contrary to policy HC1 and LH1 and the provisions of the NPPF but would also unnecessarily increase the pressure to deliver affordable housing on greenfield sites. Site search work carried out for the emerging Bakewell Neighbourhood Plan has shown that the town has only limited capacity to meet all its affordable housing need through this and future plan periods. Approving four out of twelve units as open market housing on the Deepdale site would therefore represent a lost opportunity to deliver a further four affordable units. This would conflict with the Park's statutory purpose in relation to landscape protection and to its duty to foster the economic and social well-being of the local community.
- 9.47. The Town Council advise that they consider the provision of open market housing would conflict with their emerging Neighbourhood Plan policy H3. Whilst their position broadly accords with that of the Authority's own policies, due to the fact that the Plan is at a relatively early stage in its development the conflict of with this policy is afforded only limited weight.
- 9.48. Overall, it is concluded that in relation to housing policy the proposal would be contrary to HC1 and LH1 due to its inclusion of new build open market housing on a site where it would not result in enhancement to the appearance of the village, and where such enhancement is not required. The provision of open market housing on the site is also considered contrary to the provisions of the NPPF and of the Vision and Circular . There is no overriding need for the development which justifies granting permission for major development in the National Park

Highway Considerations

- 9.49. The site would be accessed from the highway using the existing business park access, and the submitted plans show an indicative parking layout that demonstrates that sufficient off-road parking could be provided within the confines of the site.
- 9.50. The Highway Authority raises no objections to the proposal subject to conditions. Given the existing site use, site access, and exit visibility there would be no substantive reason to refuse the application on grounds of highway safety or amenity.

Amenity Considerations

- 9.51. Whilst the application is only seeking outline permission, it is necessary to consider whether the development of twelve flats on the site could, in principle, protect the residential amenity of nearby dwellings.
- 9.52. The dwellings of Endcliffe Court are located approximately 25 metres from the two proposed buildings at their closest points, as they are indicatively positioned on the submitted plans. There would be some inter-visibility between the windows of the application buildings and those of Endcliffe Court. However, at these distances it is not considered that this would result in a significant loss of privacy to the occupiers of any of the buildings.
- 9.53. Residential neighbours are also located at Dale Head Farm and Hawthorn Farm, sited approximately 30m north east of the edge of the application site. There is a substantial embankment and mature planting along the north eastern edge of the application site which means that subject to a satisfactory arrangement of openings the development would not adversely affect the privacy of these properties, or be overbearing upon them. The position proposed for the new buildings would also maintain access to these properties from within the business park.

- 9.54. Given the location within an existing business park it is not considered that the additional residential units would lead to any significant increase in noise or other disturbance to nearby residents.
- 9.55. The development is not considered to raise further amenity issues for any neighbouring properties, and it is therefore considered that, in principle, twelve flats could be accommodated on the site in a manner that would conserve the amenity of nearby residential properties.

Flooding and drainage

- 9.56. Whilst the Lead Local Flood Authority (LLFA) has not commented on the current proposal, they did make comment on the previous application earlier in 2018. Given that the current application is the same as that application other than a change to the proportional split between open market and affordable housing this previous advice is material to the current proposal.
- 9.57. Their advice was that based on the information submitted it is not possible to assess whether the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage. No further information has accompanied the current application in regard to site drainage.
- 9.58. Whilst the details of drainage measures could be agreed at a reserved matters stage if this application was to be approved, it remains necessary to establish at this stage whether the site is actually capable of providing sufficient drainage and water storage capacity. On the basis of the previous LLFA comments and because the development would occupy currently permeable plots it is considered that this has not been demonstrated and so the proposal is contrary to policy LC22 and paragraph 163 of the NPPF. Given that the site is within the existing business park, it is considered to be highly likely sufficient drainage and storage capacity can be provided. However, as the principle of the development is considered to be clearly unacceptable, no further information relating to drainage has been requested. If the application was considered to be acceptable in all other respects then further information to demonstrate that adequate drainage and storage provision can be made should be requested prior to any approval.

10. Conclusion

- 10.1. It is accepted that the site is in an accessible location for housing and that the design and scale of buildings detailed on the submitted plans would be unlikely to cause visual harm to the character and appearance of the surrounding landscape, or to the amenity of nearby properties.
- 10.2. However, these considerations do not outweigh the conflict with the Authority's housing and economic planning policies, those of the NPPF, or the harm to the overall purposes of the National Park that would result from the release of a high quality employment site for the provision of housing which would not meet the affordable local housing needs of the area.
- 10.3. Accordingly, the application is recommended for refusal.

11. Human Rights

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

12. List of Background Papers (not previously published)

None

13. Report Author and Job Title

Mark Nuttall – Senior Planner