

**6. FULL APPLICATION – THE CHANGE OF USE OF AN AREA PREVIOUSLEY USED AS A MERCHANTS AREA TO HOTEL ACCOMODATION AT MARKOVITZ LIMITED, COMMERCIAL ROAD, TIDESWELL (NP/DDD/0418/0316 SPW)**

**APPLICANT: ROBERT HOPKINS**

**Site and Surroundings**

1. The site is located in Tideswell, within the village centre, accessed off St John's Road, part is within the designated conservation area the rest adjoins it. The Conservation Area boundary excludes the building which is the main subject of this application. There are no listed buildings on the site, the nearest is the 'The George Public House' and its outbuildings which are on the opposite side of the road to the development, approximately 9m to the south west of the site.
2. The site is currently in business use for the purposes of ancillary storage to the adjacent kitchen and bathroom showroom.
3. The building itself is large and utilitarian in appearance, it is likely to be of steel portal frame construction. It is two storeys tall. To the roof and sides it is finished with sheets, to the rear it is of block work and limestone construction and the front gable is built of limestone. Its gables are approximately 12m wide and it has a length of 17.5m. Its roof has a very shallow pitch. The front elevation has two large openings with roller shutter doors and 4 windows. There is a door in the north west side and a door to the rear (north east). It does not contribute positively to the character and appearance of the adjoining Conservation Area.
4. The proposal also relates to a more traditional section of building which runs along the north east boundary of the site. This is single storey. This building is built of traditional rubble limestone with a natural blue slate roof.
5. There are dwellings adjoining the site to the rear (east) and to the side (north west). To the north west the nearest dwelling is called Edelweiss, this is a bungalow with undercroft parking. This is on higher ground and to the rear the properties are on lower ground. Immediately behind the site there are the rear gardens of the dwelling which front onto Commercial Road, the nearest is Cliffe View.
6. There is a restaurant operating from the wider site already and associated with this restaurant and within the site area there are 8 parking spaces in the yard area.

**Proposal**

7. The proposal is for a change of use of the two storage buildings into a 7 bedroom hotel with, reception and parking on the ground floor of the 2 storey building.
8. The proposal includes alterations to the front of the two storey building to improve its appearance. It also includes some stone cladding to the north west side facing elevation, insertion of windows on the rear elevation.
9. Amended plans have been submitted which now include increasing the pitch of the roof and cladding it with natural blue slate, reducing the eaves height of the 2 storey building by approximately 850mm, increasing the ridge height by 800mm and inserting rooflights into the roofslope of the single storey section of the building. Also in the amended scheme the first floor of the 2 storey building has been re arranged, and the proposal now includes

an additional bedroom taking it up to 8, this has also resulted in a rooflight proposed to the north west facing elevation. A full reconsultation has been undertaken following receipt of the amended plans.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions or modifications –**

- 1. Standard time limit.**
- 2. Development in complete accordance with the amended plans CY3A, CY4A, CY5B and specifications, subject to the following conditions or modifications.**
- 3. The accommodation hereby approved shall be used solely as short-let serviced holiday accommodation ancillary to the existing restaurant 'Merchants Yard' and remain within the same planning unit as the existing restaurant. The accommodation shall not be occupied by any one person for a period exceeding 28 days in any calendar year.**

**The owner shall maintain a register of occupants for each calendar year which shall be made available for inspection by the Authority.**

- 4. Prior to first letting of the hotel rooms permitted by this development the works to reduce the height of the eaves, increase the pitch of the roof, clad the roof with natural blue slate and finish the walls in natural limestone shall be undertaken and completed.**
- 5. Prior to first letting of the hotel rooms permitted by this development the windows on the rear facing elevation shall be obscure glazed and the boundary wall built up as shown on the approved plans and shall be permanently so maintained throughout the life of the development.**
- 6. Prior to installation of any external air conditioning units full details of their design, siting, and a noise impact assessment carried out by a suitably qualified professional shall be submitted to the Authority for approval in writing.**
- 7. As shown on the approved plans there shall be no more than 8 bedrooms and this shall be maintained throughout the lifetime of the development.**
- 8. The 5 parking spaces shown on the ground floor of the building shall be maintained throughout the lifetime of the development, in combination with the existing 8 external parking spaces these shall be maintained throughout the lifetime of the development free from impediment from their designated use.**
- 9. The rooflights shall be conservation type rooflights, fitted flush with the roofslope and shall be obscure glazed and permanently so maintained. Prior to installing any rooflights full details of their precise size, design and siting shall be submitted to the Authority for approval in writing. Once agreed the rooflights shall not be installed other than in complete accordance with the agreed details and shall be permanently so maintained.**

10. **All stonework shall be natural limestone and shall be faced, laid and pointed to match the existing.**
11. **Natural gritstone head and sills to openings as shown on the approved plans.**
12. **Timber windows and doors, finish to be agreed with the authority in writing.**
13. **All windows and doors shall be recessed from the external face of the stonework at least 100mm.**

### **Key Issues**

- The impact of the proposal on employment uses.
- The principle of the proposed use as a hotel.
- Assessment and weight of the conservation or enhancement benefits.
- Amenity issues.

### **History**

1997: NP/DDD/0397/118: Planning permission granted conditionally for the creation of off-street parking and the demolition and erection of replacement building.

2009: NP/DDD/0709/0659: Planning permission granted conditionally for the change of use of part of plumbers merchants to restaurant.

2010: NP/DDD/0510/0430: Planning permission granted conditionally for the change of use from stove and kitchen shop / showroom to community teaching kitchen and ancillary offices.

2015: NP/DDD/0115/0039: Planning permission granted for change of use of part of the wider site from a community teaching kitchen (use class D1) to a restaurant (use class A3). Planning conditions amongst other things required that there be 8 parking spaces.

2018: Pre application advice with the Authority in relation to conversion of the merchants' storage buildings to a hotel. Officers advised that as employment land the proposal would on the face of it be contrary to Core Strategy Policy E1 as it fails to safeguard existing employment land or provide alternative community benefit such as affordable housing (as required to by policy E1). Furthermore the building being utilitarian in appearance and modern could not be considered to be of historic or vernacular merit, so its conversion to a hotel would be contrary to the provisions of core strategy policy RT2 which deal with the principle of the proposed use. Additionally officers expressed concern about the potential for the windows being inserted to the rear, as they may cause overlooking issues with the properties behind.

### **Consultations**

10. Highway Authority - No objections subject to use remaining ancillary and additional parking (5 spaces) provided prior to first occupation and existing parking area (8 spaces) within red line boundary remaining available for shared use of restaurant and accommodation.
11. Comments on the amended scheme which increases the number of bedrooms by 1, from 7 to 8 are that in view of the previous use and the highway comments in relation to

the initial change of use application, they do not think that an objection to 1 additional bedroom would be sustainable.

12. District Council – No response to date.
13. Tideswell Parish Council – The Parish Council support the application in principle, which will provide an accessible hotel in the Parish. It was agreed this would be a good facility to have in the village. It was stressed that the main concerns were over parking. The Parish Council strongly feel that the parking spaces included are the minimum required in the planning application. As much off-street parking as possible must be provided. Spaces should be available for the hotel guests so that there is not additional over-night parking on the streets in the surrounding area. The Parish Council would also request that the venue encourages all customers to use appropriate parking.
14. The parish council were reconsulted on the amended plans. They have no objections to the amended plans.

### **Representations**

15. 10 representation have been received, one was a general comment the other 9 were objections received from amongst others, neighbouring and nearby businesses and residents.
16. The objections received raised the following issues -
  - Parking area proposed would not be enough for the proposed hotel, the restaurant, guests and staff. Already customers of the restaurant use the George Inn car park and on street parking. Some photographs provided via objectors demonstrating how delivery vehicles can have problems already.
  - Lack of parking and the main road through Tideswell is already for too busy.
  - Potential highway safety issues.
  - No need for another hotel/letting room in the village given that there is already the 'George Inn' and the 'Horse and Jockey' as well as holiday lets in the village plus a large hotel permitted in Stoney Middleton which is only 5/10mins away.
  - Affordable housing is needed in Tideswell.
  - Potential loss of trade for local pubs could lead to more job losses.
  - Not enough information about the proposed rooflights on drawing 'CY4A' and also the wall on drawing 'CY5B' for the residents of 'Cliffe View' to be sure that these won't be intrusive. They will look directly into their bedroom and overlook their property. There was no mention of rooflights on the original plans.
  - Neighbours trust the 3 windows on the rear elevation will be fitted with obscure glass as stated in the design and access statement. If these windows are opened they will still be overlooked.

### **Officers comments on the representations**

17. Most of the issues that have been raised are dealt with in full in the body of this report. With the exception of 'competition to other businesses' and 'lack of need for the proposed hotel'. Competition for other business is not a material planning consideration and there is no policy requirement for the proposed use to demonstrate that there is a need for the proposed use.

## **Main Policies**

18. Relevant Core Strategy policies (CS): GSP1, GSP2, GSP3, GSP4, L1, L3, E1, RT2, T7, CC1.
19. Relevant Local Plan policies (LPP): LC3, LC4, LC5, LC6, LT10.

### National Planning Policy Framework

20. 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, it has been re issued in 2018. The Government's intention is that the document should be considered to be 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 East Midlands Regional Plan 2009, 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 with regard to the issues that are raised.'
21. Para 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.'

### Peak District National Park Core Strategy

22. 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). GSP1 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.
23. GSP2 Deals with enhancing the National Park explaining in criteria A that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon. Criteria B explains that such proposals will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area. They should not undermine the achievement of other core policies. Criteria D explains that opportunities will be taken to enhance the National Park by treatment or removal of undesirable features or buildings. Criteria E permits development in settlements necessary for the treatment, removal or relocation of non-conforming uses to an acceptable site, or which would enhance the valued characteristics of the National Park. In such cases a site brief may be necessary to achieve the best mix of uses to secure the conservation and enhancement of the National Park and the most sustainable outcome for the community.
24. 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.

25. DS1 provides the development strategy. Criteria C explains that in settlements amongst other things the following forms of development will be acceptable: recreation and tourism; conversion or change of use for amongst other things, visitor accommodation, preferably by the reuse of traditional buildings; other development and alternative uses needed to secure effective conservation and enhancement.
26. 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.
27. L3 in combination with Local Plan Policy LC5 and LC6 would not permit development which failed to conserve or enhance or which harmed the significance of a heritage asset other than in exceptional circumstances.
28. E1 Business development in towns and villages – Criteria D sets out the following -
29. The National Park Authority will safeguard existing business land or buildings, particularly those which are of high quality and in a suitable location. Where the location, premises, activities or operations of an employment site are considered by the Authority to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses.
30. Core Strategy Policy RT2: Hotels, bed and breakfast and self-catering accommodation
31. Proposals for hotels, bed and breakfast and self-catering accommodation must conform to the following principles:
32. The change of use of a traditional building of historic or vernacular merit to serviced or self-catering holiday accommodation will be permitted, except where it would create unacceptable landscape impact in open countryside. The change of use of entire farmsteads to holiday accommodation will not be permitted.
33. Appropriate minor developments which extend or make quality improvements to existing holiday accommodation will be permitted.
34. New build holiday accommodation will not be permitted, except for a new hotel in Bakewell.

### **Assessment**

35. The site is within the village core, adjoining residential properties. Whilst the site is considered to be in a sustainable location it does have the potential to be a bad neighbour if it were operated differently. For example, the submitted planning statement explains that they have considered use of the building for warehousing for the builders merchants, but they have ruled that out as it is unlikely to be practical, due to the continuous flow of deliveries and collections as it would likely be incompatible with the neighbouring residential properties.
36. Criterion D of CS E1 which seeks to safeguard existing business land or buildings also explains where the location, premises, activities or operation of an employment site are no longer appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses.

37. In this case the main 'Markovitz' builders merchants operation has over time moved from this site with only this element retained on this site in association with the courtyard showroom. It provides the warehousing for that part of the business operation. This part of the business will not be lost but moved to their other site, their main depot in Tideswell.
38. The proposal also has a complementary relationship with the existing restaurant use, the hotel essentially being an extension of that business.
39. Officers consider that the existing employment use can be released without harm to the local economy. There is a steer in CS E1 D for seeking enhancement which could include redevelopment to provide affordable housing or community uses. In the proposal under consideration, enhancement is proposed via treatments of the existing building and employment for a minimum of 6 people will be provided. The qualities of that enhancement will be considered later in this report, but the principle does not conflict with the requirements and provisions of CS policy E1.
40. It is noted that the steer in CS E1 D suggests that the enhancement opportunities may include redevelopment for community uses or Affordable Housing. In the representations received, the need for affordable housing in the village has been expressed. However the application proposes an alternative way to achieve the enhancement required by CS E1 D. So whilst it does not provide the community uses or affordable housing, the enhancement proposed is a material consideration.
41. The proposal is not in accordance with the provisions of core strategy policy CS RT2. This policy deals with hotels, bed and breakfast and self-catering accommodation. It sets out principles which such proposals must conform to. The relevant provision is RT2 A, that permits conversion of traditional buildings of historic or vernacular merit.
42. There is a small section of the proposed conversion that can be considered of vernacular merit, however most of the proposed development would be via the conversion of a utilitarian type building of recent construction.
43. Because of the type of building being proposed to be converted, the proposal is not in accordance with this development plan policy.
44. As submitted the proposal lacked any significant enhancement. It improved the appearance of the front elevation and added stonework to one side (NW) to replace the existing sheets. Officers did not consider that sufficient enhancement to justify a recommendation of approval, given that the proposal is contrary to RT2 and that for the proposal to comply with E1 it needs to achieve enhancement and would not meet the requirements of GSP2. This was because the building is quite prominent from near and more distant views including both public and local vantage points from where the sheet sides and sheet roof can clearly be seen. These elements in combination with the shallow roof pitch stand out making the building appear of purely functional utilitarian, industrial design. Without treating these issues no significant enhancement would be achieved therefore, as submitted, the building was considered to be unsuitable for the proposed conversion.
45. However further enhancements have been proposed in the amended scheme. These now include improving the pitch of the roof and finishing the roof in natural blue slate. This has been done in combination with reducing the height of the eaves to increase the pitch whilst minimising the additional height that this requires for the ridge. It is not clear if the existing sheet walls on the side elevation which face south east are proposed to be treated with stonework. However, these need to be to complete the package of enhancements to justify the proposal.

46. Ensuring the amended plans as well as the south east facing wall to be finished in natural stone can be secured by planning condition and this is essential to justify the proposal for the planning reasons set out above. This is also considered to be in accordance with CS Policy E1, DS1 and GSP3 and GSP4 and in this case on balance the enhancement offered is considered to outweigh the conflict the proposal has with core strategy policy RT2.
47. The enhancements proposed and those that can be secured by condition are also considered necessary to ensure that the proposal does not harm the character or appearance of the setting of the Conservation Area and nearby listed buildings.
48. Amenity
49. The amended plans raise a number of planning issues in regard to amenity and highways (in particular parking). These relate to impact on neighbouring properties by way over overlooking, the impact of the massing of the building or proposed walls on neighbouring properties, and parking. Many of these issues discussed below are reflected in the representations that have been received.
50. Due to the differing locations of neighbouring properties the impacts are separated below.
51. Impact on the neighbouring properties which are behind the site (Cliffe View and the adjoining neighbours in the terrace of properties which front onto Commercial Road).
52. The additional height proposed to the building of approximately 800mm in the amended scheme is not considered to be overbearing on the properties behind the site.
53. The rooflights proposed to the single storey section of the conversion will face onto these properties rear gardens but these are in the roof of a single storey building so will be over head height so it should not cause any amenity issues, with the exception of the possibility of perceived overlooking, and this can be significant, so it will be necessary to ensure these are obscure glazed to address that. This can be secured via planning conditions.
54. The additional height proposed to the boundary wall relates to the end of the adjoining neighbours garden. Officers do not consider that the proposed additional height to this wall would be overbearing. The additional height to the boundary wall is necessary to ensure that there is no overlooking from the proposed rear windows. This in combination with the treatment of them being obscure glazed is enough to ensure the amenity of the neighbouring properties to the rear of the property are not harmed.
55. Impact on the neighbouring properties to the side (NW). Edelweisse being the nearest.
56. The additional height proposed is not considered to be overbearing. It may affect a view out of the side facing window but this is not significant in planning terms. The proposed rooflight needs consideration as it has the potential to cause overlooking/intervisibility issues with the side facing window on Edelweisse. The rooflight on the development site will be over head height so it unlikely that direct overlooking could occur however it is likely that the property could suffer perceived overlooking and this could also affect their garden areas. For this reason it is considered necessary to require by planning condition that the rooflight is obscure glazed.



## 57. Parking

58. If the proposed site had inadequate parking available to it the proposal has the potential for its parking requirements to spill out of the site into available on street parking. This has the potential to impact on the amenity of nearby residents and potentially highways safety. The highway authority about the proposal they have raised no objections, so far, subject to securing the existing 8 external spaces and proposed 5 internal spaces for use for the proposal, sharing the 8 external spaces with the restaurant. Planning conditions can secure this. It also means that the proposed hotel will need to be ancillary to the restaurant and remain within the same planning unit. This is to ensure adequate parking for the site as a whole in perpetuity in the interests of amenity and highways safety.
59. There are some areas without a clear designation in the proposal. As further bedrooms may affect the amount of parking required, planning conditions can ensure that the number of bedrooms is limited to the 8 proposed.

## 60. Other issues

61. Air conditioning units may have the potential to cause noise issues which may affect the amenity of neighbouring properties. None are shown on the proposed plans. A planning condition can ensure that if any are intended then full details of siting and design and noise impact assessments can be submitted to the Authority for approval in writing, via a discharge of conditions application.

## **Conclusion**

62. Although the proposal is contrary to core strategy policy RT2 which deals with the principle of the proposed use, the enhancements proposed in the amended scheme are considered sufficient to justify accepting the proposal subject to conditions in accordance with Core Strategy policies DS1, GSP2, GSP3, GSP4 and E1 and the amenity issues that the proposal presents can adequately dealt with by planning conditions.

## **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

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