

**13. DISCHARGE OF CONDITION 4 ON NP/HPK/0217/0140, CHANGE OF USE TO 3 OPEN MARKET DWELLINGS AT HURST WATER TREATMENT PLANT, DERBYSHIRE LEVEL, GLOSSOP (NP/DIS/0519/0555, P.8289, 405202 / 393910, 08/03/201/AM)**

**APPLICANT:** Paul Milner

**Site and Surroundings**

1. The application site includes the former water works building and its curtilage and is located approximately 1.7km to the east of Glossop. Glossop lies outside of the National Park, with Hurst Road, 180m to the west of the site indicating the boundary line at the nearest point. The site is separated from the edge of Glossop by open fields and the Glossop and District Golf Course and is therefore considered to be in open countryside.
2. The site is dominated by a substantial building which was erected in 1960 to serve the former Hurst Reservoir. This use ceased following the decommissioning and removal of the reservoir. The building measures 23m by 7m with a further single storey flat roofed section measuring 21m by 5.2m and almost covering the whole of the front elevation. The building is constructed from gritstone, with the main part under a shallow pitched roof. The building is currently being converted to three dwellings.
3. The nearest neighbouring properties are the buildings relating to the golf club to the north west and two domestic properties located to the south east and adjacent to the application site. Access to the building is via the existing private way which serves the golf club and the neighbouring dwellings.

**Proposal**

4. The discharge of condition no.4 on planning permission NP/HPK/0217/0140, which granted planning permission for the conversion of the former water works building to three open market dwellings. Condition 4 stated:
5. *“Notwithstanding the approved plans, prior to the erection/provision of any doors and windows a detailed scheme for their external finish, including glazing type, framing, glazing bars, and any proposed changes to sizes, shall be submitted to and approved in writing by the National Park Authority. The development shall thereafter be carried out in accordance with the approved specification and shall be permanently so maintained.”*
6. The reason for the condition was: *“In the interests of the character and the appearance of the development.”*
7. The submitted plans showed that the building would be converted to create the proposed three dwellings. New window and door frames would be installed within the existing openings, four new door openings would be created on the rear elevation. A number of roof-lights were also proposed but these were amended by planning condition.

**RECOMMENDATION:**

**That the application to discharge the condition be REFUSED for the following reason:**

**The design of the windows and doors does not respect or reflect the original character of the former water treatment works and is considered to be cause unacceptable harm**

**to the character and appearance of the building, contrary to policies GSP1, GSP3, and DMC3 and the design principles of the Design Guide.**

### **Key Issue**

- Whether the development under construction achieves a design that conserves the character and appearance of the building.

### **History**

8. 2018-19: Work has commenced on site and the windows and doors that have been installed have not been approved, together with other departures from the approved plans. Officers have been in correspondence with the applicant to express their concern that they do not respect the original character and appearance of the building. Officers have met with him to discuss these departures but he has submitted this application to seek retrospective approval of the door and window details.
9. 2018: NP/DIS/1018/0978 Application for Discharge of conditions including condition 4. Discharged in part, but not including condition 4. The decision letter said:
10. *“Condition 4  
A plan at a 1:100 scale has been submitted showing the proposed window and door design along with a photograph of an uPVC frame. The submitted plan is not accurate and the proposed window and door details are not drawn at the correct scale. The proposed uPVC horizontal frames / glazing bars would have a width of 0.3m which is not acceptable. Furthermore no detail has been provided how the proposed frames would be joined to the concrete mullions and whether horizontal frames would be required. It is noted that on site a number of the concrete mullions have been removed and uPVC frames have been installed, it is not clear how it is proposed to re-instate concrete mullions to these openings. The proposals for the doors show glazed sliding doors and a single uPVC door within glazing. This does not reflect the approved plan and is not an appropriate design for the approved dwellings.*
11. *The submitted details are therefore not considered to be an appropriate design and the Authority therefore **does not agree to discharge condition 4 at this time.***
12. *Officers recommend that accurate and detailed scale drawings are submitted as part of any new application to agree details and that the design for the window should include slender horizontal frames with any vertical elements hidden behind or within reinstated concrete mullions to reflect the character of the original windows”.*
13. 2017: NP/HPK/1017/1118 Application for variation of conditions: approved in part, but permission was not granted to vary condition 4. The delegated officer report said:
14. *“The submitted plans are simple and light on detail. Further, they show that uPVC frame/glazing bars would have a width of 30cm. This is far too wide to appear acceptable. It is also not clear how the glazing would be joined to the concrete surrounds - presumably further frames around the edges would be required but have not been shown. In addition, plans for the doors have not been provided.*
15. *The same design as that now submitted was approved on a previous scheme that permitted the conversion of the building to offices. However, that scheme was not taken forward and so the Authority now has the opportunity to secure accurate plans and more appropriate details. It is therefore recommended that this condition is retained as previously worded.”*

16. 2017: NP/HPK/0217/0140: Planning permission granted for change of use to 3 no. open market dwellings.
17. 2016: NP/HPK/0916/0875: Planning permission refused for change of use to 3 no. affordable dwellings.
18. 2015: NP/HPK/1114/1162: Planning permission granted conditionally for conversion of building into Class B1 managed office space comprising of 12 office units and associated parking.
19. 2014: NP/HPK/0514/0493: Demolition of water works building and change of use for the stationing of caravans for occupation by gypsy-traveller site, with associated development including hard standing, utility building and external lighting, refused.
20. Appeal against the 2013 decision for change of use to a dwelling dismissed.
21. 2013: NP/HPK/0513/0441: Change of use from former waterworks to dwelling including partial demolition and re-modelling of building, refused.
22. 2012: NP/HPK/0312/0239: Change of use of building to dwelling and office, refused.
23. 2011: NP/HPK/0811/0831: Change of use of building to dwelling and commercial office, refused.
24. Appeal against a 1998 decision for change of use to a dwelling dismissed.

### **Consultations**

25. No consultations as this is an application to discharge a condition

### **Main Policies**

26. Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L2 and HC1
27. Relevant Local Plan policies: LC4, LC17, LC18, LC24, LT11 and LT18

### **National Planning Policy Framework**

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

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

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

## Development Plan

29. Policy HC1 of the Core Strategy sets out the Authority's approach to new housing in the National Park; policy HC1(C) I and II say that exceptionally new housing will be permitted in accordance with core policies GSP1 and GSP2 if it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings or where it is required in order to achieve conservation or enhancement within designated settlements.

Development Management DPD Policy DMC3 states that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. Particular attention will be paid to siting, scale, form, mass, levels, height and orientation in relation to existing buildings, settlement form and character, and the degree to which buildings and their design, details, materials and finishes reflect or complement the style and traditions of the locality as well as other valued characteristics of the area.

## Wider Policy Context

30. The Authority's adopted Design Guide (2007) is also relevant in regard to detailed design guidance.

## Assessment

31. The key issue in this application is whether the windows and doors that have been installed conserve or enhance the character and appearance of the building. The application is for the discharge of a condition attached to the planning permission granted in 2017 for the conversion of the former water treatment works to three open market dwellings, but work has commenced on site without the condition being discharged and following two applications for either variation or discharge of the condition that have explicitly not agreed the window and door design. Although officers have delegated authority to determine applications for the discharge of conditions, given Members involvement in the decision to accept the principle of residential development of this building, it is considered appropriate to bring this application to Committee for determination.
32. The application site is considered to be within open countryside as it is separated from the edge of Glossop by open fields and the Glossop and District Golf Course. As the planning history demonstrates, proposals to convert the building to open market dwellings have been refused planning permission by the Authority in the past and subsequent appeal were dismissed. At that time, the Authority and the Inspector were of the view that the building did not represent a valued vernacular building, and as such it did not comply with the policy criteria of HC1 that would justify an exceptional permission for conversion to an open market dwelling.
33. However, in 2016 Planning Committee considered a scheme for conversion to three dwellings in 2016. Whilst the application was refused, Members were of the view that the building did represent a valued vernacular building, being a good example of the water-related industrial heritage of the area. Consequently, although the application was refused, conflict with policy HC1 was not stated as a reason for refusal in the final decision. Members also considered that this is a relatively sustainable location, close to the edge of Glossop, and that, as such, it accorded with the principles in the National Planning Policy Framework. A subsequent application to convert the building into three open market dwellings was therefore submitted and approved in 2017. That

application included a number of historic records relating to the building, explaining the importance of the reservoir and treatment plant in securing Glossop's water supply in the 1960s so officers accepted that the building is of some local historical significance. In the report for that application, in which the officers recommended approval, there were a number of references to the historic interest and character of the building and the need to retain this

34. The report noted that external changes to the building were "*generally minor in nature*", including the addition of some new door openings. It was accepted that these were necessary to facilitate the conversion of the building and that they did not have a significant impact on the building's overall character and appearance. The number of roof-lights were reduced by a planning condition
35. The report concluded that as further alteration or extension of the building would be likely to have an adverse impact on its industrial character and appearance, which was the primary reason for the support of the application, permitted development rights for alterations or extension of the dwellings should be removed by a planning condition.
36. Work has commenced on site and windows and doors have been installed. These are of the design and appearance that officers consider to be inappropriate and unsympathetic to the original character and appearance of the building. All the original windows and doors have been removed, together with the concrete mullions there were in the majority of the windows. The new windows and doors are dark blue uPVC and of a completely different pattern of sub-division and opening as compared to the original windows and doors. In addition to this, three new windows have been installed at first floor level on the front elevation, in place of the approved roof-lights. The new windows are relatively small, but squat and do not reflect the predominantly tall appearance of most of the original windows.
37. Officers have written to the applicant and have met with him to discuss the windows and doors but have been unable to resolve this matter. The applicant considers that officers are treating the building as though it is a listed building or a heritage asset, whereas he considers that the character and appearance of the building is of no real significance and that the main reason that Members originally supported the conversion of the building was for its historic interest. Officers consider that this is an incorrect interpretation of the justification for approving the conversion of the building to open market dwellings as an exception to policy. Their understanding is that Members considered the building to be of local historical interest as part of the water gathering history of the area and that the character and appearance of the building reflected the particular style of Water Board buildings in the area from that period. It was built in natural stone, with distinctive window detailing - relatively small paned metal windows in pronounced cast concrete surrounds with mullions in most of the tall windows. The scheme that has been carried out to date has completely destroyed this original, distinctive appearance. Whilst officers understood that the doors and windows were to be replaced, they would have expected a replacement window detail that more closely reflected and respected the original character of the building. The windows that have been installed are therefore considered to be inappropriate and unsympathetic and that the three unauthorised first floor windows also detract from the character and appearance of the building by virtue of their location, proportions and detailing.
38. In the application to discharge the condition and to retain the installed doors and windows the applicant explains why he has carried out the work. He explains that many of the cast concrete mullions were cracked and needed to be removed and that many of the windows only had frames with openers where required, all other glazing had no side framing and was directly putty fixed into concrete. He says that reframing the windows in heritage aluminium would have made the window (especially an opening

window) very small. The window would not meet building control specifications for the use of a fire escape and that light levels would be restricted with multiple glazing bars. Due to the financial implication involved casting new mullions for some of the windows the decision was made to fit new slim line plastic frames, with no mullions. He says that the new windows are designed to expose the frame as much as possible, use minimal materials and enhance the light entering the building and that attempts to mimic the design of the original windows were investigated but these designs proved to have too much framing. This would have been very busy in design and would not have provided adequate fire escapes. The design installed allows for the floors behind to be hidden and keeps the large openings visible.

39. With regard to the three unauthorised first floor windows, the applicant says that installing opening roof-lights would not have provided a means of escape from bedrooms so new window openings have been created to provide bedroom lighting and means of fire escape.
40. Whilst officers acknowledge some of these difficulties and would have been prepared to accept a more modern interpretation of the original design that worked for the new dwelling use, they consider that the installed windows and doors are such a significant departure from the original character of the building that they should not be approved

#### Impact upon neighbouring properties

41. Concerns were raised by the occupants of the neighbouring property with regard to the impacts of the proposed development. The application site shares a boundary with the neighbouring dwelling. The south east facing gable of the building looks towards the neighbouring property at a distance of approximately 9m (gable to gable) or 4.25m to the boundary. There are windows on this elevation of the former works at ground floor and first floor. Officers considered that if clear glazing was used in windows to this elevation then occupants of the neighbouring property would be likely to suffer a significant loss of privacy due to occupants of the new dwelling being able to look out through the first floor window towards the neighbouring dwelling and its rear garden.
42. It was considered that a scheme for obscure glazing to this elevation would satisfactorily mitigate this potential impact by preventing views into and out of the dwelling from the neighbouring property. A planning condition was imposed on the permission to secure this but this has not yet been complied with. The applicant has advised that he will do so but the window that has been installed is clear-glazed.

#### Conclusion

43. For the reasons set out above, the scheme that has been submitted and which has been implemented does not respect or conserve the original character and appearance of the building, nor does it protect neighbouring amenity.
44. The application is therefore recommended for refusal.

#### Human Rights

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

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

46. Nil

**Report Author and Job Title**

Adam Maxwell, Senior Planner