

**8. FULL APPLICATION – CONVERSION OF OFFICE TO ONE OPEN MARKET FLAT AND INSTALLATION OF SOLAR PANELS – CAMBRIDGE HOUSE, NORTH CHURCH STREET, BAKEWELL (NP/DDD/1119/1175, MN)**

**APPLICANT: MR ADRIAN BARRACLOUGH**

**NB: This application is being reported to Planning Committee as the applicant is a member of staff**

**Summary**

1. The proposal is to convert the first floor of Cambridge House from an office to a two-bedroom open market flat, to install solar panels to the roof, and to undertake general repairs to the building including window restoration and render repair.
2. Based on the submitted information, the conversion to an open market dwelling is contrary to planning policy in principle. However, this same change of use could be undertaken as permitted development. This is a material consideration to which we give substantial weight.
3. Given this, we conclude that the application represents an opportunity to support additional planning gains – specifically climate change mitigation measures – which the Authority could not secure if the development was undertaken under permitted development and on this basis the application is recommended for approval

**Site and surroundings**

4. Cambridge House is a three storey terraced property located on North Church Street in Bakewell.
5. Currently the lawful use of the ground and first floors is as offices, with a flat above at second floor. Use of the ground and first floor has been subject to change previously, as detailed in the History section of the report, below.
6. The property is of coursed gritstone construction with timber windows to the front elevation at first and second floor, with a traditionally designed shop frontage at ground floor.
7. Access to the property is directly from North Church Street via a secure private, communal entranceway adjacent to and uphill from the shop front. Vehicular and pedestrian access to the rear of the property is via a driveway to the west, which is in the applicant's ownership.
8. There are neighbouring properties to each side of the property, and facing it on the opposite side of North Church Street.
9. The site is within the Bakewell Conservation Area.

**Proposal**

10. The proposed development seeks to convert the first floor of the property from its current office use to a two-bedroom open market flat. Parking and cycle storage would be made available to the rear of the property. Solar panels are also proposed to the east and west roof slopes of the building.

## **RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions:**

- 1. 3 year time limit.**
- 2. In accordance with the submitted plans.**
- 3. Detailed design of the solar panels to be agreed.**
- 4. Proposed climate change mitigation measures to be implemented.**

## **Key Issues**

- Whether the conversion of the office to an open market flat is acceptable under the Authority's planning policies in principle
- The fall-back position available to the applicant under the property's permitted development rights
- The benefits of the climate change mitigation measures proposed
- The amenity impacts of the development

## **History**

2006 – Advertisement consent refused for erection of projecting banner sign

2005 – Planning permission granted for minor amendments to shop front, conversion of ground floor and first floor from beauty salon to offices, retention of second floor flat and erection of steel access stair

1998 – Planning permission granted for use of first floor as beauty salon

## **Consultations**

Due to the timings of report deadlines relative to the Planning Committee meeting this report has been prepared prior to the end of the consultation period. Should further consultation responses or representations be received prior to the meeting then these will be reported, and the report and recommendation will be verbally updated if the responses are such that they have a bearing on officers' views.

Highway Authority – Due to the site's central location within Bakewell, the extant use of the site and parking restrictions in the vicinity the highway authority raise no objections to the above proposal.

Town Council – None received at time of writing.

District Council – No response at time of writing.

## **Representations**

One letter of support has been received from a neighbouring property. They are in favour of the change to residential use and welcome the proposed improvements to the appearance of the building.

## **Main policies**

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L2, L3, HC1, CC1.

Relevant Development Management Plan policies: DMB1, DMH6, DME4, DMC3, DMC5, DMC10, DMT8.

#### National planning policy framework

11. 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 was updated and republished in 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.
12. 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.'
13. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
14. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
15. Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
16. Paragraph 198 continues that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
17. Paragraph 199 advises that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible<sup>64</sup>. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

#### Development plan

18. Core Strategy policies GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park's legal purposes and duty and

that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted. Particular attention will be paid to impact on the character and setting of buildings, siting, landscaping and building materials, design in accordance with the Design Guide and the impact upon living conditions of local communities. Core Strategy policy GSP4 highlights that the National Park Authority will consider using planning conditions or obligations to secure the achievement of its spatial outcomes.

19. Core Strategy policy DS1 outlines the Authority's Development Strategy, and in principle permits the conversion of buildings to provide housing.
20. Policy HC1 of the Core Strategy sets out the Authority's approach to new housing in the National Park in more detail; 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.
21. It goes on to state that any scheme proposed under CI or CII that is able to accommodate more than one dwelling unit, must also address identified eligible local need and be affordable with occupation restricted to local people in perpetuity, unless:
  - III. it is not financially viable, although the intention will still be to maximise the proportion of affordable homes within viability constraints; or
  - IV. it would provide more affordable homes than are needed in the parish and the adjacent parishes, now and in the near future: in which case (also subject to viability considerations), a financial contribution<sup>102</sup> will be required towards affordable housing needed elsewhere in the National Park.
22. Core Strategy policy CC1 requires development to make the most efficient and sustainable use of land and resources, to take account of the energy hierarchy (reducing the need for energy; using energy more efficiently; supplying energy efficiently; and using low carbon and renewable energy) to achieve the highest standards of carbon reduction and water efficiency, and to be directed away from flood risk areas.
23. Core Strategy policy CC2 states that proposals for low carbon and renewable energy development will be encouraged provided that they can be accommodated without adversely affecting landscape character, cultural heritage assets, other valued characteristics, or other established uses of the area.
24. Policy DMB1 states that the future development of Bakewell will be contained within the Development Boundary. The application site is well within this boundary.
25. Policy DMH6 addresses re-development of previously developed land to dwelling use, permitting this provided that:
  - (i) the development conserves and enhances the valued character of the built environment and landscape on, around or adjacent to the site; and
  - (ii) where the land is inside or on the edge of a Core Strategy policy DS1 settlement, and subject to viability, an element of the housing addresses local need for affordable housing potentially including starter home or custom or self-build housing provision.

26. Development Management Policy DMC5 provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of heritage assets. It explains development resulting in harm to a non-designated heritage asset will only be supported where the development is considered by the Authority to be acceptable following a balanced judgement that takes into account the significance of the heritage asset.
27. Development Management Policy DMC8 addresses Conservation Areas, requiring development in them, or affecting their setting or important views into, out of, across or through them, to assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved or enhanced.
28. It notes that applications should be determined in accordance with policy DMC5 and the following matters should be taken into account:
- (i) form and layout of the area including views and vistas into and out of it and the shape and character of spaces contributing to the character of the historic environment including important open spaces as identified on the Policies Map;
  - (ii) street patterns, historical or traditional street furniture, traditional surfaces, uses, natural or manmade features, trees and landscapes;
  - (iii) scale, height, form and massing of the development and existing buildings to which it relates;
  - (iv) locally distinctive design details including traditional frontage patterns and vertical or horizontal emphasis;
  - (v) the nature and quality of materials.
- It also states that development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect of their proposals on the character, appearance and significance of the component parts of the Conservation Area and its setting.
29. Development Management Policy DMC10 addresses conversion of heritage assets, permitting this where the new use would conserve its character and significance, and where the new use and associated infrastructure conserve the asset, its setting, and valued landscape character. It also notes that new uses or curtilages should not be visually intrusive in the landscape or have an adverse impact on tranquility, dark skies, or other valued characteristics.
30. Policy DME4 addresses the change of use of non-safeguarded, unoccupied or under-occupied employment sites within settlements. It states that the change of use, or re-use of non-safeguarded, unoccupied or under-occupied employment sites in or on the edge of Core Strategy policy DS1 settlements to nonbusiness uses will be permitted provided that the site or building(s) have been marketed to the Authority's satisfaction for a continuous period of 12 months prior to the date of the planning application, in line with the requirements of this Plan, and the Authority agrees that there is no business need for the retention of them.
31. Development Management Policy DMT8 states that off-street parking for residential development should be provided unless it can be demonstrated that on-street parking meets highways standards and does not negatively impact on the visual and other amenity of the local community. It notes that the design and number of parking spaces must respect the valued characteristics of the area, particularly in conservation areas.

## **Assessment**

### **Principle of conversion to open market housing**

32. Policy DS1 permits conversion of buildings to housing in principle, but policies HC1 and DMC10 restrict the type of buildings that can be converted and HC1 also restricts the type of housing that they can be converted to.
33. Policy makes clear that when considering proposals for the conversion of buildings to open market housing under the provisions of HC1, the building must be either a designated or non-designated heritage asset in need of conservation in order to be considered appropriate for conversion, or that the conversion must be required in order to achieve conservation or enhancement in settlements listed in core policy DS1, of which Bakewell is one.
34. The building proposed for conversion in this case is historic; this has been established from historic maps. However, no heritage assessment has been submitted to further demonstrate the heritage credentials of the building.
35. Further, whilst the building is not in particularly good cosmetic condition – windows require attention and some render is failing – the building is generally sound and the presence of the existing second floor flat means that a reasonable level of maintenance is likely to already be secured. It is therefore not the case that the building requires conversion to a dwelling for its own conservation, or to achieve conservation or enhancement of Bakewell and it is therefore contrary to policies HC1 and DMC10.
36. Further, whilst the property has, according to the submission, been empty for almost three years, the application provides no details of any marketing that has been undertaken for the property and as a result the change of use away from an employment use does not accord with policy DME4.
37. In addition, in the case of brownfield sites within settlements policy DMH6 requires re-development to provide an element of the housing addresses local need for affordable housing where viable, which the proposal does not.
38. The conversion of the building to an open market dwelling therefore does not comply with planning policy in principle in a number of regards.
39. However, there is a significant further material consideration in this instance, and that is the fall-back position of the applicant if this application was to be refused.
40. Under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), a B1 office – as is the lawful use of the first floor of the building – can be converted to a C3 dwellinghouse without the benefit of planning permission.
41. The applicant would be required only to apply to the Authority for a determination as to whether its prior approval was required as to the transport and highways impacts of the development, contamination risks on the site, flooding risks on the site, and impacts of noise from commercial premises on the intended occupiers of the development.
42. We would be very unlikely to have reasonable grounds to refuse to grant prior approval on any of these grounds given the location of the building and its current lawful uses.
43. This means that the substantive part of the proposed development could be undertaken even if this application was to be refused.

#### Impacts of the development on the character, appearance of the building and conservation area

44. Externally, the only proposed works to the existing building amount to restoration of windows and repair to render to the rear of the building; these would make a modest improvement to the buildings appearance.
45. The proposed solar panels would be positioned on east and west facing roof slopes, and would not be visible from outside of the site due to the topography of the area and arrangement of surrounding buildings and would conserve the character and appearance of the conservation area.
46. Details of their appearance and fixing have not been provided, but we are satisfied that subject to a recessive finish (black panels with black framing, for example) and simple fixing to the roof of the building they would not result in any significant adverse impacts on the character of the built environment. These details could be secured by condition if permission was to be granted.
47. Overall, it is concluded that when taken as a whole the proposed alterations would conserve the character and appearance of the built environment as required by planning policy.

#### Amenity impacts

48. The use of the first floor as a self-contained flat is considered to be compatible with the current ground and second floor uses, which would generate little noise and disturbance to the occupiers. The same can be said for the impact of residential occupation of the first floor on both the flat above and shop below.
49. The windows of the property would face towards other residential dwellings. However, the same is true of the existing second floor flat, would be true of an office use (albeit with a less frequent use), and is common to properties along the street.
50. Given all of this and taking account of the fact that the fall-back position would allow conversion to the proposed use anyway, there is no objection to the development on the grounds that it would overlook other nearby properties.

#### Highway impacts

51. The application proposes utilising the existing single parking space to the rear of the site to serve the dwelling.
52. This makes no change to the level of parking available to serve the building as a whole, and the use as a dwelling would not be more intensive than the lawful office use from a highway point of view.
53. The Highway Authority has no objections to the application due to the site's central location within Bakewell, extant use and parking restrictions in the vicinity.
54. Overall, there are no objections to the proposal on highway grounds and it complies with policy DMT8.

#### Service provision

55. The property would continue to be served by the same services as currently exist, plus

the electricity generated by the proposed solar panels.

#### **Climate change mitigation measures**

- 56. A climate change mitigation measures statement has not accompanied the application, but measures proposed are detailed within the submitted design and access statement.
- 57. Secure cycle storage is proposed to encourage sustainable travel and reduce energy usage, and low carbon living solutions including the installation of an electric battery charging point, and adding additional insulation, LED lighting, and smart HIVE heating technology to the property are proposed to further reduce energy usage and to use energy more efficiently.
- 58. As discussed above, solar panels are also proposed to the roof of the property, contributing to the take up of renewable energy technologies.
- 59. On this basis the application is concluded to take account of the energy hierarchy and achieve high levels of carbon reduction, according with policy CC1 in this regard.

#### **Conclusion**

- 60. Based on the submitted information the conversion of the first floor office to one open market dwelling is contrary to planning policy in principle.
- 61. However, this change of use could be undertaken as permitted development, subject only to an application for prior approval of some details being made to the Authority. This is a material consideration to which we give substantial weight.
- 62. Given this, the application represents an opportunity to support additional planning gains – specifically climate change mitigation measures – which the Authority could not secure if the development was undertaken under permitted development.
- 63. On this basis the application is recommended for approval, subject to securing the proposed climate change mitigation measures by condition.

#### **Human Rights**

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

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

- 65. Nil

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