

8. FULL APPLICATION – CHANGE OF USE OF RESTAURANT/TAKEAWAY AND STORAGE BUILDING AND RECONFIGURATION OF 4NO. EXISTING FLATS, INCLUDING AN EXTENSION TO CREATE 5NO. RESIDENTIAL APARTMENTS – 93 CASTLETON ROAD, HOPE (NP/HPK/1019/1159, JF)

APPLICANT: THE MOORHOUSE FAMILY

Summary

1. The proposed development seeks to redevelop the site, changing it from a disused restaurant/takeaway and 4 flats to 5 new flats.
2. Subject to conditions, the development would dramatically enhance the character of the site and amenity issues in accordance with the Authority's adopted planning policies, and would not result in adverse planning impacts.
3. Accordingly, the application is recommended for approval.

Site and surroundings

4. The application location is 93 Castleton Road in Hope, the dilapidated site of a semi-detached house that has been substantially altered and extended. The site is situated to the western end of the village, adjacent to Hope Valley College secondary school.
5. The original building on the site was a semi-detached, two storey house reportedly constructed in the 1940s. The original dwelling has a hipped roof, with a gable to the front elevation. The property is rendered, with timber windows and doors and dual-pitched roofs covered by red plain clay tiles.
6. The original front garden has now been given over to a sizeable area, and this provides the entrance and parking. A lean-to extension is attached to the front elevation, and this formed part of the former restaurant/takeaway. An incomplete two storey extension is attached to the side of the property, and a variety of single storey and two storey extensions have been added to the rear. A large detached, concrete blockwork outbuilding with a pitched roof is situated in the rear of the site.
7. The existing layout comprises a ground floor restaurant and takeaway (disused) within the original part of the building. To the rear of this are two flats which are accommodated within a mixture of one and two storey structures, with the rearmost single storey section having a flat roof with an accessible roof terrace upon it. Two further flats are split over the first and second floors. To the rear of the main building is the detached outbuilding, which was intended for storage but reportedly provided accommodation for restaurant staff.
8. Castleton Road is situated to the north of the site, neighbouring residential properties are situated to the south and east of the site, and Hope Valley College is situated to the west of the site.

Proposal

9. Change of use of restaurant/takeaway and storage building and reconfiguration of 4no. existing flats, including an extension to create 5no residential apartments.

RECOMMENDATION:

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

1. 3 year implementation period.
2. Development to be carried out in accordance with specified amended plans.
3. Works to be carried out in full, including demolition and landscaping, prior to occupation.
4. All windows and doors to be timber or powder coated aluminium.
5. All windows and doors recessed 100mm.
6. Windows to West elevation of main building and North and West elevations of detached building to be obscure glazed and non-opening.
7. Rooflights flush with roof.
8. Roof to be clad with tiles to match existing.
9. Storage of plant and materials, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles to take place within site area only.
10. Parking spaces to be provided prior to occupation.
11. No dwelling to be occupied prior to parking spaces being provided in accordance with revised parking plan.
12. There shall be no gates or other barriers on the access/driveway.

Key Issues

- Whether the loss of the restaurant/takeaway is acceptable in principle.
- Whether the outbuilding is suitable for conversion.
- The impact of the development on the character and appearance of the site.
- The amenity impacts of the development.
- The highways impact of the development.

History

HPK0382261 – Extension to existing shop – Approved

HPK0484277 – C/U of shop extension to form a separate shop unit – Approved temporarily

HPK0287027 – Change of use from cash & carry stores to shop and tearoom – Approved

HPK0888131 – Erection of double garage – Approved

HPK0289033 – Extension to dwelling – Refused

HPK0489070 – Change of use of shop extension to form a separate shop unit – approved

HPK1293149 – Alterations and extension to dwelling – Approved

HPK0494054 – Restaurant - Extension of A3 Use and Variation of existing opening hour condition – Refused

HPK1098147 – Conversion of garage to holiday accommodation – Refused

HPK1098149 – Variation of condition to allow sale of hot food for consumption off the premises – Approved

HPK0399036 – Conversion of garage to ancillary staff facilities for restaurant – Approved

HPK0801101 – Alterations and extension to outbuilding to provide additional storage and ancillary amenities for staff – Approved

HPK0803103 – Extension to dwelling – Approved

Consultations

Highway Authority – No objections subject to construction management plan, provision of parking spaces and no gates.

Parish Council – Supports the application.

Archaeology – No objections.

Environment Agency – No objections.

Planning Policy – Objection.

Flood Team – No response.

Borough Council – No response.

Environmental Health – No response.

Ecology – No response.

Representations

10. 16 representations have been received in relation to this application. 12 of these are in support of the application, 1 objects to the application, 1 provides general comments and 2 are from the applicant/agent.

Main policies

11. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, CC1, HC1, HC4

12. Relevant Development Management Plan policies: DMC3, DMH6, DMH8, DMT3, DMT8

National planning policy framework

13. 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 which are to conserve and enhance the natural beauty, wildlife and cultural heritage and 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.

14. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
15. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Adopted Development Management Policies. 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 government guidance in the NPPF with regard to the issues that are raised.

Development plan

16. 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.
17. Policy GSP2 states that 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 will be permitted.
18. 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.
19. Policy GSP4 states that to aid the achievement of its spatial outcomes, the National Park Authority will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.
20. Policy DS1 states that conversion or change of use for housing will be acceptable in principle in all settlements.
21. 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.
22. Policy CC1 states that in order to build in resilience to and mitigate the causes of climate change all development must make the most efficient and sustainable use of land, buildings and natural resources.

23. Policy HC1 states that exceptionally, new housing can be accepted where it is required in order to achieve conservation or enhancement in settlements listed in core policy DS1.
24. Policy HC4 states that proposals to change the use of buildings or sites which provide community services and facilities including shops and financial and professional services to non-community uses must demonstrate that the service or facility is no longer needed, available elsewhere in the settlement, or can no longer be viable.

Development Management Policies

25. Development Management Policy DMC3 requires development to be 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. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
26. Development Management Policy DMH6 states that re-development of previously developed land for housing will be permitted provided that the development conserves and enhances the valued character of the built environment or landscape on, around or adjacent to the site.
27. Development Management Policy DMH8 states that alterations to existing outbuildings will be permitted provided changes to the mass, form, and appearance of the existing building conserves or enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment and/or the landscape.
28. Development Management Policy DMT3 emphasises the importance of safe access to developments.
29. 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

30. The proposal is for the conversion and change of use of the main building into four 2-bedroomed apartments, and the detached concrete blockwork building to the rear of the property into a further 2-bedroomed apartment. The scheme includes the demolition of structures including the lean-to front extension, the flat-roofed single-storey extensions and timber entrance porches to the rear, and a reduction in height to the detached building.
31. The front of the main property is proposed to be re-rendered in white, and the side and rear elevations are proposed to be finished with a limedash render. Existing window and door openings to the side and rear elevation are proposed to be replaced by glazed panels and doors, along with areas of aluminium cladding. New conservation rooflights are proposed, and glazing bars are proposed to the existing rooflights.
32. Internally, the main property is proposed to be converted to apartments with the restaurant/takeaway use removed. A 2-bedroom apartment is proposed at ground floor level, with two 2-bedroom apartments split between ground and first floor level and a further apartment split between first and second floor level.

33. The detached concrete blockwork building to the rear of the site is proposed to be reduced in height and finished in limedash render. The gable end to the South elevation is proposed to be completely infilled by recessed glazing with a timber frame. Obscure glazed, aluminium framed windows are proposed to the rear and Western side elevations at ground floor level, and a conservation rooflight is proposed in each side of the roofline. Internally it is proposed to create a lounge, kitchen and dining area at ground floor level, with two bedrooms and a bathroom at first floor level.
34. Externally it is proposed to create five parking spaces to the front of the site, with outdoor amenity space and bin storage to the rear of the main building. A wall is proposed immediately to the south of this, separating this area from detached building that is proposed for conversion. An outdoor amenity and bin storage area is proposed behind this wall, to the north of the detached building.

Principle

35. Core Strategy Policy DS1 states that the proposed change of use is acceptable in principle. Whilst it is preferred that re-use is made of traditional buildings, the policy allows for re-use of other buildings. Other policies in the plan focus development into heritage assets as far as possible to ensure that conservation benefits are realised. The text supporting DMC10 'Conversion of a heritage asset' states that 'there are other, lower quality or rudimentary buildings, (ie those that do not possess the same qualities as heritage assets in terms of their materials and traditional design) that may also be the subject of planning applications for conversion. It is anticipated that such buildings will rarely be worthy of conversion to higher intensity uses and as such will not normally be permitted. Any approval of such buildings will only be permitted by way of exception where they display sufficient quality and substance to justify and deliver a sustainable outcome'. The conversion of the modern ancillary building is not a non designated heritage asset, but its integrated relationship to the enhancement across the site is a material consideration.
36. Core Strategy Policy HC1 and Development Management Policy DMH6 require conversions to address eligible local needs, and the viability to provide affordable dwelling units must be assessed as per the NPPF. The applicant has indicated that he is not prepared to provide any local needs affordable housing, and a viability assessment has been provided to support this application. However, this assessment does not clearly demonstrate that the provision of local needs affordable housing is not viable.
37. Core Strategy Policy HC1 also states that new housing can be accepted where it is required in order to achieve conservation or enhancement in settlements listed in core policy DS1. This is a relevant consideration in this instance, as Hope is a named settlement and the proposed plans would result in significant enhancement.
38. Ideally the ancillary separate building would be removed or reduced in height and retained for storage purposes or used for affordable local needs. However, the applicant has said that he needs to retain this building in order to make viable the enhancements on the wider site and that restricting its use to affordable local needs would make it unviable to carry out the overall enhancements. We have some reservations about the thoroughness of the applicant's viability assessment (which he has carried out himself).
39. The scheme only provides one additional residential unit and HC1 says that any scheme proposed [to achieve conservation or enhancement in settlements listed in core policy DS1] 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:

- It is not financially viable, although the intention will still be to maximise the proportion of affordable homes within the viability constraints
40. It is arguable that the scheme only proposes one additional residential unit over and above what currently exists and therefore the policy requirement for the affordable provision is not as compelling in this case. In addition, although the viability case made in the application can only be given limited weight, it does have some weight. It cannot be said that the scheme is entirely in accordance with policy HC1CIII. However, there is no doubt that the scheme would achieve enhancement and insofar as this would comply with policy HC1CII.
41. Development Management Policy DMH6 also states that re-development of previously developed land for housing will be permitted provided that the development conserves and enhances the valued character of the built environment. The proposed plans would conform with this part of the policy.
42. Policy HC4 requires that where there is a loss of community facilities, affordable housing should be sought. For the avoidance of doubt, a restaurant/take away use is not considered essential to maintaining a community's access to a range of services. Hope has an adequate range of shops to meet a community's essential needs. The loss of a building in this use class is not in this case a reason to refuse permission because the village has adequate alternatives.
43. The proposed plans are contrary to some parts of Policies HC1 and DMH6, as no local needs affordable housing is proposed and the submitted viability assessment does not clearly demonstrate that the provision of local needs affordable housing is not viable. However, the proposed plans are required to achieve enhancement and are therefore in accordance with other parts of Policies HC1 and DMH6 and all of Policy GSP2. The proposed plans would greatly enhance the character of the site and the surrounding area by appropriately redeveloping a building that is in an extremely poor state of repair. In addition, the plans would significantly improve amenity issues for neighbours, as a result of the demolition of an extension with roof terrace above, which is causing issues with overlooking and an overbearing impact for the adjoining neighbour. The significant level of enhancement, although localised in terms of benefit, is sufficient to make the scheme acceptable in principle. The proposed plans would also provide an adequate standard of accommodation and amenity space.

Design/Character/Landscape

44. As previously stated, the proposed plans would dramatically enhance the character of the site and the surrounding area by appropriately redeveloping a site that is in an extremely poor state of repair.
45. The re-rendering, introduction of new windows and doors and aluminium cladding and the demolition of dilapidated existing structures would improve the main building. The reduction in height and other alterations to the outbuilding would also enhance this structure. The amendments to the existing building would be an enhancement, and would result in no increase in the number of residential units, although the size of them would increase.
46. The alterations to the detached building at the rear of the site would significantly improve its appearance. The large glazed gable would be an untraditional feature and would generally be avoided, however, here it would be used in a non traditional building and would avoid the need for other openings which would be problematic for amenity. The glazed gable would not be apparent from any public vantage points.

Amenity

47. Policies GSP3, DMC3, and DMH6 indicate that development should not result in any adverse impact on amenity and the living conditions of communities.
48. The plans would improve amenity issues for neighbours, as a result of the demolition of the existing extension with roof terrace above, which is causing issues of overlooking and has an overbearing impact for the adjoining neighbour. Amenity matters would also be improved by reducing the height of the detached outbuilding proposed for conversion.
49. The scheme has been appropriately designed to ensure that any issues with regards to overlooking between windows in the five new units are kept to a minimum. Windows to the western side elevation of the main building are proposed to be obscure glazed and non-opening. All windows (other than the glazed gable) in the detached unit are proposed to be obscure glazed, and we consider that those to the rear and western side elevation should be non-opening also. We do not consider that the windows to the eastern side elevation need to be obscure glazed and non-opening, as these would overlook a public building where privacy is not expected. A condition would be imposed with regards to the glazing, to prevent any issues with overlooking onto neighbouring residential properties.
50. The plans would result in no significant issues in terms of overlooking, overshadowing or an overbearing impact for neighbours. This is a large site with sufficient outdoor amenity and parking space, so the proposed plans would not result in overdevelopment.

Highways

51. Policies DMT3 and DMT8 emphasise the importance of safe access and appropriate parking provision.
52. The proposed plans indicate that five parking spaces would be allocated to the front of the site, with no other alterations in terms of access or parking.
53. DCC Highways was consulted on the application and raised no objections. The following conditions were suggested:
 - Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
 - No dwelling shall be occupied until space has been laid out within the site in accordance with the revised application drawing for cars to be parked. Once provided, the spaces shall be maintained free from any impediment to their designated use for the life of the development.
 - There shall be no gates or other barriers on the access/driveway.
54. The comments from DCC Highways are accepted. It is considered that the suggested conditions in relation to parking provision and gates are required, but we do not consider that a construction management plan is needed for a scheme of this scale.

Other Matters

55. There are no concerns that the proposed developments would result in any significant impact in terms of environmental or heritage matters and there have been no objections to these plans.

Representations

56. As a result of consultation, 16 representations have been received in relation to this application. 12 of these are in support of the application, one objects to the application, one provides general comments and two are from the applicant/agent.
57. The objection raises concerns regarding overdevelopment. However, this response incorrectly states that nine properties are proposed to be created rather than a total of five. We do not consider that five residential properties on the site represents overdevelopment, given that this amounts to one additional unit more than at present. The general comment raises concerns with regards to a lack of parking. It is accepted that five parking spaces is somewhat limited, but it is not possible to provide any further parking on the site. In conclusion, we do not consider the level of provision to be sufficiently limited to warrant a refusal being issued.

Conclusion

58. The proposed amended plans are appropriate in terms of principle, scale, form and materials, subject to the imposition of conditions. Although there is no provision of affordable housing, on balance the enhancement of the character of the site and the surrounding area by appropriately redeveloping a site that is in an extremely poor state of repair and improvement of amenity for neighbours is considered sufficient to recommend approval.
59. The application is acceptable in terms of amenity, parking and highway safety, subject to the imposition of conditions. The plans would improve amenity issues for neighbours, as a result of the demolition of an extension with roof terrace above and the reduction in height of a detached outbuilding.
60. It is necessary to impose a condition requiring obscure glazing and non-opening windows in some areas, to prevent issues with overlooking. It is also necessary to remove Permitted Development Rights, to prevent any inappropriate alterations.
61. Therefore in the absence of any other material considerations the proposals are considered to be acceptable and in accordance with the development plan and accordingly are recommended for approval.

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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