

12. FULL APPLICATION – PROPOSED APARTHOTEL TO CREATE 13 SELF CATERING UNITS FOR HOLIDAY USE – PLOT 6, DEEPDALE BUSINESS PARK, BAKEWELL (NP/DDD/1223/1530) MN

APPLICANT: DON CLAPHAM

Summary

1. Planning permission is being sought for development described in the application as an Aparthotel to create 13 self catering units for holiday use, on Plot 6 of the business park.
2. Planning policy identifies Deepdale Business Park as a key employment site within the National Park safeguards the application site and other areas of the business park for office, industrial, and storage or distribution uses only.
3. The development would result in the loss of a site allocated and safeguarded for employment use only by adopted planning policy. There is no policy justification or evidence of strategic need that would otherwise support the change to the proposed use.
4. Further, the proposed development would as a matter of fact amount to the creation of 13 units of new-build holiday accommodation, contrary to adopted recreation and tourism policies.
5. The application is therefore recommended for refusal.

Site and Surroundings

6. Deepdale Business Park lies approximately 1km to the northwest of Bakewell's town centre and is accessed from the A6 Ashford Road. The site is designated for employment uses (B1 and B2) by saved policy LB6 in the Local Plan, and to the rear of the site there are a range of units occupied by various tenants. At the front of the site, there are three units, which overlook the A6.
7. Media House and Endcliffe House have a curved plan form and are built primarily from natural stone and have pitched roofs clad with blue slates. These building have now been converted to residential apartments under permitted development rights for conversion of B1(a) offices to C3 dwellings. These two units are now part of Endcliffe Court, which has been subdivided from the remainder of Deepdale Business Park.
8. The land subject of this application is to the rear of the site and is described as 'Plot 6'. Planning permission was granted for the construction of a further office building on this plot in 2006. That permission has been commenced but the building is not yet constructed.
9. Planning permission was granted at appeal for a further block of six residential apartments on Endcliffe Court, which are constructed and available on the open market to meet general demand.
10. The site is outside of the Bakewell conservation area.

Proposal

11. Planning permission is being sought for development described in the application as an Aparthotel to create 13 self catering units for holiday use, on Plot 6 of the business park.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The development would result in the loss of a site allocated and safeguarded for employment use. There is no overriding justification or evidence of strategic need that would otherwise support the change to the proposed development, and the loss of the employment use would therefore be contrary to Core Strategy policy E1 and Development Management policy DME3.**
- 2. The proposed development amounts to new build holiday accommodation which is contrary to Core Strategy policy RT2.**
- 3. The proposed design while reflecting nearby buildings would not deliver high quality design or the highest possible standards of carbon reductions and water efficiency in order to mitigate the causes of climate change contrary to Core Strategy policies GSP3 and CC1, Development Management policy DMC3, the Authority's adopted Supplementary Planning Documents 'Design Guide' and 'Climate Change and Sustainable Building' and the National Planning Policy Framework.**
- 4 Insufficient information has been submitted with the application to demonstrate that surface water from the development would incorporate a satisfactory sustainable drainage system contrary to Core Strategy policy CC5 and the National Planning Policy Framework.**

Key Issues

12. The key issues are:

- The principle of permitting a change of use of the safeguarded employment land
- The classification and principle of the proposed use

History

2000 - Full planning permission granted conditionally for Media House (NP/DDD/0499/187).

2002 - Full planning permission granted conditionally for Endcliffe House (NP/DDD/0901/406).

2006 - Full planning permission granted conditionally for Unit 6 (NP/DDD/1006/0920).

2013 - Planning permission refused for the change of use of Media House and Endcliffe House from offices to apartments (NP/DDD/0612/0616).

2013 - Notification of the change of use of Endcliffe House to residential use accepted (NP/GDO/0613/0452)

2013 - Notification of the change of use of Media House to residential use not accepted because of condition 12 attached to NP/DDD/0499/187 limiting the use of the building to offices (NP/GDO/0913/0771).

2013 - Planning permission refused for variation of condition 12 - office use only on NP/DDD/0499/187 – the subsequent appeal was allowed in 2014 and condition 12 has been deleted (NP/DDD/0613/0451).

2014 - Notification of the change of use of Media House to residential use accepted (NP/GDO/0514/0562).

2014 - Notifications of the change of use of Units 1-6 and 8-12 at Arden House on Deepdale Business Park not accepted (NP/GDO/0214/0110-0119)

2014 - Outline planning permission refused for erection of building to accommodate 6 No. one bedroom flats (NP/DDD/0914/0997). The subsequent appeal was allowed and the reserved matters application was consented in 2015 subject to a planning obligation securing a commuted sum of £55,000.

2016 - Outline planning permission refused for 12 one bedroom flats on Plot 3 and 11A on Deepdale Business Park (NP/DDD/1215/1135). The subsequent appeal was refused. A financial contribution of £110,000 towards the provision of off-site affordable housing was proposed by the applicant/appellant at the appeal stage.

2016 – Outline planning permission refused for 12 one bedroom flats on Plot 3 and 11A on Deepdale Business Park (NP/DDD/0716/0678), including a contribution of £110,000 to the provision of off-site affordable housing.

2018 – Planning permission granted for variation of NP/DDD/1006/0920 in relation to Plot 6, including variation and removal of conditions relating to parking layout, highway/site access, parking provision, materials for construction, crime prevention measures, and landscaping (NP/DDD/0218/0138)

2021 – Planning permission granted for change of use of the ground and first floors only of 3 Endcliffe Mount from B1 Office to office space that incorporates Healthcare (Use Class E(e)) and creation of associated car park (NP/DDD/0421/0496)

Consultations

13. **Highway Authority** – No objections.
14. **District Council – Economic Development** – Of the view that the site is allocated for business use and the transference to residential and now the proposal for substantial accommodation for the visitor economy is detrimental to the wider business sector in the Derbyshire Dales. The Business Park has been eroded through change of use and reduced access to office space and workspace will potentially weaken the economic base in the area.
15. **District Council – Lead Local Flood Authority** – No comments to make.
16. **Parish Council** – No objection
17. **Environment Agency** – Development falls within flood zone 1; no comments.
18. **PDNPA – Planning Policy** – The application site is undeveloped land, safeguarded as part of Deepdale Business Park, for employment use by policy DME3 of the Local Plan. If the site is not required for business use as stated by the applicant, there is no justification for developing the site for any other use. The Authority will consider removing this section of the safeguarded site from the Local Plan and return it to open countryside in the Local Plan review. Policy RT2 clearly states that new build holiday accommodation will not be permitted, except for a new hotel in Bakewell. The hotel has been permitted and development has commenced.
19. **PDNPA – Archaeology** – No objection

Representations

20. Two letters of support have been received, including one from Visit Peak District and Derbyshire submitted by the applicant, on the following grounds:
- The proliferation of holiday let houses in Peak District villages is not sustainable for the local property market and this type of development could help protect the local property market.
 - There is a need for additional serviced accommodation within the National Park, with it having seen decline since 2019
 - The provision of such accommodation would bring investment into the local economy

National Planning Policy Framework (NPPF)

21. 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.
22. The National Planning Policy Framework (NPPF) has been revised (2023). 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 182 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.
23. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

Main Development Plan Policies

Core Strategy

24. Core Strategy policy L1 states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.
25. Core Strategy policy E1 considers business development in towns and villages. Part D states that 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.
26. Core Strategy policy RT2 addresses hotels, bed and breakfast and self-catering accommodation. Amongst other things it states that new build holiday accommodation will not be permitted, except for a new hotel in Bakewell.

27. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

Development Management Policies

28. Development Management Policy DME3 safeguards 14 employment sites across the National Park. Deepdale Business Park is one of these.
29. 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.

Assessment

Principle of Development – loss of employment land

30. Core Strategy policy E1(D) states that the National Park Authority will safeguard existing business land or buildings, particularly those which are of high quality and in a suitable location such as Deepdale Business Park. Development Management policy DME3 safeguards Deepdale Business Park for uses B1 (offices), B2 (industrial), and B8 (storage or distribution). Use class B1 has been subsumed in to the new Class E (commercial, business, and service uses) since that policy was adopted. The approved employment use within the application site remains specifically controlled to office, industrial, or storage/distribution by condition however, preventing a change to any other commercial, business, or service use without planning permission.
31. In this case, the new building would be located within the allocated employment site, on land that has permission for additional employment buildings. The proposals would therefore directly result in the loss of employment land within the site.
32. The development plan sets out that where there is a strategic need to retain safeguarded employment sites in business use there will be a presumption against loss of parts of the business spaces to other uses. DME3 establishes that only where the Development Plan and evidence of strategic need justifies a mixed use development will applications for such development be supported.
33. Deepdale Business Park is one of 14 key employment sites in the National Park and one of only three such sites in Bakewell. It is recognised in the Bakewell Employment Land and Retail Review (2016) (BEL&RR) as a suitable location for future office and light industrial uses, with high quality accommodation and good strategic road access. The appeal site itself offers a spacious undeveloped plot. It is recognised that the BEL&RR is now some seven years old and does not count the appeal site as part of the quantitative supply of employment land in Bakewell. However, neither is there a suggestion in the BEL&RR that it does not contribute to the future supply of employment sites in Bakewell, given its location on the Business Park.
34. More recent assessment of the need for employment land within the region has been undertaken by Derbyshire Dales District Council through the Derbyshire Dales Housing & Employment Land Needs Assessment Update 2023 (HELNAU). This states that a need for 15-18 ha of additional employment land should be planned for, and that “*market indicators suggest that demand remains relatively healthy particularly in the industrial sector and is expected to do so for the foreseeable future.*” Whilst the data is not broken down by geographical areas within the Derbyshire Dales District to such extent as to allow assessment of specific employment land needs within the National Park, Bakewell

forms part of the area covered and the data therefore provides further strong supporting evidence of the need to continue to protect and provide employment land in the locality.

35. The case made by the applicant is that there has been no interest in developing this area of land for employment use since the original permission for such use was granted, and that the current units at the site have been operating with a 30% vacancy rate for the last 2 years. A supporting statement from the chartered surveyors letting the units on behalf of the owner has been received, stating that they have been dealing with the marketing of the units for almost 12 months that the units currently have a 25% vacancy rate. It also notes that a trend towards increased homeworking and unaffordability of residential rents and mortgages within Bakewell are likely factors limiting interest in the units and office space within Bakewell more broadly.
36. Whilst these matters are noted, the surveyor have been dealing with the marketing of the units for under 12 months and there are further reasons that vacancies could have arisen, including short-term fluctuations in market demand related to wider economic instabilities, marketing channels/methods pursued, rates charged, or other terms of contract for tenants.
37. Further, and significantly, the application does not provide any data or evidence of local trends in Bakewell or the wider National Park in relation to the need for employment space that would contradict or disprove the aforementioned regional data from 2016 and 2023, both of which indicate a strong and ongoing requirement for employment land in the locality. Trends in homeworking asserted by the letting agent may well ultimately affect office space requirements in the locality and more widely in the longer term, but there isn't presently adequate evidence to accept that position in the face of broader strategic assessment indicating otherwise.
38. It is acknowledged that the plot forming the application site has been vacant since Deepdale Business Park opened and that the applicant advises it has been marketed with no take up to date. It is also recognised that the commercial property market in the sub-region, and more widely, is challenging and has been subject to particular volatility since 2020. However, plots on the Business Park have been taken up over time and the space which has been developed has been generally well let (22 out of 24 units were cited as being occupied in 2016, with the 70% occupancy rate now cited by the applicant having been the case for only the last two years by their account).
39. This suggests that there is demand for business space of the right quality and type in Bakewell, which is supported by the findings of the BEL&RR and the HELNAU. Therefore, we are not persuaded that the point has been reached where there is no reasonable prospect of the appeal site being used for employment purposes, to justify its development for an alternative use. On the contrary, given its quality, location and availability, and the difficulties with other sites in Bakewell (such as limited parking, and limitations on adaption of historic buildings), the appeal site remains an important part of the supply of employment land in Bakewell and the National Park.
40. The development of this site as proposed would therefore further the gradual material change of land use at the business park, eroding the overall land use mix in the town and representing a loss in one of the few core employment sites of high quality in the National Park. This view is shared by the Economic Development Team at the District Council who advise that the development would have a "*detrimental to the wider business sector in the Derbyshire Dales*" and would "*potentially weaken the economic base in the area.*"
41. The application therefore fails to demonstrate that there is a strategic need or Development Plan justification for the existing employment site to be changed in to a mixed use, in conflict with policy DME3.

Principle of Development – proposed use

42. Notwithstanding that the proposals conflict with policies E1 and DME3 as set out above, the question of whether Class C1 (hotels) embraces holiday accommodation units is central to establishing whether the proposed development otherwise complies with adopted policy in principle.
43. Case law has previously established that individual holiday accommodation units amount to C3 dwellings, rather than falling within any other use class or being a sui generis use.
44. The issue is therefore whether the development in question is a single C1 planning unit, or a number of C3 units contained within a single building.
45. Whilst case law establishes that a hotel use would generally include provision of services such as the provision of drinks and meals, it is not the case that the absence of this or any other particular service necessarily excludes the establishment from the definition of a hotel.
46. In this case, the floorplans illustrate that food or drink would not be available within the building, with the only shared space being the entrance foyer, landings, and stairwells. There is no suggestion of staff space, or a reception desk or area. As noted, this does not in itself establish the premises as falling outside of a C1 use.
47. It is necessary to also consider the degree of self-containment of the accommodation proposed. Each of the 13 self-catering units proposed contain all of the facilities of a dwelling; living, cooking, sleeping and bathroom facilities are included in each. Accessed from the foyer or landing, each unit has its own separate access and – aside from passage through the internal corridors – is not dependent on any other unit for entrance or occupation; in much the same way a block of residential flats would be occupied.
48. On the basis of these facts, whilst the development is described by the applicant as an ‘aparthotel’ it is concluded that the proposed development does not represent a C1 use, but rather an application for 13 residential flats falling within Use Class C3 and intended for holiday let occupation.
49. The development is therefore subject to general assessment as new build holiday accommodation under policy RT2 of the Core Strategy, rather than its provisions insofar as they would relate to a hotel.
50. Policy RT2 is specific that new build holiday accommodation will not be permitted, except for a new hotel in Bakewell. The development does not constitute a hotel for the reasons set out above, and as new build development is contrary to policy RT2 in principle.

Design and appearance

51. The design of the building is unchanged from that approved by the permission for an office building in 2006. The design therefore reflects that of neighbouring buildings on site.
52. The design however does retain a number of features reflecting the previously intended use including wide gables and a high roof which would incorporate roof lights to the proposed second floor. The design would also incorporate a high amount of glazing and a variety of different window openings.

53. Therefore, while the design would utilise appropriate local materials and reflect the design of surrounding units it would not reflect the high standard of design advocated by the Authority's current adopted design guide or National Policy which states that advocates for beautiful and sustainable buildings. This has been achieved by similar types of development in the recent past, for example at the replacement of the Rising Sun Hotel near Bamford.
54. The proposed design therefore does not take the opportunity to deliver a high standard of design or enhance the site contrary to policies GSP3, DM3 and the Authority's adopted Design Guide.

Landscape impacts

55. The site is well screened in wider views by topography and other buildings at the site and, as noted above, the buildings appearance is unchanged from that of the extant permission. There are therefore no objections to the proposals on landscape grounds.

Amenity impacts

56. In the context of the extant use of the application site and wider business park and residential units the proposed development would not give rise to noise or other disturbance nuisance to any nearby property.
57. The development would be located within the established business park where there are a variety of industrial uses which have the potential to generate noise. Occupants of holiday accommodation have a lower expectation of amenity compared to permanent residential uses. However, if permission were granted a scheme of noise mitigation measures to be incorporated into the design would need to be secured by planning condition.

Drainage, sustainable building and climate change

58. Policy CC1 requires new development to make the most efficient and sustainable use of natural resources and achieve the highest possible standards of carbon reductions and water efficiency. The application is not supported by a climate change statement and therefore does not demonstrate how it would comply with the requirements of policy CC1 or how the development would mitigate the impacts of climate change.
59. Policy CC5 requires development to include adequate measures such as Sustainable Drainage Systems (SuDS) . This reflects the requirements of paragraph 175 for major development to incorporate SuDS schemes. Foul drainage from the development would be to the main sewer which is acceptable. The application however form does not indicate how surface water would be disposed of and no Drainage Assessment or SuDS scheme has been submitted with the application.
60. The development would be served by safe access and therefore there are no objections to the development on highway safety grounds.
61. The proposed plan shows a total of 40 off-street parking spaces, one of which would be available for use by disabled people. The proposal is for 9 x 2-bedroom holiday flats and 4 x 1 bedroom flats. This would equate to a maximum of 13 parking spaces in accordance with the Authority's adopted parking standards. The proposal therefore represents a significant over provision of parking.

62. If permission were granted planning conditions would be required to secure a reduced level of parking along with secure cycle storage within the development. Furthermore, if permission were granted it would be necessary to secure the provision of a Travel Plan to meet the requirements of policy T2 and the National Planning Policy Framework.

Conclusion

63. Approval of the application would result in the loss of a site allocated and safeguarded for employment use only. There is no policy justification or evidence of other strategic need that would support the proposed development and the loss of the employment use would therefore be contrary to policies E1 and DME3.
64. Further, the proposed use amounts to new build holiday accommodation, contrary to adopted policy RT2.
65. There are no other material considerations that would indicate planning permission should be approved, and the application is therefore recommended for refusal.

Human Rights

66. Any human rights issues have been considered and addressed in the preparation of this report.
67. List of Background Papers (not previously published)
68. Nil
69. Report author: Mark Nuttall, Principal Planner.