

6. FULL APPLICATION - CHANGE OF USE FROM C2 TO C3 FOLLOWING DEMOLITION OF CENTRAL COMMUNAL BLOCK OF SINGLE STOREY FORMER CARE FACILITY AND ADAPTATION/CONVERSION TO CREATE 7 BUNGALOWS, AT GERNON MANOR HOUSE, BAKEWELL (NP/DDD/0724/0755, MN)

APPLICANT: MR D HILTON

Summary

1. The application proposes converting an existing (closed) care home in to seven open market dwellinghouses.
2. This is contrary to adopted policy HC1 due to the proposals comprising the provision of open market housing.
3. Further, it would result in the loss of a community facility without replacing it with a development of further community benefit, without justification having been provided for this. This is contrary to adopted policy HC4.
4. The proposals also fail to assess flood risk impacts, or impacts of the development in protected species, and fail to set out any climate change mitigation proposals, all contrary to adopted policies.
5. For these reasons, the application is recommended for refusal.

Site and Surroundings

6. Gernon Manor House is a currently closed care home within the town of Bakewell.
7. It is located on the Dagnall Gardens cul-de-sac, to the west of the A6, off which it is currently accessed. A further cul-de-sac, The Avenue, runs roughly parallel with Dagnall Gardens to the south of the application site, also accessed from the A6.
8. The building comprises a group of five single-storey pitched roof elements, connected by flat-roofed links to form a single unit of accommodation; albeit the pitched roof of the central element and the flat roofs have been removed during the course of this application, and internal works to alter the building have also taken place at the site.
9. The property has residential neighbours to the side; to the immediate east and west of its boundaries, on Dagnall Gardens to the north-east, on The Avenue to the south and in the Hoyle Court building a short distance north west of the site.
10. A tall yew tree hedge bounds the southern edge of the application site, with a number of further trees present within the site.
11. Whilst the application property is not a historic building, the site lies within the Bakewell Conservation Area, the boundary of which tracks the southern and eastern boundaries of the site.
12. Much of the site and existing building is within Flood Zone 2.

Proposal

13. Change of use from C2 to C3 following demolition of central communal block of single storey former care facility and adaptation/conversion to create 7 bungalows.

RECOMMENDATION:

14. That the application be **REFUSED** for the following reasons:
1. The proposed market housing would not deliver affordable housing to meet eligible local need, meet the essential need of rural workers or be required to achieve conservation or enhancement. Therefore there is no justification for the proposed market housing contrary to Core Strategy policy HC1.
 2. The proposal would result in the loss of the existing community facility. The development would not meet another community need or deliver affordable housing to meet eligible local need. No evidence of attempts to secure such a use have been provided. The loss of the existing community facility is therefore contrary to Core Strategy policy HC4.
 3. Insufficient evidence has been submitted to demonstrate that the development would not harm protected species or their habitat contrary to Core Strategy policy L2, Development Management policies DMC11 and DMC12 and the Authority's obligations under the Conservation of Habitats and Species Regulations 2017 (as amended).
 4. The site is located within Flood Zone 2. No Flood Risk Assessment has been submitted with the application and therefore there is insufficient evidence to conclude that the development would be appropriately flood resistant and resilient, incorporates sustainable drainage systems, manages any residual risk and includes safe access and escape routes contrary to Core Strategy policy CC5 and the National Planning Policy Framework.
 5. Insufficient evidence has been submitted to demonstrate how the development would make the most sustainable use of land and resources, reduce energy and water consumption and mitigate the impacts of climate change contrary to Core Strategy policy CC1.

Key Issues

15. The principle of development, including the provision of open market housing and the loss of a community facility.
16. The impact of the development on the amenity of neighbouring properties.
17. The impact of the development on protected species.
18. Matters of highway safety and amenity.
19. Matters of flood risk.
20. Matters of climate change mitigation.
21. The impact of the development on the tree interests of the site.

Relevant Planning History

22. 1998 – Renewal of temporary consent for use of staff dwelling as an office (granted temporarily)

23. 1993 – Change of use from staff dwelling to office (granted temporarily)
24. 1977 – 36 aged persons home and 2 staff dwellings and erection of garage (granted)

Consultations

25. Highway Authority – No objections subject to a construction management plan being approved and implemented, and to sheltered cycle storage being available within the site.
26. Lead Local Flood Authority – Due to the team's current workload, Derbyshire LLFA are only responding to Major planning applications.
27. Town Council – Object to the proposals and reiterate the representation of Robert Kirkwood. In summary, that representation objects to the provision of a development comprising only open market housing, and raises concerns about preserving the area's character.
28. District Council – No response at time of writing
29. Historic England – Not offering advice in this case.
30. Environment Agency – The development falls within flood zone 2 and therefore the Authority should apply national flood risk standing advice (FRSA) in this instance.
31. PDNPA Tree Officer – Raise no objection to the proposals subject to securing replacement planting for lost trees, to the scheme of protective fencing being adjusted, and to works being carried out in accordance with the submitted Arboriculture Report.

Representations

32. 17 letters of representation have been received. 16 object to the application, whilst 1 makes general comment. Many of the representations express concern only in relation to the provision of a new pedestrian access on to the Avenue. The planning reasons for objection received are summarised below.
 - a) The proposals should constitute affordable housing rather than open market housing
 - b) Impacts on privacy of neighbouring properties
 - c) Change of character of the area through removal of hedgerow to the southern edge of the site
 - d) Concerns over loss of trees, particularly the yew hedge to the southern edge of the site
 - e) Lack of assessment of impacts on protected species
 - f) Lack of statement of drainage provision or flood risk assessment
 - g) Concerns regarding the provision of a pedestrian access on to the private road of The Avenue
 - h) Concerns over intensification of the use of The Avenue by vehicular traffic, including parking
 - i) Inaccuracy of the application form
 - j) Missing plans
 - k) The development has already commenced
 - l) Concerns regarding rights of access to other property

Main Policies

33. Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L2, L3, HC1, HC4, CC1

34. Relevant Development Management Plan policies: DMC3, DMC8, DMC12, DMC13, DMC14, DMT3, DMT8

National Planning Policy Framework

35. The National Planning Policy Framework (NPPF) is a material consideration. Development plan policies relevant to this application are up-to-date and in accordance with the NPPF and therefore should be given full weight in the determination of this application.
36. Paragraph 182 of the NPPF states: 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. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
37. Paragraph 173 states that, where appropriate, applications should be supported by a site-specific flood-risk assessment. The supporting footnote states that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. Paragraph 174 sets out that applications for changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments.
38. Paragraph 173 goes on to states that development should only be allowed in areas at risk of flooding where, in the light of flood risk assessment, it can be demonstrated that the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment, that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, that any residual risk can be safely managed, and that safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Core Strategy

39. Policy GSP1 sets out that all policies must be read in combination and that all development shall be consistent with the National Park's legal purposes and duty.
40. 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.
41. Policy HC1 sets out the strategic housing principles within the National Park, stating that provision will not be made for housing solely to meet open market demand. It states that exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where: it addresses eligible local needs, provides for key workers in agriculture, forestry or other rural enterprises, or where it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings or to achieve conservation or enhancement in settlements listed in core policy DS1.
42. Policy HC4 requires 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:

- I. no longer needed; or
 - II. available elsewhere in the settlement; or
 - III. can no longer be viable.
43. It goes on to state that wherever possible, the new use must either meet another community need or offer alternative community benefit such as social housing, and that evidence of reasonable attempts to secure such a use must be provided before any other use is permitted.
44. Policies L1 and L3 say that development must conserve or enhance the landscape character and cultural heritage of the National Park. Development that harms the landscape or cultural heritage will only be permitted in exceptional circumstances.
45. Policy L2 states the development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where is likely to have an adverse impact on any site, features or species of biodiversity importance or their setting.
46. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources, considering the energy hierarchy and achieving the highest possible standards of carbon reductions and water efficiency.

Development Management Plan

47. Policy DMC3 expects a high standard of design that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape.
48. Policy DMC8 seeks to protect the character and appearance and setting of Conservation Areas.
49. DMC12 sets out that for European Protected Species, the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect such sites or species can be fully met.
50. DMC13 seeks to protect trees put at risk by development and requires that sufficient information be submitted to enable impacts to be properly considered. It resists the loss of trees of visual amenity or biodiversity importance, and seeks the retention of trees and hedgerows unless the loss is justified. It also seeks to protect trees during works.
51. DMC14 sets out that development that presents a risk of pollution or disturbance including soil, air, light, water or noise pollution, or odour will not be permitted unless adequate control measures are put in place to bring the pollution within acceptable limits.
52. DMH6 states that re-development of previously developed land will be permitted provided development conserves and enhances the built environment or landscape on, around or adjacent to the site. In settlements, and subject to viability, an element of the housing addresses local need for affordable housing.
53. Development Management Policy DMT3 states the development will only be permitted where, having regard to the standard, function, nature and use of the road, a safe access that is achievable for all people, can be provided in a way that does not detract

from the character and appearance of the locality and where possible enhances it.

54. DMT8 states that off-street car parking for residential development should be provided unless it can be demonstrated that on-street parking meets highway standards and does not negatively impact on the visual and other amenity of the local community.

Assessment

Principle of Development

Provision of open market housing

55. The application proposes seven units of open market housing. The site is previously developed land and therefore policies HC1 and DMH6 are relevant. These policies reflect national policy and guidance for housing in the National Parks stating that housing will not be permitted solely to meet open market demand to live in its sought after environment.
56. Policies HC1 and DMH6 state that housing will only be permitted in exceptional circumstances such as affordable housing to meet local need, where development is required to achieve the conservation or enhancement of a heritage asset or settlement or a rural worker dwelling.
57. The application buildings are not heritage assets or any architectural, historic or other significance. The existing buildings nevertheless sit comfortably in its setting and have a limited impact upon the character of surrounding Conservation Area or landscape. The development would result in little difference to the other buildings on the site and therefore the proposed market dwellings would not result in any enhancement to the area. The proposed development would not deliver affordable housing to meet local need or a rural worker dwelling to meet the essential need of a rural enterprise.
58. Policy DMH6 does offer scope for re-development of previously developed land to housing. However, this policy and its supporting text make clear development must deliver enhancement and affordable housing to meet local need in accordance with policy HC1. The proposed development of market dwellings is therefore in direct conflict of the principles set out by the Authority's established housing policies.

Loss of the existing care home use

59. The proposals represent the loss of a community facility. Where the proposed new use of such a facility is not another community use, as is the case here, policy HC4 requires evidence that the facility is no longer required, no longer viable, or available elsewhere in the settlement.
60. In relation to the need and viability of the care home, the property is understood to have been disposed of by Derbyshire County Council by way of auction in 2022. That is strongly indicative of the property being no longer required for local care provision in the view of the County Council – or no longer viable to be operated as such.
61. Further, there are other care homes in Bakewell. Whilst they may offer different provision to that which was offered at Gernon Manor House (this matter has not been explored by Officers), the care home subject to the current application has a lawful C2 use that would allow a range of different provisions to be provided from the site. Therefore, the proposal would meet the initial part of HC4 C.

62. However, policy also requires that other community uses or uses of community benefit, such as affordable housing, be considered and evidence of attempts to secure such uses to be submitted prior to any non-community use being supported.
63. No evidence has been provided of that process having taken place, the application makes no reference to how the currently proposed use was arrived at. The proposed development is therefore contrary to policy HC4.

Design and appearance

64. The existing building is not a heritage asset and its scale, form and massing do not reflect the built tradition of the National Park or the character of the local area. It is however constructed of natural stone, includes some traditional design elements – modestly sized openings, no significant fascia or bargeboards, stone (albeit artificial) surrounds to doors and windows – and is generally modestly designed.
65. As a scheme seeking to work with the existing building, the proposed design is broadly acceptable as it removes the connecting flat roofs and, in removing the central part of the building altogether, it provides several units that are of a simpler and more traditional form and massing than the existing building.
66. Elevation plans for the south elevation of the building (both as existing and proposed) are missing from the application, although the existing site appearance, proposed floor plans and other elevation plans make it possible to anticipate their appearance. Nevertheless, those plans would need to be secured by condition if the application was approved.
67. The proposals largely re-use existing openings, remove some recessed doorways, and add flat-roofed porch canopies to some parts of the building. Whilst the latter are not traditional features and do not relate especially well to the pitched roof buildings, the overall impact is neutral.
68. In terms of the landscaping of the site, this is not defined in detail by the application. Each property is shown to be served by a garden (albeit not one with any significant privacy in most cases), but details of new surfacing and any proposed boundary treatments is not provided. Again, those matters could be reserved by planning condition in the event of the application being approved.
69. Overall, the development is concluded to be acceptable in general design terms in accordance with policies GSP3, L1, and DMC3 in this regard.

Impact of the development on the Bakewell Conservation Area.

70. The application has not been accompanied by a heritage statement, as required by policies DMC5 and DMC8. However, given the nature and extent of development it is considered possible to make assessment of the impacts of the development upon the conservation area without this.
71. The care home is positioned just within the Conservation Area (CA) boundary. Whilst not a traditional building, its single storey height, low visibility in wider views due to topography and planting, and position amongst other single storey properties mean that its impact on the character and appearance of the CA is low.
72. The proposed development does not significantly change that impact. The breaking up of the single complex and removal of the flat roofed elements while a modest

improvement to the form of the building itself would have a largely neutral impact upon the significance of the CA.

73. The development would also not significantly affect the setting of any other designated heritage asset. Overall, the development would conserve the significance of the CA, according with policies L3, DMC5 and DMC8.

Highway and Access Issues

74. The proposals alter the site layout to provide access and parking space for the proposed seven dwellings, with each property allocated two spaces – those for unit 1 are ill-defined on the proposed site plan, but it is evident that space is available to accommodate them. This level of provision accords with adopted parking standards.
75. Representations question if and how the existing access at the north of the site – within the applicants control and application site area – would be managed going forward to ensure access to the properties sharing it would continue to be able to. This part of the site is not subject to change by the proposals, and matters of rights of access are otherwise not planning matters that can be controlled through this application process.
76. A new pedestrian access on to the Avenue is proposed and would benefit the connectivity of the development, and of Dagnall Gardens and the Avenue more generally. Representation raises concern regarding increased use of the Avenue for visitors for the new dwellings if this arrangement proceeds, both on the basis of its capacity to accommodate this, and because it is a private road.
77. As noted above however, the site itself proposes adequate parking provision for dwellings of this number and size, and the Highway Authority raise no concerns regarding the arrangement. Concerns over the unadopted nature of the road, or regarding rights of access more generally, are not material to the consideration of this planning application.
78. Representations also raise concern over the risk of the proposed pedestrian access being used as a vehicular access. It is not proposed as that, and has not been assessed as such. Given its width and the lack of detail regarding the design of the entrance to this access from the Avenue, Officers agree that there is scope for it to be used to provide vehicular access in to the site. As a vehicular access here has not been considered under the current application, including any implications of intensifying traffic movements at the junction of the Avenue and A6, it would be necessary to secure the design of the access to be agreed and restricted to use as a pedestrian access only if permission was granted.
79. Calculations regarding any increased intensity of use of the highway and associated impacts has not been provided. However, taking account of the movements of residents, staff, visitors, and support services comings and goings from the site, the proposed use as seven 2 and 3 bedroom dwellings is not likely to result in a significant increase in traffic movements when compared to the extant use of the site as a care home. Further, the Highway Authority raise no objections to the proposals on these grounds.
80. The Highway Authority recommend conditions to ensure access is not impeded during works, and recommend a condition to secure sheltered cycle parking within the development. Those matters could be controlled by condition if the application were

approved.

81. Overall, and subject to conditions, the proposals do not give rise to objections on highway safety or amenity grounds, and accords with policies DMT3 and DMT8 in relation to the provision of safe access and adequate parking space.

The impact of the development on the amenity of neighbouring properties

82. The site currently has a lawful use as a care home, which has previously and could include residential accommodation, and there is no control over how the rooms within the building are used within the limitation of its lawful use. This existing situation is given significant weight in assessing any change to amenity impacts.
83. In general, the positions of doors and windows facing out of the site in any direction is unchanged by the proposals. Some of these are below the usual recommended separation distances, but that is an existing situation and, as noted above, the use of the spaces behind them is uncontrolled and could readily be occupied as sleeping or living areas. In that context, the development would not give rise to any significant additional loss of privacy to neighbouring properties.
84. This would be subject to clarity being provided by way of condition in relation to proposed boundary and planting treatments to the southern edge of the site if permission was granted, where there is the potential for a change in the amenity relationship between the site and The Avenue if this were to remain uncontrolled.
85. The position of parking spaces would be changed from the existing situation, and in some cases be closer to neighbouring boundaries. However, this, and the wider domestic use of the site, would not be considered to give rise to unacceptable noise or other disturbance in this existing residential area, particularly when also giving weight to the noise and disturbance that could arise from the extant care home use.
86. The relationship between facing windows of the proposed properties themselves would give rise to some privacy concerns, particularly between facing windows of units 6 and 7 at a distance of approximately 11m. That matter could be addressed through amending window positions and consideration of boundary treatments. These amendments could be secured by planning condition if the application were approved.
87. Subject to minor amendments, it is therefore concluded that the development would not result in any significant harm to the amenity of living conditions of occupants of the proposed development or neighbouring properties, and would accord with policy DMC3 in this regard.

Tree impacts

88. There are several trees with the application site area that would be affected by the development, including some removals. The Authority's tree conservation officer raises no objections to these proposals subject to appropriate mitigating planting and tree protection measures being undertaken, and as such the trees are concluded to not contribute such to the visual amenity or biodiversity of the location to warrant retention and the development is concluded to accord with policy DMC13 in this regard.
89. The submitted Arboricultural 'tree protection plan' recommends that the large yew hedge running along the southern boundary is removed, but there is no further mention of this within the submissions. The submitted proposed site plans show only indicative landscaping, but do appear to show changes to the planting along this boundary. Having consulted the applicant, they advise that the yew tree hedgerow removal does

not form part of this application.

90. Whilst the Authority's tree conservation officer does not object to the removal of this hedgerow, were it to form part of the application then the development would be subject to statutory requirements for biodiversity net gain (BNG) requirement (see below). As such, if permission was granted it would be necessary to impose a condition to retain the hedgerow as part of the development; its removal would otherwise circumvent the BNG legislative requirements.

Ecology and BNG

91. The application is exempt from statutory requirements for BNG under the 'de minimus' exemption.
92. The application has not been accompanied by a protected species survey. Prior to the roof of the building being removed, it would likely have been considered a building of complex roof structure with the potential to accommodate protected species; its removal without such survey is therefore regrettable.
93. In any case, however, the development does affect mature trees within the site, including the loss of 3 trees, and as such a protected species survey should have been submitted with the application because the removal of the trees may impact upon protected species or their habitat.
94. In the absence of this information it cannot be concluded that the development would not result in harm to protected species. Under the provision of the Conservation of Habitats and Species Regulations 2017 (as amended), the Authority is required to consider whether European Protected Species (EPS), such as bats would be affected by the proposed development. Without assessment, the Authority is unable to establish the extent to which European Protected Species may be affected by the proposal before granting planning permission contrary to policies L2, DMC11 and DMC12.

Flood risk

95. The application does not include a site specific flood risk assessment (FRA). The application states that the site will be occupied by fewer people at any one time, that both the existing and proposed uses are classified as 'more vulnerable' uses by the Flood Risk Vulnerability Classification, and that removal of the central part of the building will reduce potential obstacle for flowing flood water.
96. Notwithstanding that the flood resilience measures of the current care home are not specified in the application, the intention of the requirement for an FRA is to ensure that new development is appropriately flood resistant and resilient, incorporates sustainable drainage systems, that any residual risk can be safely managed, and that safe escape access can be achieved. The NPPF does not make exception for the provision of an FRA when a change of use is between two uses with the same vulnerability classification. On the contrary the NPPF and practice guidance specifically states that changes of use are subject to the requirement of an FRA in Flood Zone 2.
97. For developments of this type, the Authority is to refer to government standing advice in regard to what an FRA should include. In this case it should include:
- an assessment of the flood risk from all sources of flooding for the development, plus an allowance for climate change
 - the estimated flood level for the development, considering the impacts of climate change over its lifetime

- an assessment of the residual risks resulting from the breach or overtopping of any flood defences
- details of the finished floor levels
- details of the flood resistance and resilience plans
- any supporting plans and drawings

98. None of these have been provided and as such we are unable to conclude that the development would be appropriately flood resilient, resistant and safe, contrary to policy CC5 and the provisions of paragraphs 173 and 174 of the NPPF.

Climate change mitigation

99. Policy CC1 requires all new development to demonstrate how it would make the most sustainable use of land and resources and to set out how it would reduce the need for energy, use and supply it efficiently, and seek to use low carbon and renewable energy.
100. No information has been submitted with the application to demonstrate how the development has been designed to minimise the use of resources or mitigate the impacts of climate change. The re-use of existing buildings is inherently sustainable, however, there would be opportunities to improve the performance of the buildings and incorporate energy and water saving measures and micro generation as part of the proposals. The application is therefore contrary to policy CC1.

Other Issues

Wider application site area

101. There is significant land within the application site area that is not affected by the development based on the proposed plans; including access roads, other buildings, and landscaping. Proposals for those areas if this application was to be approved are undefined. Given that the land subject to the development proposals for the dwellinghouses would, presumably, be taken in to various separate ownerships it is unclear how the remaining land would be managed and maintained going forwards.
102. If the application were approved, it would therefore be necessary by condition to identify and control the extent of the use permitted and the curtilage for each dwelling on plan, and to specifically exclude all other land from being subject to the approved change of use.

Drainage

103. No information has been provided with regard to the disposal of foul sewage. The application form states that foul sewage is to the main sewer but it is unknown if the development would connect to the main sewer. The development should connect to the main sewer as this would be practicable and viable. If the application were approved this would need to be secured by planning condition.

Fall-back position

104. In conversation with Officers the applicant has suggested that the building could be put to other uses without the need for planning permission. Whilst alternative proposals

have not been provided as part of the application, it is correct to assert that the property benefits from a Class C2 use. This use extends to residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. It is noted that these uses represent a 'fall-back' position for the applicant.

105. However, this application is for development of the site to seven market dwellings (Use Class C3). This is a materially different use than the fall-back position. The existing lawful use of the site itself therefore does not provide any overriding weight to indicate that permission should be granted for development contrary to the development plan.

Conclusion

106. The conversion of the care home as proposed is contrary to adopted policy due to the proposals comprising the provision of open market housing, and resulting in the unjustified loss of a community facility.
107. The proposals also fail to assess flood risk impacts, or impacts of the development in protected species.
108. Whilst other more minor matters detailed above could be overcome through negotiation or condition, these would not overcome the more fundamental objection to the development on policy grounds.
109. Consequently, the development is contrary to the development plan and having assessed all other material considerations, the application is recommended for refusal for the reasons set out at the top of this report.

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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