

9. FULL APPLICATION - FOR THE CHANGE OF USE OF PART OF AN EXISTING BUILDING TO PROVIDE TWO RESIDENTIAL DWELLINGS AND EXTERNAL WORKS AT FRIDEN HOUSE, FRIDEN, NEWHAVEN (NP/DDD/1224/1398, GG)

APPLICANT: DSF REFRACTORIES & MINERALS LTD

Summary

1. The application is for the change of use of part of an existing building to provide two residential dwellings and associated external works.
2. There is a policy requirement for one of the two proposed dwellings to be affordable to meet local need, unless demonstrated to not be financially viable. However, given the location of the site it is not considered that the dwellings would be suitable for occupation independent to the surrounding site.
3. The proposal is for the dwellings to be occupied by workers employed by the works and while no essential functional need has been demonstrated this is considered to be an appropriate use which balances the conservation of the building, the constraints of the site and the needs of the business.
4. The application is recommended for approval subject to conditions.

Site and Surroundings

5. The site consists of a former dwelling set within an historic factory complex (Friden Brickworks) currently operated by DSF Refractories and Minerals Limited. The site is located to the north side of the C228 road, a few hundred metres to the north of its junction with the A5012. The High Peak Trail crosses the road and adjoins the northernmost boundary of the factory site. The site is otherwise bounded by fields.

Proposal

6. The proposal is to convert the former office which the Applicant advises has been vacant since 1989, to two, 2 bedroomed dwellings (House B and C) to provide accommodation for employees of the business. The other part of the building described as 'House A' by the Applicant and which they consider has an extant use as a dwellinghouse does not form part of this planning application.
7. The application also includes alterations including replacement windows and repair / replacement of the roof structure. There are also alterations, and additional window and door openings which have been inserted, to facilitate the conversion. Each dwelling is proposed with whole house ventilation and air source heat pump heating.
8. Externally each unit would have independent parking, outdoor amenity space and bin storage.

RECOMMENDATION:

That subject to no adverse responses from statutory consultees or representations received on or before the end of the statutory consultation period 17 February 2025, that the application be APPROVED and delegated power granted to the Head of Planning, Development and Enforcement Manager and Area Team Manager, subject to the following conditions.

- 1. Statutory time limit for implementation**
- 2. In accordance with specified approved plans.**
- 3. Approval of details of materials for external works.**
- 4. Approval of details of any external meter box housings and their proposed locations.**
- 5. Approval and implementation of ventilation system and air source heat pumps.**
- 6. Approval of details of the surfacing of the car parking areas, their provision and retention**
- 7. Details of hard landscaping materials and boundary treatments.**
- 8. Removal of permitted development rights for alterations, extensions, outbuildings, solar or photovoltaic panels, and boundary treatments.**
- 9. Restriction of occupation of the dwellings to persons solely or mainly employed on the site and their dependants.**

Key Issues

- whether the conversion and sub-division of the building to form two dwellings is acceptable in principle;
- whether such sub-division of the building will have an impact on its character and appearance; and
- whether there are resulting matters of amenity with respect to the proximity of the building to an industrial operation.

History

9. 2024 - NP/DDD/0424/0384 - Conversion of an existing house (House B on the location plan to provide two dwellings – Withdrawn June 2024
10. 2024 - NP/DDD/0424/0382 - Lawful Development Certificate for a proposed use - Confirmation that the property is residential consisting of at least two dwellings – Refused.

Consultations

No comments received at the time of preparing this report for the Planning Committee Agenda. Any comments received will be verbally updated at the meeting. The comments with respect to the previously withdrawn planning application NP/DDD/0424/0384 are as follows and are provided for information only:

11. Derbyshire County Council (Highway Authority): No comment as would appear to be no material impact on the public highway.
12. Derbyshire Dales District Council (Environmental Health): No objection subject to houses being only for DSF employees.

13. CPRE Peak District and South Yorkshire: Comment that whilst renovating and developing new accommodation for key workers close to the existing established business would clearly be a positive proposal with material planning benefits, the submission appears to provide insufficient information to demonstrate compliance with Core Strategy Policy HC2. The PDNPA if looking to impose planning controls on the development, should also clarify precisely what use and occupancy the two new dwellings are to become, given the ambiguity of the description of development on the application form and in the supporting information.

Representations

14. No representations have been received to date.

Main Policies

15. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, CC1, L1, L3, HC1, HC2 & T7
16. Relevant Local Plan policies: DM1, DMC3, DMC5, DMC10, DMC14, DMH4, DMH6, DMH7, DMH10 & DMT8.

Wider Policy Context

17. 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:
- Conserve and enhance the natural beauty, wildlife and cultural heritage
 - 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.

National Planning Policy Framework

18. In the National Park the development plan comprises the Authority's Core Strategy 2011 and policies in the Peak District National Park Development Management Policies document 2019. 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 the NPPF.
19. Paragraph 189 of the NPPF states that *'great weight should be given to conserving and enhancing 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 these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*
20. Paragraph 82 of the NPPF states that in rural areas, planning policies and decisions should support housing developments that reflect local needs. It goes on to say that consideration can be given to market housing on sites that will provide affordable housing to meet identified local needs, if allowing some open market housing would help to facilitate this.

21. Paragraph 84 clearly states that planning policies and decisions should avoid new isolated homes in the countryside unless there are special circumstances such as:
- (a) meeting an essential need;
 - (b) ensuring the longevity of a heritage asset by allowing a viable use;
 - (c) the development would re-use redundant buildings and enhance its setting;
 - (d) the development would involve the subdivision of an existing residential building; or
 - (e) the design is of exceptional quality.
22. Paragraph 216 of the NPPF states that where 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.

Peak District National Park Core Strategy

23. GSP1 & GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies set out the broad strategy for achieving the National Park's objectives, and jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage
24. GSP3 - *Development Management Principles*. This 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.
25. DS1 - *Development Strategy*. This sets out what forms of development are acceptable in principle within the National Park.
26. CC1 - requires development to make the most efficient and sustainable use of land, buildings and natural resources in order to build in resilience to and mitigate the causes of climate change.
27. L1 - *Landscape character and valued characteristics*. This states that all 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.
28. L3 - *Cultural heritage assets of archaeological, architectural, artistic or historic significance*. This states that development must conserve and, where appropriate, enhance or reveal the significance of architectural or historic assets and their settings.
29. HC1 – *New housing*. This states that provision will not be made for housing solely to meet an open market demand, and sets out the exceptional circumstances where new housing can be accepted in open countryside.
30. HC2 – *Housing for key workers in agriculture, forestry and other rural enterprises*: This advises that new housing for key workers in agriculture, forestry or other rural enterprises must be justified by functional and financial tests and, wherever possible, it must be provided by re-using traditional buildings that are no longer required for their previous use. In addition, it will be tied to the land holding or rural enterprise for which it is declared to be needed.

31. T7 - *Minimising the adverse impact of motor vehicles and managing the demand for car and coach parks*: This states that residential parking and operational parking for service and delivery vehicles will be the minimum required for operational purposes, considering environmental constraints and future requirements.

Local Plan Development Management Policies

32. DM1 – *Conservation and enhancement of nationally significant landscapes*. This states that when considering development proposals, the National Park Authority will take a positive approach that reflects the presumption in favour of sustainable development and work proactively with applicants to find solutions that are consistent with National Park purposes.
33. DMC3 - *Siting, design, layout and landscaping*. This states that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
34. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their settings*. This relates to development impact on designated and non-designated heritage assets and advises:
- B. The supporting evidence must be proportionate to the significance of the asset. It may be included as part of a Heritage Statement or Design and Access Statement where relevant.....*
- F. Development of a designated or non-designated heritage asset will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of a heritage asset (from its alteration or destruction, or from development within its setting), unless:.....*
- (ii) for non-designated heritage assets, the development is considered by the Authority to be acceptable following a balanced judgement that takes into account the significance of the heritage asset.*
35. DMC10 – *Conversion of a heritage asset*. This advises:
- A. Conversion of a heritage asset will be permitted provided that:*
- (i) it can accommodate the new use without changes that adversely affect its character (such changes include enlargement, subdivision or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding); and*
 - (ii) the building is capable of conversion, the extent of which would not compromise the significance and character of the building; and*
 - (iii) the changes brought about by the new use, and any associated infrastructure (such as access and services), conserves or enhances the heritage significance of the asset, its setting (in accordance with policy DMC5), any valued landscape character, and any valued built environment; and*
 - (iv) the new use of the building or any curtilage created would not be visually intrusive in its landscape or have an adverse impact on tranquillity, dark skies or other valued characteristics.*

- B. *Proposals under Core Strategy policy HC1C (I) will only be permitted where:*
- (i) the building is a designated heritage asset; or*
 - (ii) based on the evidence, the National Park Authority has identified the building as a non-designated heritage asset; and*
 - (iii) it can be demonstrated that conversion to a market dwelling is required in order to achieve the conservation and, where appropriate, the enhancement of the significance of the heritage asset and the contribution of its setting.*
- C. *In all cases attention will be paid to the impact of domestication and urbanisation brought about by the use on landscape character and the built environment including:*
- (i) the supply of utility and infrastructure services, including electricity, water and waste disposal to support residential use;*
 - (ii) the provision of safe vehicular access;*
 - (iii) the provision of adequate amenity space and parking;*
 - (iv) the introduction of a domestic curtilage;*
 - (v) the alteration of agricultural land and field walls;*
 - (vi) any other engineering operation associated with the development.*
36. DMC14 – *Pollution and disturbance*. This relates to pollution control and nuisance and, whilst it relates to the consideration of proposals for development that may cause amenity concerns, conversely it is considered relevant in considering the impact of existing nuisance causing premises on proposed developments.
37. DMH4 – *Essential worker dwellings*. The need for a worker dwelling to support agriculture, forestry or other rural enterprise businesses will be considered against the needs of the business concerned. The policy provides a number of criteria including the need for a detailed appraisal demonstrates that there is a genuine and essential functional need for the worker(s) concerned, with a requirement that they need to be readily available at most times, day and night, bearing in mind current and likely future requirements.
38. DMH7 – *Extensions and alterations*. This advises that extensions and alterations to dwellings will be permitted provided that the proposal does not:
- (i) detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings; or*
 - (ii) dominate the original dwelling particularly where it is a designated or non-designated cultural heritage asset; or*
 - (iii) amount to the creation of a separate independent dwelling;*
39. DMT8 – *Residential off-street parking*. This advises:
- A. *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. This should be either within the curtilage of the property or allocated elsewhere. Full details of the appropriate range of parking provision for residential developments can be found within the Parking Standards at Appendix 9.*
 - B. *Off-street car parking space provided as part of a development will be protected where there is evidence that loss of such space would exacerbate local traffic circulation problems.*

- C. *The design and number of parking spaces associated with residential development, including any communal residential parking, must respect the valued characteristics of the area*

Supplementary Planning Guidance

40. In addition to the above, the PDNPA has relevant Supplementary Planning Documents (SPD) which are material considerations in the planning decision making process. The PDNPA Design Guide refers to the principles of good design and designing in harmony with the local building tradition. The Conversion of Historic Buildings SPD should be used by those wishing to convert historic buildings and aims to ensure that any new use respects the original character, appearance and setting of the building.

Assessment

Background

41. The applicant submitted a Certificate of Lawful Development for a Proposed Use (NP/DDD/0424/0382) and sought to confirm that the entire building was in residential use and consisted of at least two dwellings. This application was refused on 7th May 2024 as it was considered that the evidence submitted did not demonstrate, on the balance of probability, that the building had indeed been last used as two dwellings.
42. The applicant continues to assert that a third of the overall building has been used as a dwelling since at least the mid-1990s; this portion is designated as 'House A' in the submitted documents. The current planning application however relates only to the remaining two thirds of the building which in the submitted documents is designated as 'House B'. The applicant states 'House B' was most recently used as offices, storage and other uses ancillary to the wider DSF operation. The current planning application seeks to subdivide 'House B' to create Houses 'B' and 'C'.

Principle of the Development

43. Given that the use of the building has not been established as being a dwellinghouse, regard must be given to Policy HC1 of the Core Strategy. This advises that new housing will not be permitted solely to meet open market demand but that it will, exceptionally, be acceptable in principle where:
- A. It addresses local need; or
 - B. It provides for key workers in agriculture, forestry or other rural in accordance with HC2; or
 - C. it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings.
44. The proposal does not address criteria A and B. The dwellings would not be affordable to meet local need and though the dwellings would serve an industrial enterprise in a rural area, it is not the case that the workers they would house would be essential key workers and nor would the dwellings be justified by functional and financial tests as required by policy HC2 (a) and DMH4.
45. With regard to criteria C of HC1, where a development is able to accommodate more than one dwelling unit, it must also address identified eligible local need and be affordable with occupation restricted to local people in perpetuity, unless it is not financially viable. To this end, the building is deemed a non-designated heritage asset, however, it is not considered feasible that the one of the dwellings the applicant seeks to create should be set aside as an affordable dwelling. This is because the application building is sited contextually with

the industrial site and as such is unlikely to be suitable as housing to meet local needs given concerns with respect to amenity.

46. Therefore instead, it is proposed that the building be used as two dwellings for employees of the site only. This approach would not accord with the criteria of the relevant policies referenced above and therefore, must be deemed a departure from the Local Plan and needs to be assessed on its own merits considering any material considerations.
47. If the proposal would secure the conservation and enhancement of the building then in normal circumstances policy would support conversion to dwellings. However, there are site specific amenity reasons why occupation of the building by persons not employed on the wider site would not be acceptable. This would apply equally to use of the building as affordable or market dwellings. In this unusual context it is considered that if the development would demonstrably conserve the significance of the building that use for workers accommodation could be an acceptable solution.
48. Introducing dwellings in the countryside is normally an unsustainable form of development, however, this building is a heritage asset where residential use could be appropriate to long term conservation. While typically dwellings in the countryside can result in additional vehicle trips and need for new services – this would not necessarily be the case for the current proposal which would also reduce movements to and from the site.

Visual and Landscape Impacts

49. Whilst the applicant has not submitted a Heritage Impact Assessment to justify the proposals, the alterations that have been detailed and with a number already undertaken are not considered to have had a harmful impact on the character and appearance of the buildings. The elevations of the building have been repaired and re-rendered, new windows and doors inserted and there are some ongoing works; it is considered that the works have preserved the character and appearance of the overall building as still appearing as semi-detached dwellings.
50. The details of the garden areas, and location of shared car parking, are considered acceptable, but it is considered reasonable to require details of any boundary treatments, landscaping of the curtilages and the provision of car parking spaces to be submitted for approval, prior to being provided, as conditions on any grant of planning permission.
51. On this basis, the proposals would not have an adverse impact on the character and appearance of the proposed dwellings, their setting or the wider landscape and the proposals are therefore considered to be compliant with the requirements of Core Strategy policies GSP1 and GSP3 and Local Plan policies DMC3, DMC5, DMC10 and DMH7.

Amenity impacts

52. The rear facing windows to House A overlook the rear yard area of proposed House C. There would be a yard area to the front of House C which would be overlooked from House B. There would also be an open garden at the front of House A and B. To lessen overlooking impacts, the Applicant has advised that there will be boundaries between the gardens though no details have been submitted. To this end, it is considered reasonable that details of boundary treatments should be provided as a condition on any grant of planning permission, to not only safeguard amenity but to ensure the satisfactory appearance of the development.
53. Notwithstanding the above, the development could be regarded as creating shared amenity spaces one might associate with an apartment development; the dwellings would after all be solely associated with the factory site and employees therein. This lessens the need to extensively subdivide the site which would thereby lessen potential subdivision

without impact on the character, appearance and setting of the properties. Obscure glazing could be inserted in the rear windows of Houses A and B if the overlooking of the yard areas was deemed to be too invasive by the Applicants or the occupiers.

54. As this is a confined site, it is considered reasonable to remove permitted development rights for extensions to the dwellinghouses and the erection of other structures, such as sheds and outbuildings, that may impact on amenity and the character and appearance of the development.
55. There was noise evident at the site during the Officer's site visit given the proximity to the industrial buildings. To this end, Derbyshire Dales District Council's Environmental Health Section has advised of no objection subject to houses being only for occupation by employees at the site.
56. It is clear that occupants of the development would be exposed to noise and other disturbance from industrial operations and vehicle movements. This would be an unacceptable situation for any occupant unrelated to the wider site. However, the impact from the nearby operations and vehicles would not be so significant to render the development unsuitable for human occupation or hazardous to the health of the occupants.

Highway Matters

57. The Highway Authority has advised that there would appear to be no material impact on the public highway, it is considered reasonable that adequate parking provision is made to serve each dwelling and that this is appropriately provided in a manner that does not impact on appearance of the development.
58. Policy T7 states that residential parking should be the minimum required, it is considered that the proposed six parking spaces proposed are reasonable to serve the properties, relate well to the dwellings, and would be read contextually with other car parking serving the industrial site. A condition could be attached to any planning permission that details of the surfacing of the parking areas be submitted for approval prior to provision.

Sustainability

59. Policy CC1 of the Core Strategy requires development to make the most efficient and sustainable use of land, buildings and natural resources in order to build in resilience to and mitigate the causes of climate change. The reuse of the building is in principle a sustainable form of development and the Applicant advises that the dwellings would meet the requirements for building regulations.
60. It is also advised that whole house ventilation and air source heat pumps would be installed and details of such can be required as a condition of any planning permission in line with the aims of Policy CC1. These would mitigate any risks associated with dust from the site and reduce energy consumption and carbon emissions.

Ecology

61. The building has been recently re-roofed and therefore the proposed development would not be likely to have any significant impact upon protected species or their habitat. The development would also not have any likely significant effect on any designated site.
62. The development is exempt from statutory biodiversity net gain.

Conclusions

63. Whilst the re-use of the building for two dwellings would normally be required to provide one affordable dwelling to accord with HC1 such is the proximity of the industrial site that this would not be deemed appropriate.
64. Given the context of the site, it is considered that a condition that the dwellings are used by employees in connection with the business is an appropriate compromise and this can be secured as a condition on any grant of planning permission. Therefore, the proposal is considered a sustainable re-purposing of the building, which is deemed to be a non-designated heritage asset, that will preserve the building and which, through that process, should lead to an enhancement of the application site.
65. Given the above, it is recommended that planning permission be granted, subject to a condition restricting occupancy of the dwellings to employees of the wider commercial site and that the permission should include conditions that seek to preserve and enhance the character, appearance and amenity of the site, provide adequate parking and mitigate against climate change. To this end, it is considered that the proposals would be compliant with Policies GSP1, GSP2, GSP3, DS1, CC1, L1, L3, HC1, HC2 & T7 of the Core Strategy and Policies DM1, DMC3, DMC5, DMC10, DMC14, DMH7 & DMT8.

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

Report Author and Job Title

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