

17. FULL APPLICATION – CHANGE OF USE FROM AN UNUSED COMMERCIAL GARAGE TO A DOMESTIC DWELLING AT THE GARAGE AND PREMISES, WHESTON BANK, TIDESWELL. (NP/DDD/0915/0827 414920 / 376019 P1726 SPW)

APPLICANT: Gary Newton

Site and Surroundings

The application site is located in Tideswell on Wheston Bank. It is within the designated Conservation Area at the edge of the village and contains a large building which formerly was in use as a haulage vehicle garage. It is a sloping site, with the land running down to the east.

The building has a large utilitarian size and form. It was erected for the garaging and servicing of no more than 2 lorries at any one time. The use was also granted on a personal basis to Mr C.A. Newton who at the time resided in the adjacent property (Honeysuckle House).

The building is finished in render, with a natural blue slate roof. The roof is asymmetrical in form and of a very shallow pitch. There are large door openings in the southern facing gable with roller shutter doors. There are also windows overlooking the neighbouring garden to Honeysuckle House which along with Chippers Barn are the two nearest dwellings. It stands out as being a relatively large building which is intrusive in this setting.

A large Sycamore tree and an Ash tree are growing close to the building. In addition there is a Hawthorn and an Elder growing in the highway verge. The Sycamore is so large that it screens much of the building and overhangs its roof. In views from the road to the south of the building the trees help to reduce the visual impact of this large untraditional garage building.

Proposal

The change of use of the building from unused garage to a domestic dwelling. It involves external alterations including cladding the gable end with stone, replacing the garage doors with a glazed opening, altering existing openings, inserting openings on the first floor and rooflights.

The conversion would provide accommodation over 2 floors providing open plan living on the ground floor with 3 double bedrooms and a study on the first floor.

An amended site plan has been submitted omitting land mistakenly shown in the application site area which is in fact associated with the neighbouring house, 'Honeysuckle House'.

RECOMMENDATION:

That the application be REFUSED for the following reasons.

- 1. The proposal does not achieve a high standard of design and it fails to take the opportunities available for achieving enhancement via removal of the building. Retaining the building combined with the treatments to the building and site will not achieve conservation or enhancement and would in fact detract from the character and appearance of the Conservation Area and its National Park setting and also cause amenity issues with the neighbouring property Honeysuckle House. The proposal is therefore contrary to the policies of the development plan including Core Strategy Policies GSP1, GSP2, GSP3, L3, Local Plan Policies LC4, LC5 the Authority's SPD the 'Design Guide' and the NPPF.**

2. **Whilst it is accepted that the existing employment use can be released, the proposed conversion does not adequately demonstrate why the site could not be redeveloped for Local Needs Affordable Housing and the scheme itself is not considered to achieve an enhancement. Consequently the proposed unrestricted dwelling is not considered to be required for the conservation or enhancement of the site. The proposal is therefore contrary to the policies of the development plan including Core Strategy Policies E1, HC1, GSP2, Local Plan Policy LH1 and the NPPF.**
3. **The application does not include adequate information to enable the impact on trees to be considered; it is therefore contrary to Local Plan Policy LC20. As this may have implications for protected species it is also contrary to Local Plan Policy LC17 and Core Strategy Policy L2.**

Key Issues

- Does the proposal comply with the housing policies of the development plan?
- Does the proposal offer a high standard of design (GSP3 and LC4) and achieve an enhancement as required by GSP2, E1, L3, LC5 and HC1?
- Does the proposal conserve or enhance the character or appearance of the designated Conservation Area?
- As required by E1, has the proposal demonstrated that redevelopment for a community use or affordable housing is not feasible for example by considering the viability of such a redevelopment.
- Is the land contaminated?
- Are there any amenity issues?

History

1980 - NP/WED/880/416 - This granted planning permission for the erection of a lorry garage. As this was an exception to policy, planning conditions made this a personal consent for the sole benefit of Mr C.A. Newton and for the garaging and maintenance of the applicant's vehicles, no more than 2 on site at any one time and not to be used as a retail outlet or for other commercial or other purposes without prior consent.

2014 - Enquiry 19611 – Enquiry included a site location plan and was in relation to demolition or conversion of the building to dwelling. Officers advised that they would need to demonstrate that letting the existing business use go is acceptable within the terms of policy E1 and that any redevelopment of the site would need to be local needs affordable housing.

Consultations

Highway Authority - Not clear if the application would affect common land (Ref CL62). If it does then additional permission may be required and the applicant would need to contact the Planning Inspectorate. The proposed use in comparison to the existing use represents no significant increase in traffic movements over and above that which could be generated by the current Authorised use of the building. Otherwise, no objections subject to conditions.

District Council - No response to date.

Tideswell Parish Council - The Council noted that the proposal should have a local occupancy

clause and that there is a need for more affordable housing and that this site could host 2 affordable houses. 4 voted in favour and 2 voted against the plans.

Officer note - The Parish Council's concerns are noted and the issue of affordable housing dealt with in full in the body of the report. The Parish Council's vote is also noted and taken as an expression of support for the scheme.

Representations

None have been received

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, L2, L3, CC1, E1, HC1.

Relevant Local Plan policies: LC3, LC4, LC5, LC20, LC24, LH1, LH2, LT11, LT18.

National Planning Policy Framework

Assessment

Principle of loss of the existing employment use and consideration of applicant's grounds for ruling out Affordable Housing

The most relevant policy in relation to the principle of releasing the existing employment use is Core Strategy Policy E1 which also states what alternative uses should be considered.

Policy E1 deals with business development in towns or villages. Criteria D is the most relevant to this proposal. It safeguards existing business land or buildings, particularly those which are high quality and in a suitable location. Where the location, premises, activities or operations or an employment site are considered by the Authority to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment for affordable housing or community uses.

In this case the permitted use for garaging and maintenance of lorries was an exceptional approval and personal to the applicant only, so continuing use of the premises beyond the terms of that personal consent would be in breach of the relevant planning conditions. It was also controlled to be specific to the activity undertaken and did not allow other uses without the need for planning permission. Consequently there is no threat of a non-conforming use taking on the premises, without first being considered via a planning application.

The use as it existed was controlled by planning conditions because it was an exception to the policies of the time and because of its close relationship with the adjoining property. Given the close relationship between the garage and the adjoining dwelling, Honeysuckle House, which is now in separate ownership, it is unlikely that the site could be occupied by a business without causing disturbance to the adjoining dwelling because, in addition to the proximity, there are also rear facing windows that would overlook the rear garden of Honeysuckle House.

The location of the premises, activities and operations of the employment site are considered by officers to no longer be appropriate because of the impact they would have on Honeysuckle House. As a result, officers consider that Core Strategy Policy E1 would allow enhancement of the site via redevelopment to affordable housing or community uses. However, the submitted scheme does not propose affordable housing or a community use. In the planning statement submitted by the applicant there is some explanation of why affordable housing has been ruled out, however this is simply on the basis that conversion of the existing building would result in a single dwelling that would be too large to be affordable. Subdivision to more than one dwelling has not been properly considered and neither has demolition of the existing building followed by

redevelopment of the site for affordable housing as envisaged by policy E1.

The proposal is therefore considered to be contrary to policy E1 as the opportunity to secure the necessary enhancement of the site envisaged by policy has not been properly explored and secured. For example, the redevelopment for affordable housing or community uses has not been adequately ruled out for example by submission of a viability assessment.

It is also noted that the submitted Planning Statement and the submitted scheme diverge on what is required to achieve enhancement. The Planning Statement suggests that cladding the whole building is a necessary treatment to achieve significant enhancement. However, the submitted scheme only shows the south facing gable clad with natural stone. Despite these differences in the applicant's submission, planning officers consider that even cladding the whole building with stone would still result in the retention of a building whose scale, form and massing would remain undesirable and which detracts from the character and appearance of the site and its setting, including the designated Conservation Area.

The Planning Statement, without showing any calculations, rules out subdividing the building to provide more affordable housing on the grounds that cladding the whole building would be cost prohibitive. However this is not the scheme that has been submitted and without a full viability assessment being submitted and independently assessed, the grounds set out in the Planning Statement for ruling out local needs affordable housing cannot be accepted.

Principle of change of use to a dwelling

As set out above there is a strong steer in policy E1 that the site should be considered for redevelopment to affordable housing.

Core Strategy Policy DS1 sets out at criterion C that conversion or change of use to housing and a number of other uses is acceptable in principle and would preferably be done by re-use of traditional buildings. Criterion D names Tideswell as a 'named' settlement in which there is scope to maintain and improve the sustainability and vitality of communities across the National Park and in or on the edge of these named settlements new build affordable housing will be acceptable.

Together, Core Strategy Policy HC1 and Local Plan Policies LH1 and LH2 provide the detailed housing policies. Policy HC1 sets out that provision will not be made for housing solely to meet open market demand. It goes on to state that exceptionally, new housing, whether newly built or from reuse of an existing building can be accepted where: Provision A is for Local Needs Affordable Housing (LNAH), Provision B is for Agricultural Workers Dwellings and Provision C sets out the only exceptions where other housing can be considered.

Provision HC1 C allows housing where in accordance with GSP1 and GSP2: (i) it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings; or (ii) it is required in order to achieve conservation or enhancement in settlements listed in core policy DS1.

Any schemes proposed under HC1 C(i) or (ii) 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 unless it is not viable or would provide more LNAH than are needed in the parish (in such a case a financial contribution would be required).

Given the steer from CS Policy E1 there is a clear requirement for consideration of the redevelopment of the site for LNAH, which is also reflected in HC1 A, and HC1 C (ii) subject to viability.

The proposal seeks conversion of a garage constructed for lorries which is utilitarian in scale, form, massing and detailing, and which does not offer a positive contribution to its Conservation Area setting. The conversion is to an unrestricted open market dwelling, no affordable housing is proposed and the reasons put forward in the application for ruling out affordable housing have not been accepted by officers.

The proposal is not required to conserve or enhance a valued vernacular building so the proposal does not comply with the provision at HC1 C (i). Although an exception under HC1 A could have been applicable if the scheme achieved affordable housing, it is not proposed in this application. HC1 C (ii) would have been applicable had the submitted scheme achieved enhancement. Given the steer from policy E1 for affordable housing any scheme proposed under HC1 C (ii) would also need to provide affordable housing unless proven to be unviable.

The proposal fails to take/consider the opportunity to remove the building from the site and replace it with a well-designed scheme that is designed in accordance with the Authority's 'Design Guide' and which addresses the site constraints adequately.

No conservation or enhancement would be achieved by the current scheme as it would essentially convert the large utilitarian building into a dwelling and thereby retain all its undesirable features of inappropriate scale, massing and design. This would only perpetuate the harm it causes to the valued character and appearance of the local building tradition and setting rather than ameliorating the harm as suggested in the submitted Planning Statement.

It is acknowledged that there are some treatments suggested in the scheme to enhance the building. The main treatment is to the south facing gable which would be clad with natural stone and roller shutter doors replaced with glazed opening, as well as removal of an oil tank, lean to and block work structure. However these works fall very far short of achieving the required level of conservation or enhancement to justify any exceptional approval for market housing under HC1 and GSP2. Furthermore, in combination with the other works to the building, including first floor windows to the road facing elevation and other alterations, the scheme would in fact detract from the character and appearance of the site and its Conservation Setting as it would secure a large utilitarian buildings future for the foreseeable future. Moreover, there are a number of mature trees that would be likely to be removed or pruned which would reveal more of the building, making it more obtrusive than it is at present.

The proposed conversion would result in a very poorly designed scheme, which bears no relation to the local building traditions in terms of scale, massing and detailing. Officers are clear that any conversion which retained the character of the original building would not achieve conservation or enhancement

In summary, whilst a well-designed scheme that redevelops the site, removing the existing building and replacing it with an affordable housing scheme could comply with E1 and HC1, the proposal to convert the existing building into a single dwelling is Contrary to both E1 and HC1 as well as GSP1 and GSP2, L3 and LC5 as the scheme shown does not achieve conservation or enhancement of the site or achieve affordable housing or a community use and would detract from the character and appearance of the Conservation Area.

The relationship between the Core Strategy and the National Planning Policy Framework has also been considered and it is concluded that they are consistent because the Framework recognises the special status of National Parks and promotes sustainable development sensitive to the locally distinctive character of its setting.

Paragraph 54 of the Framework otherwise says local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. This is consistent with the provisions of Core Strategy policy HC1, and Local Plan policies LH1 and LH2.

Paragraph 115 of the Framework supports this position in that it reiterates great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty. In these respects, landscape protection restrains housing development in the National Park, which therefore provides justification for prioritising delivery of affordable housing to meet local need within the National Park.

Design, Conservation and Enhancement and Impact on the Conservation Area

The Authority's design policies LPP LC4 and CS GSP3 together require a high standard of design that respects, conserves and where possible enhances the landscape, built environment and other valued characteristics of the area and design which is in accordance with the Authority's 'Design Guide'.

GSP2 seeks enhancement; criteria A explains that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon; Criteria B explains that they must demonstrate significant overall benefit to the natural beauty, wildlife and cultural heritage of the area and not undermine the achievement of other core policies; Criteria C requires a design that respects the character of the area; Criteria D explains that opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings; Criteria E explains that in settlements a site brief may be necessary to achieve the best mix of uses to secure the conservation and enhancement of the national park and the most sustainable outcome for the community.

As the site is within a Conservation Area development that harmed the significance of the Conservation Area or which failed to conserve or enhance the Conservation Area would not be permitted by CS L3 or LPP LC5. The Authority's 'Design Guide' explains the local building traditions. Paragraph 17 of the NPPF also reiterates core planning principles include securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

As explained above, the main issue with the proposal's design is that it attempts to enhance the site by keeping the existing building and proposing treatments to improve the appearance of the building. A more appropriate design approach to achieve the necessary enhancement would be to remove the building and design a scheme that is in keeping with the local building traditions and setting taking account of the site constraints. This approach is considered to be capable of complying with GSP2, but the alternative of proposing treatments to the building whilst acceptable under GSP2 is still contrary to that policy as demonstrated below the proposal would exacerbate the impact of the existing building.

The treatments proposed to the building cannot hide the buildings scale, massing and its very shallow pitched roof and glazing the opening in the south facing gable would exacerbate its non-traditional appearance. The local building tradition is for gable ends to generally be relatively blank with little or no openings and where there are openings these are usually only very small. The proposed design is considered to exacerbate the harmful impact of the building, by securing it for the foreseeable future, making it more obtrusive, and increasing the impact of the building on the amenity of the neighbouring property Honeysuckle House.

For these reasons the proposal is not considered to achieve a high standard of design. It fails to take the opportunities available for achieving enhancement through removal of the building or significant alteration. The proposal would detract from the character and appearance of the Conservation Area and also cause amenity issues with the neighbouring property Honeysuckle House. The proposal is therefore contrary to the policies of the development plan including Core Strategy Policy GSP1, GSP2, GSP3, L3, Local Plan Policy LC4, LC5 the Authority's SPD the 'Design Guide' and the NPPF.

Amenity

Whilst it is acknowledged that the former use may have had some impact on the neighbouring property Honeysuckle House, that impact would have been ameliorated as the site and the Honeysuckle House were in common ownership. Now the site has changed ownership, continuing the former use would be in breach of planning conditions.

In terms of amenity, in its current form controlled by planning conditions as it is, the existing land uses impact on the amenity of the Honeysuckle House is comparable to the impact of the site having null use or an inactive use. Introducing an independent residential use proposed at such close quarters to the existing dwelling Honeysuckle House will introduce overlooking of the garden and rear elevation. This would have an unacceptable impact on the amenity the occupants of Honeysuckle House could reasonably expect to enjoy. This is contrary to the policies of the development plan including LPP LC4 and CS GSP3 and the NPPF.

It is noted that Chippers Barn, the neighbouring dwelling to the north east, has some rooflights facing the rear elevation of the site. This dwelling is also on lower ground than the site, however it is not considered to harm the amenity of Chippers Barn, even when taking into account introducing a residential use and inserting roof lights.

Contamination

Given the former haulage garage use which is reported to have ceased only this year after running for approximately 35 years, it is likely that some contamination of the land may have occurred from the garaging and maintenance of the lorries.

The relevant policy in the Development Plan relating to Contaminated Land are in the Local Plan, Policy LC24. This policy is permissive, where land is believed to be contaminated an accredited assessment needs to show that there is no risk to public health arising from existing contamination; and remedial measures (in situ or by safe disposal off site) can remove any public health risk and make the site fit for its intended use without harm to the valued characteristics of the area. The pre-ambule of this policy sets out that where there is a suspicion or evidence of only slight contamination planning permission may be granted with conditions requiring appropriate site investigation and subsequent remedial works carried out before development commences.

Given the possibility that the contamination may only be slight, if permission is granted for the proposal an appropriate planning condition could be used.

Trees and Protected Species

Local Plan Policy LC20 explains that planning applications should provide sufficient information to enable their impact on trees, woodlands and other landscape features to be properly considered, where development that involves risk of damage to trees is acceptable, adequate space must be left for their replacement with appropriate species.

There are mature trees on the site (Sycamore, Ash and Hawthorn). These are within the designated Conservation Area and so are protected by virtue of the designation. The block plan identifies the trees and the planning application forms state that no trees would be affected.

Any works to the trees would need notification to the Authority because of the designation. Whilst no works are shown or described in the application, officers assume that if permission were granted then some works to the trees may be necessary (subject to notification); this is because at present they overhang the roof and the branches are very close to where the windows would be, so at least some pruning may be desirable. The application falls short of providing that detail at present and is therefore contrary to Local Plan Policy LC20.

This also has implications for the character and appearance of the area, as removal or pruning would reveal more of the building and may also harm the character of the trees. The extent of the

works that may be required is not known at this stage. If the application were heading towards a recommendation of approval Officers would have sought clarification and more detail.

Environmental Management

The Planning statement explains that the large glazed opening in the gable end will assist in improving the sustainability of the house from both a heating and lighting perspective. The building if converted would also need to meet current building regulations for dwellings.

Conclusion

The proposed conversion and alteration of the building to a market dwelling as submitted would retain the scale, massing, form and to a large extent the inappropriate detailing of the building which officers consider detracts from the character and appearance of the Conservation Area. The opportunity to secure the necessary enhancement to the site via an exceptional approval for housing has not been properly and fully explored. Insufficient evidence has been submitted to rule out affordable housing on the site or demonstrate a case for a market dwelling on viability grounds.

The application is therefore contrary to development plan policies which deal with employment land, housing, design, amenity, enhancement, conservation areas and because of the lack of detail on the impact on trees the policies of the development plan that deal with trees and protected species. The application is therefore recommended for refusal.

In terms of a way forward officers have suggested to the planning agent that the application be withdrawn and a revised application submitted for the redevelopment of the site for local needs affordable housing subject to viability. The agent has however requested that the current application be determined.

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