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Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



Our Ref: A.1142/1339
Date: 5 February 2015



NOTICE OF MEETING

Meeting: **Planning Committee**
Date: **Friday 13 February 2015**
Time: **10.00 am**
Venue: **Board Room, Aldern House, Baslow Road, Bakewell**

SARAH FOWLER
CHIEF EXECUTIVE

AGENDA

- 1. Apologies for Absence**
- 2. Minutes 16 January 2015 (Pages 1 - 10)**
- 3. Urgent Business**
- 4. Members Declarations of Interest**
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
- 5. Public Participation**
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
- 6. Full application - Retrospective Change of Use of Land from Agriculture to a Yard/Storage Area for the Adjacent Steel Fabrication Business Granted Under CLEUD NP/SM/0712/0783 and Landscaping Scheme, Pitchings Farm, Whitefields Lane, Waterhouses (NP/SM/1014/1059, P6121, 409314 350796, 2/1/2015/KW/CF) (Pages 11 - 28)**
Site Plan
- 7. Full Application - Erection of Affordable Dwelling on Land off Buxton Road, Highfield Farm, Ashford (NP/DDD/1014/1042, P10648, 419370/369801, 31/01/2015/KW/CF) (Pages 29 - 42)**
Site Plan

8. **S.73 Application - Proposed Variations to Condition 2 (Compliance with Approved Plans) and Condition 3 (Height of Hedge) Attached to Planning Decision Notice NP/SM/1213/1146 For Installation of 30 KW (96 Panels) Ground Mounted Solar PV Panels, Upper Hurst Farm, Hulme End (NP/SM/1214/1233 P.5051 411402/358954/CF)**
(Pages 43 - 56)
Site Plan
9. **Full Application - Temporary Change of Use From Industrial Unit to a Personal Training Studio at Unit 2B, Station Yard, Bakewell (NP/DDD/1114/1161 P.1911 42222/368996 SPW)** *(Pages 57 - 64)*
Site Plan
10. **Planning Application to Increase the Number of Powders Tankers Delivering Overnight and the Cessation of Night Time Deliveries of Coated Macadams. Variation of Condition 10 (iii) of Planning Consent NP/DDD/0803/419, Ballidon Quarry (NP/DDD/0214/0210, M3893, 13/03/2014, 420192 / 354944 /APB)** *(Pages 65 - 74)*
Site Plan
11. **Full Application - Construction of New Agricultural Dwelling, Elizabethash Farm, Hayfield Road, Chinley (NP/HPK/1014/1067, 28/01/2015, 404926 / 384574/AM)** *(Pages 75 - 84)*
Site Plan
12. **Full Application - Change of Use of Public House to Two Residential Dwellings with Associated Parking and Amenity Space at Stanhope Arms, Dunford Bridge, Sheffield, (NP/B/0914/0988, P2026, 415828 / 402320/SC)** *(Pages 85 - 94)*
Site Plan
13. **Major Full Application: Demolition of Existing Factory Building and the Subsequent Construction of a Total of 26 Dwellings Including 4 'Affordable' and Conversion of Former Factory Buildings to Two Dwellings at Dove Dairy, Stonewell Lane, Hartington (NP/DDD/1014/1045, P.5155, P.9335, P.11087, & P.6283 412534/360474 KW/LB/CF)** *(Pages 95 - 140)*
Site Plan
14. **Application to Remove/Vary Conditions on Application NP/DDD/0212/0153 (Conversion of Church to Two Dwellings with Access and Parking) - Variation of Approved Rooflight Sizes and Positions, and Addition of Rooflight to Facilitate Addition of 4th Bedroom - Former URC Church, Parke Road, Tideswell. (NP/DDD/0115/0005, P.9262, 6/1/15, 415078/375698, MN)** *(Pages 141 - 150)*
Site Plan
15. **Application to Remove/Vary Conditions on Application NP/DDD/0212/0153 (Conversion of Church to Two Dwellings with Access and Parking) - Variation of Approved Rooflight Sizes and Positions - Former URC Church, Parke Road, Tideswell. (NP/DDD/0115/0004, P.9262, 6/1/15, 415078/375698, MN)** *(Pages 151 - 158)*
Site Plan
16. **Designation of Holme Valley Neighbourhood Area (AM) Designation of Holme Valley Neighbourhood Area (AM)** *(Pages 159 - 172)*
Appendix 1

Appendix 2

Appendix 3
17. **Head of Law** *(Pages 173 - 174)*

Duration of Meeting

In the event of not completing its business within 3 hours of the start of the meeting, in accordance with the Authority's Standing Orders, the Authority will decide whether or not to continue the meeting. If the Authority decides not to continue the meeting it will be adjourned and the remaining business considered at the next scheduled meeting.

If the Authority has not completed its business by 1.00pm and decides to continue the meeting the Chair will exercise discretion to adjourn the meeting at a suitable point for a 30 minute lunch break after which the committee will re-convene.

ACCESS TO INFORMATION - LOCAL GOVERNMENT ACT 1972 (as amended)

Agendas and reports

Copies of the Agenda and Part A reports are available for members of the public before and during the meeting. These are also available on the website www.peakdistrict.gov.uk.

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The Local Government Act 1972 requires that the Authority shall list any unpublished Background Papers necessarily used in the preparation of the Reports. The Background Papers referred to in each report, PART A, excluding those papers that contain Exempt or Confidential Information, PART B, can be inspected by appointment at the National Park Office, Bakewell. Contact Democratic Services on 01629 816200, ext 362/382. E-mail address: democraticservices@peakdistrict.gov.uk.

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To: Members of Planning Committee:

Chair: Mr P Ancell
Vice Chair: Cllr D Birkinshaw

Cllr P Brady	Cllr C Carr
Cllr D Chapman	Cllr A R Favell
Cllr Mrs H Gaddum	Cllr Mrs N Hawkins
Cllr H Laws	Cllr A McCloy
Ms S McGuire	Mr G Nickolds
Cllr Mrs K Potter	Clr Mrs L C Roberts
Cllr Mrs J A Twigg	Cllr S Wattam
Cllr D Williams	

Constituent Authorities
Secretary of State for the Environment
Natural England

Peak District National Park Authority
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Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



MINUTES

Meeting: **Planning Committee**

Date: Friday 16 January 2015 at 10.00 am

Venue: Aldern House, Baslow Road, Bakewell

Chair: Cllr D Birkinshaw

Present: Cllr P Brady, Cllr C Carr, Cllr D Chapman, Cllr A R Favell,
Cllr Mrs H Gaddum, Cllr Mrs N Hawkins, Cllr H Laws, Cllr A McCloy,
Ms S McGuire, Cllr Mrs K Potter, Cllr Mrs L C Roberts,
Cllr Mrs J A Twigg, Cllr S Wattam and Cllr D Williams

Apologies for absence: Mr P Ancell and Mr G Nickolds

172/14 MINUTES OF PREVIOUS MEETING

The minutes of the last meeting of the Planning Committee held on 12 December 2014 were approved as a correct record.

173/14 MEMBERS DECLARATIONS OF INTEREST

Item 6

Cllr Mrs L Roberts declared a personal interest in this item and had already determined the issue. She would not be present for this item other than as a public speaker..

It was noted that all Members had received correspondence from Mr Geoff Nickolds.

Item 8

Cllr D Chapman declared a personal and prejudicial interest as the applicant was a friend.

It was noted that all Members had received correspondence from Mr and Mrs Middleton, Ms Gamble and Mr Wright.

Item 9

Cllr Chris Carr, Cllr Mrs H M Gaddum, Cllr Mrs N Hawkins, Ms S McGuire, Cllr Mrs L Roberts and Cllr Mrs J A Twigg had all received correspondence from Mr M Sutcliffe.

Item 10

Cllr A R Favell declared a personal interest as he had been lobbied by the applicants who were residents of his ward.

174/14 PUBLIC PARTICIPATION

The Chair reported that 18 members of the public had given notice to speak under the public participation at meetings scheme.

175/14 FULL APPLICATION - ERECTION OF LOCAL NEEDS DWELLING ON LAND NORTH OF LAPWING FARM, ACROSS THE LEA, MEERBROOK

The Planning officer introduced the report and emphasised that if the development was approved it would conflict with the Authority's housing policies and National policy as it was within open countryside. It was noted that the Policy Planning Manager was present to answer questions regarding neighbourhood planning.

The following spoke under the public participation at meetings scheme:

- Cllr Mrs L Roberts, spoke in favour of National Park policies and then left the room.
- Ms S Barlow, supporter
- Mr D J Breakwell, Sammons Architectural Ltd, Agent
- Cllr Mrs G Heath, Ward and County Councillor, supporter.

A motion for refusal of the application on the grounds of a better location being available was moved but not seconded. A motion to confirm the approval of 12 December 2014 for approval subject to prior entry into a S.106 legal agreement containing obligations relating to local occupancy criteria, and a mechanism to subdivide the house to provide 2 affordable houses to meet local need in the future and subject to conditions as set out in the report and recommended at the last Planning Committee meeting was moved and seconded.

The Director of Planning stated that the current policies had been adopted in October 2011 and were up to date and consistent with the National Planning Policy Framework. They had been supported by Planning Inspectors on all appeals involving housing in the last 2 years.

Although some Members were supportive of the policies, the majority of Members felt that there were exceptional circumstances in this application and that it should be approved.

The motion for approval was voted on and carried.

RESOLVED:

That the application be APPROVED subject to prior entry into a S.106 legal agreement containing obligations relating to local occupancy criteria, and a mechanism to subdivide the house to provide 2 affordable houses to meet local need in the future and subject to the following conditions:

- 1. The development hereby permitted shall be commenced within two years of the date of the permission.**
- 2. The development hereby permitted shall not be carried out otherwise in complete accordance with the submitted elevation plans and the amended block plans subject to the following conditions:**
- 3. No development shall take place until a landscaping scheme has been submitted to and agreed in writing by the National Park Authority. The**

submitted scheme shall include: (i) details of all trees to be retained and protection for those trees during the construction phase of the proposed development; (ii) precise details of all hard and soft landscaping including details of any seeding or planting, surfacing materials and boundary treatments; (iii) precise details of the provision and undergrounding of services; and (iv) precise details of parking provision within the site curtilage. Thereafter, the proposed development shall be carried out in complete accordance with the approved landscaping scheme, which shall be completed prior to the first occupation of the dwelling hereby permitted.

4. No works shall commence on the erection of the newly-built dwelling hereby permitted until samples of the materials to be used in the construction of the external surfaces of the dwelling, including a sample panel of the stonework for the external walls, sample of the stone, quoins, sills, lintels, and surrounds to be used in the construction of the external walls, samples of all roof coverings and rain water goods, and samples of all external door and window frames, have been submitted to and approved in writing by the National Park Authority. Thereafter, the development shall be carried out in accordance with the approved details.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no ancillary outbuildings or other structures incidental to the enjoyment of the dwelling shall be erected.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extensions or alterations to the newly-built dwelling shall be carried out.

176/14 FULL APPLICATION - ERECTION OF TWO AFFORDABLE DWELLINGS, THE CROFT, LITTON DALE, LITTON

The Planning officer amended the report in the first paragraph under the heading Conclusion. The last sentence was amended by adding the words 'be unacceptable' after the word 'therefore' and by adding the words 'as it is contrary to' before the words 'Core Strategy'.

Representations from the Parish Council and a supporter were summarised for the Committee.

The following spoke under the Public Participation at meetings scheme:

- Cllr J Evans, Chair of Litton Parish Council, Objector
- Cllr S Barber, Chair of Tideswell Parish Council, Supporter
- Mr R Hopkins, Applicant.

In response to comments by speakers the Planning officer stated that there was no current application for affordable housing on Hall Lane in Litton. It was noted that there was ongoing work to identify suitable affordable housing sites in Tideswell, including discussions with landowners, and it was hoped this would be completed by mid-February.

A motion for refusal as set out in the report was moved and seconded but lost on the vote. The majority of Members were in favour of approval as it would meet an identified need. A motion for approval subject to conditions and a S.106 agreement was moved and seconded. This was voted on and carried.

RESOLVED:

That the application be APPROVED subject to a S.106 agreement and the following conditions:

- 1. Start the development within 2 years**
- 2. Carry out in accordance with approved plans**
- 3. Remove permitted development rights for external alterations, extensions garden buildings, gates, fences and walls.**
- 4. Submit and agree landscaping scheme including lighting scheme.**
- 5. Submit sample roof and walling materials and agree sample panel.**
- 6. Minor design details e.g Rainwater goods, pointing, eaves and verge details, meter boxes, recessed window and door frames.**
- 7. Timber windows and doors with painted finish**
- 8. Highway requirements covering visibility splays, delivery and layout of parking spaces,**
- 9. Submit and agree scheme of environmental management.**
- 10. Submit and agree bin storage area.**

The meeting was adjourned at 11.40am for a short break and reconvened at 11.50am.

177/14 FULL APPLICATION - USE OF YARD FOR PARKING TWO LORRIES FOR COMMERCIAL USE IN ADDITION TO EXISTING USE OF YARD FOR AGRICULTURAL PURPOSES, FIVE ACRES FARM, NARROW GATE LANE, WARDLOW

Cllr D Chapman had declared a personal, prejudicial interest in this item and therefore left the room.

The Planning officer reported that the information requested following the last Planning Committee meeting had been received and the conditions changed accordingly. He also reported that further representations had been received from Mr H Wright and the Agent.

The following spoke under the public participation at meetings scheme:

- Ms J Middleton, Objector
- Ms C Gamble, Objector
- Mr D Sutherland, Agent.

In response to Members' comments the Planning officer stated that condition 2 could be deleted and condition 3 amended to read 'The use hereby permitted shall remain in ownership and control of Five Acres Farm only and the existing farmstead and the use of land for the parking of commercial lorries hereby permitted shall be retained within a single planning unit'.

Some Members were still concerned that it was still not clear that this was an appropriate diversification of the farm. A motion for refusal on the grounds of inappropriate farm diversification was moved and seconded. This was voted on and carried.

RESOLVED:

That the application be REFUSED as inappropriate farm diversification.

178/14 FULL APPLICATION - RETROSPECTIVE CHANGE OF USE OF LAND FROM AGRICULTURE TO A YARD/STORAGE AREA FOR THE ADJACENT STEEL FABRICATION BUSINESS GRANTED UNDER CLUED NP/SM/0712/0783 AND LANDSCAPING SCHEME, PITCHINGS FARM, WHITEFIELDS LANE, WATERHOUSES

It was noted that Members had visited the site on the previous day.

Cllr Mrs H M Gaddum declared a personal interest as she knew 1 of the speakers for this item.

Cllr Mrs N Hawkins declared a personal interest as she knew 3 of the speakers.

Cllr Mrs L Roberts declared a personal interest as she knew 1 of the speakers.

The following spoke under the public participation at meetings scheme:

- Cllr Mrs G Heath, County Councillor, Supporter
- Cllr E Wain, Supporter
- Mr M Sutcliffe, Objector
- Mr I Harvey, Applicant.

In accordance with Standing Orders, Members agreed to continue the Committee meeting beyond 3 hours.

In response to Members' queries the Planning officer stated that there were discrepancies regarding the footpaths on the site compared with the definitive map, but that an informative could be included to state that no footpath be blocked up.

Members were concerned that there were not more conditions listed in the report recommendation and some were suggested. The amendments and extra conditions were discussed, a revised list of conditions agreed and added to the recommendation.

A motion for approval subject to the amended conditions and informative relating to public rights of way was moved and seconded. This was then voted on and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions:

- 1. Amended landscaping scheme to be carried out in the current planting season**
- 2. Use of yard restricted to outdoor storage, loading/unloading, and staff parking**
- 3. Activities related to the steel fabrication business not to take place other than on the yard area, or within the area covered by the existing LDC**
- 4. Permitted development rights removed for fencing**
- 5. Permitted development rights removed for any buildings and/or structures on the yard area**
- 6. No external lighting without prior approval**
- 7. Limit on height of stored materials**
- 8. Details of staff parking within yard area to be agreed and implemented**
- 9. Restriction on working hours**

Informative: applicant to be advised any rights of way crossing the application site should remain fully available to the public, until such time as statutory action to divert any right of way has been completed.

The meeting adjourned for a lunch break at 1.30pm and reconvened at 2.00pm.

179/14 FULL APPLICATION - CONVERSION OF BARN TO DWELLING, DALE HEAD BARN, HOUSLEY, FOOLOW

Cllr D Chapman declared a personal interest as he knew the applicant.

Cllr A R Favell declared a personal interest as he knew the applicant and he had been contacted by the applicant as a resident of Cllr Favell's ward.

2.13pm Cllr Mrs H M Gaddum left the meeting.

The Planning officer reported that a response had been received from the Authority's Landscape Architect and this was read out for the Committee.

The following spoke under the public participation at meetings scheme:

- Mr J Oldfield, Agent.

Members wished to see the barn preserved but were divided on whether or not the proposal would harm the barn. A motion for approval was moved and seconded, however it was agreed to amend this to defer the application to allow for the consideration of alternative uses for the barn. The motion for deferral was voted on and carried.

RESOLVED:

That consideration of the application be DEFERRED to allow for the consideration of alternative uses for the barn.

180/14 FULL APPLICATION - CONVERSION OF A REDUNDANT STONE AGRICULTURAL BUILDING INTO A RESIDENTIAL DWELLING TO FULFILL AN AFFORDABLE LOCAL NEEDS HOUSING REQUIREMENT AT GOLLIN GATE FARM, QUARNFORD

It was noted that Members had visited the site on the previous day.

The following spoke under the public participation at meetings scheme:

- Cllr J Hails, spoke as a Parish Councillor and on behalf of Cllr Mrs G Heath, Supporter
- Mr A Dukesell, Agent.

Members felt that there was a clear need for the dwelling and that it would not harm the landscape. A motion for approval subject to conditions in consultation with the Chair and Vice Chair of the Planning Committee, including a S.106 agreement was moved and seconded. This was voted on and carried.

RESOLVED:

That the application be APPROVED subject to a S.106 agreement and the following conditions:

1. Statutory time limits

2. In accordance with approved plans
3. Undergrounding of services
4. Foul sewage
5. Parking and access
6. No external lighting
7. Define curtilage and submit landscaping scheme
8. Design details and architectural specifications
9. Removal of permitted development rights for alterations, extensions and outbuildings

181/14 FULL APPLICATION - RETENTION OF AGRICULTURAL BUILDING AT CHESTERFIELD HOUSE, BANK TOP, WINSTER

The following spoke under the public participation at meetings scheme:

- Mr J Church, Agent.

The recommendation for approval subject to conditions was moved, seconded, voted on and carried.

Cllr Mrs K Potter requested that her vote against the motion be recorded.

RESOLVED:

That the application be APPROVED subject to the following conditions/modifications:

1. The building hereby permitted shall remain ancillary to farming operations carried out at Bank Top Farm, and the building hereby permitted, the land within the red edging on the submitted plans and the land and buildings shown within the blue edging on the submitted plans shall all be maintained as a single planning unit.
2. The building hereby permitted shall be used solely for agricultural purposes ancillary to farming activities carried out at Bank Top Farm and for no other purpose.

182/14 MONITORING AND ENFORCEMENT QUARTERLY REVIEW - JANUARY 2015

Cllr Mrs K Potter left the meeting.

The Monitoring and Enforcement Manager gave the following update on the high priority cases detailed in the report:

- 9. Five Acres Farm, Wardlow – use of site for parking and maintenance of HGVs and trailers: the planning application for ‘use of yard for parking 2 lorries, in addition to retention of use of yard for agricultural purposes’ was refused by the Planning Committee earlier in this meeting. Officers will now consider what needs to be done regarding the site.

RESOLVED:

That the report be noted.

3.50pm Cllr D Chapman left the meeting.

183/14 BRADWELL NEIGHBOURHOOD PLAN - ASSESSING LEGAL COMPLIANCE AND CONFORMITY WITH THE LOCAL DEVELOPMENT PLAN

The Village and Communities Officer introduced the report on the draft (31 December 2014) Bradwell Neighbourhood Plan submitted by Bradwell Parish Council. She amended the report in paragraph 17, the sentence starting with 2a should refer to paragraph 13 not paragraph 9.

Members congratulated all concerned on exceptionally good work and the recommendation as set out in the report was moved and seconded.

In responses to Members' queries the Village and Communities Officer stated that the Parish Council would be responsible for the wording of the Plan but consultations would be made. The Plan would then be subject to examination and the final wording would be agreed with the Parish Council, the Authority and the Examiner.

The motion was then voted on and carried.

RESOLVED:

1. That the draft (31.12.14) Bradwell Neighbourhood Plan (with supporting documents) does comply with the criteria for a neighbourhood plan; and
2. That following confirmation of these criteria that the Authority undertakes statutory notification, public consultation and examination of Bradwell Neighbourhood Plan; and
3. Alongside these processes consultation may be undertaken with Natural England, English Heritage and the Environment Agency with regard to the 'Habitats Regulations Assessment screening statement' and the 'Strategic Environmental Assessment screening statement'.

184/14 LOCAL DEVELOPMENT PLAN - REVISED APPROACH TO MONITORING A6106/BJT

The Policy Planning Manager introduced the update report on the approach taken to monitor the Local Development Plan and agree a revised timeframe for delivering the Annual Monitoring report.

The recommendation as set out in the report was moved, seconded, voted on and carried.

RESOLVED:

1. That the approach taken to revise indicators for monitoring the Local Development Plan be noted;
2. That delegated authority for the Director of Planning to agree the final revised indicator set in consultation with the Chair and Vice Chair of Planning Committee before the end of the first quarter in 2015 be granted;
3. The new timeframe for publishing an annual monitoring report in July as set out in paragraph 16 of the report is agreed;
4. The completions report at Appendix 1 of the report is noted.

185/14 HEAD OF LAW

Members noted the appeals lodged and decided during the month.

RESOLVED:

That the report be noted.

The meeting ended at 4.05 pm

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6. FULL APPLICATION – RETROSPECTIVE CHANGE OF USE OF LAND FROM AGRICULTURE TO A YARD/STORAGE AREA FOR THE ADJACENT STEEL FABRICATION BUSINESS GRANTED UNDER CLEUD NP/SM/0712/0783 AND LANDSCAPING SCHEME, PITCHINGS FARM, WHITEFIELDS LANE, WATERHOUSES (NP/SM/1014/1059, P6121, 409314 350796, 2/1/2015/KW/CF)

APPLICANT: MR IAN HARVEY

Introduction

At the meeting of the Authority's Planning Committee in January 2015, members resolved to approve the current application subject to conditions that were proposed by members at the meeting. However, as minutes from the meeting show, the conditions were agreed in a format similar to the head of terms on a legal agreement, which give a summary of what is required. This is common practice and a similar approach is often used in officers' reports because fully worded conditions can be lengthy and it is not always necessary to know the precise wording of a suggested condition to understand what is intended. This approach does however mean additional wording has been added to the conditions by officers outside of the meeting so that they would be technically correct before they are imposed on any subsequent planning permission issued by the Authority.

In this case, officers have also liaised with the applicant's agent to discuss the final wording for the suggested conditions before issuing a planning permission based on the resolution members made in January. This happened because seeking agreement on conditions with an applicant before a decision is finalised is seen as best practice by the Government and current Planning Practice Guidance says it is open to both the local planning authority and the applicant to initiate discussions about conditions. The Government also says agreeing conditions is beneficial to all parties involved in the process and can increase the certainty of what is proposed and how it is to be controlled, including highlighting any condition requirements that may impact on the implementation of the development.

Subsequently, agreement has been reached on all but one of the conditions suggested by members. The disputed condition relates to a proposed restriction on the hours of operation of business activities carried out by the applicant and the disagreement on whether various forms of wording for this condition goes beyond what members intended or whether the conditions proposed by officers would be reasonable. The issues around these discussions are also complicated by the relationship between the established uses of the site and whether the draft conditions suggested by officers would be imposed in order to remedy a pre-existing problem or seek to address issues not created by the proposals in the current application.

Furthermore, the applicant's agent has made it clear that an appeal, with an application for costs, would follow if a permission was issued containing conditions that did more than restrict vehicles movements and working hours to any area other than the application site. However, amongst other things, officers are concerned that a condition drafted in these terms would not be enforceable and would fall short of what members considered was required to make the proposed development acceptable in planning terms in any event. Therefore, officers consider that it is reasonable and necessary to allow members the opportunity to consider the issues at stake before any permission is issued, in the interests of transparency and accountability.

Site and Surroundings

Pitchings Farm is situated in a relatively remote position in open countryside around 900m north-east of Waterhouses and 1.4km south-east of Waterfall on the upper slopes on the western side of the southern end of the Manifold Valley. The property comprises a detached farmhouse with a complex of modern buildings to the west, which were initially used for agricultural purposes in connection with the farm holding.

These buildings and the immediate yard areas around them are now used mostly in connection with a business known as 'Ian Harvey Fabrications Ltd', which is run from the property.

Ian Harvey Fabrications

This business operates primarily as a steel fabrication business but the business activities carried out on site include welding, cutting, spray painting, shot blasting, manufacture of steel buildings, manufacture of cattlegrids and concrete products, vehicle maintenance and fabrication repairs. The current applicant started operating the business from Pitchings Farm without planning permission in 1996 and the business has subsequently grown. The business now employs 9 full time staff and 4 part-time staff; the majority of which are said to live within or on the boundary of the National Park.

Alongside the steel fabrication business, the applicant and his family also run a sheep flock which has also recently expanded following additional land being rented in the locality and near Ashbourne. However, whilst the steel fabrication business has expanded, planning permission has not been sought or obtained for the change of use and land at buildings at Pitchings Farm from agriculture to a general industrial use (i.e. a use falling within B2 of the Schedule to The Town and Country Planning (Use Classes) Order 1987, as amended).

Lawful Development Certificate

In 2011, the Authority received complaints about the business activities taking place at Pitchings Farm and this resulted in the current applicant submitting an application for a Lawful Development Certificate (LDC) for an existing use of the land. The LDC application was submitted by the applicant primarily because he was able to demonstrate the steel fabrication business had been operating for more than 10 years from Pitchings Farm, and was therefore an established use of the land that was immune from enforcement action.

Subsequently, an LDC was granted on 25 November 2013 for an existing use of some of the land and buildings at Pitchings Farm by the steel fabrication business. The land at Pitchings Farm that was considered in 2013 to have a lawful use for the purposes of steel fabrication, and the various ancillary activities noted above, extends to approximately 3116.50m² and comprises a workshop, a range of outbuildings, a modern steel portal framed building and yard areas to the west of the farm house.

However, two additional steel frame buildings at Pitchings Farm that were erected without the benefit of planning permission were omitted from the LDC application because at the time of the application these buildings had not been substantially completed for more than four years and were therefore not immune from enforcement action at that time. Similarly, a surfaced yard area created without planning permission along the western and southern boundaries of the land included in the LDC was omitted from the LDC application and remains unauthorised. Hence the submission of the current application, which seeks retrospective planning application for the retention and use of the yard area in connection with the steel fabrication business at Pitchings Farm.

Proposal

The current application seeks retrospective planning permission for the yard area to the west and south of the land that was deemed to be in a lawful use for the steel fabrication business in 2013, and the continued use of this yard area in association with the established steel fabrication business. The current application also includes proposals for a landscaping scheme around the outer perimeter of this yard area.

The yard area (subject of the current application) is currently used for the storage of components and finished materials and for the parking of vehicles and the loading/unloading of materials into and out of the buildings on the western side of the business complex. This yard area extends to approximately 1558m² whereas the land deemed to be in a lawful use by the steel fabrication business extends to approximately 3116.50m².

The proposed landscaping scheme comprises:

- creation of a southern boundary hedge with a single hedgerow tree;
- erection of a fence across the south-west entrance boundary, including the installation of a new cattle grid and sheep gate;
- creation of a western boundary hedge with hedgerow trees; and
- extra screening provided with hedgerow trees of 1.75m – 2.0m tall oak and standard beech.

The species mix for the proposed hedgerow would be: 60% hawthorn; 20% blackthorn; 10% hazel; 5% field maple; and 5% holly.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

Approved Use of the Yard Area

1. **The yard area hereby permitted and shown hatched purple on the submitted block plan shall not be used for any other purposes (including any other purpose in Classes B8, B2 or B1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any order revoking and re-enacting that order) other than for:**
 - (i) **outside storage ancillary to the steel fabrication business being operated from Pitchings Farm under the terms of the existing lawful development certificate (office code no. NP/SM/0712/0783)**
 - (ii) **for the loading and unloading of materials used or produced by the steel fabrication business being operated from Pitchings Farm under the terms of the existing lawful development certificate (office code no. NP/SM/0712/0783); and**
 - (iii) **parking/manoeuvring of vehicles used by employees of the steel fabrication business, or the parking/manoeuvring of service vehicles and delivery vehicles on site for purposes directly related to the steel fabrication business being operated from Pitchings Farm under the terms of the existing lawful development certificate (office code no. NP/SM/0712/0783)**

Restrictions on Height of Stored Materials

2. **Other than vehicles or forklifts, no materials, goods, plants, machinery, equipment, finished or unfinished products, parts of any description, skips, crates, containers, waste or any other item shall be placed, stacked, deposited or stored above a height of three metres above the existing ground level of the yard area hereby permitted and shown hatched purple on the submitted block plan.**

Restriction on the Use of Land in the Applicant's Ownership or Control

- 3. Activities incidental or ancillary to the steel fabrication business (including staff parking, outside storage of materials, finished or partly finished products, and/or plant, machinery and equipment) shall not take place anywhere on land within the blue-edging on the submitted site location plan other than:**
- (i) within the yard area hereby permitted and shown hatched purple on the submitted block plan; and/or**
 - (ii) within the area of land shown hatched yellow on the submitted block plan.**

Landscaping / Car Parking Provision

- 4. The use of the yard area hereby permitted shall cease and the yard area shall be removed and all equipment and materials brought onto the land for the purposes of such use, together with materials resulting from the demolition of the yard area shall be removed and the land restored to its former condition within 3 months of the date of failure to meet any one of the requirements set out in (i) to (v) below:-**
- (i) by 31 March 2015, a planting scheme shall have been carried out in complete accordance with the layout shown on the amended landscaping plan received by the National Park Authority on 22 January 2015 with hedgerow trees of 1.75m – 2.0m tall oak and standard beech, and a species mix of 60% hawthorn; 20% blackthorn; 10% hazel; 5% field maple; and 5% holly for the proposed hedgerow;**
 - (ii) within three months of the date of this decision, a scheme for allocated vehicle parking spaces within the yard area hereby permitted shall have been submitted for the written approval of the National Park Authority and the scheme shall include a timetable for its implementation.**
 - (iii) if within 11 months of the date of this decision the National Park Authority refuse to approve a parking scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.**
 - (iv) if an appeal is made in pursuance of (iii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.**
 - (v) the approved schemes shall have been carried out and completed in accordance with the approved timetable.**

Replacement Tree Planting

- 5. If within a period of five years from the date of the planting of any tree or hedgerow plant in accordance with the approved landscaping scheme, subject of condition 4 (i) above, that tree or hedgerow plant, or any tree planting or hedgerow planting in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the National Park Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the National Park Authority gives its written consent to any variation.**

Retain Vehicle Parking Spaces

6. **Once the allocated vehicular parking spaces required by condition 4 (ii) (above) have been provided on-site, they shall be maintained free of any obstruction to their designated use for staff parking throughout the lifetime of the development hereby permitted.**

Restriction on Permitted Development Rights

7. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no cranes, mobile cranes, gantries, flood lighting or any other temporary or permanent structure of a similar nature shall be erected on the yard area hereby permitted and shown hatched purple on the submitted block plan without the National Park Authority's prior written consent.**
8. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings, ancillary outbuildings, storage containers, caravans, or any other permanent or temporary structure of a similar nature, shall be erected on the concrete yard area hereby permitted and shown hatched purple on the submitted block plan without the National Park Authority's prior written consent.**
9. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure shall be erected within the red-edged application site as shown on the submitted site location plan other than the cattle grid and sheep gate shown on the amended landscaping plan received by the National Park Authority on 22 January 2015.**

External Lighting

10. **The yard area hereby permitted and shown hatched purple on the submitted block plan shall not be illuminated by any source of external lighting at any time after 6pm or before 8am without the National Park Authority's prior written consent**

Delivery Times

11. **No heavy goods vehicles (i.e. larger vehicles constructed for transporting goods with a gross weight more than 3.5 tonnes) shall make deliveries to the steel fabrication business at Pitchings Farm or leave Pitchings Farm on weekends or bank holidays or before 6.30am nor after 6pm on weekdays (i.e. Monday - Friday).**

Hours of Operation

12. **No activities related to the operation of the steel fabrication business shall take place (i) within the yard area hereby permitted and shown hatched purple on the submitted block plan; and/or (ii) within the area of land shown hatched yellow on the submitted block plan on Sundays or Bank Holidays, or before 6.30am nor after 6p.m. on weekdays (i.e. Monday - Friday) or Saturdays.**

Key Issues

- Whether proposed Conditions 11 and 12 are relevant to the development to be permitted.

History

February 1993 – GDO consent granted for the erection of an 18.2m x 12.2m implement shed.

July and September 2011 – two separate enquiries received from local residents raising concerns that the metal fabrication business had been operating from the site for some years. The main concerns related to the number and extent of HGV's using the narrow lanes between Waterhouses and Pitchings Farm, together with the creation of unauthorised passing places along the lane.

25 November 2013 – LDC granted in respect of the existing use of land and buildings immediately to the west of the farmhouse by the steel fabrication business operating from Pitchings Farm.

Several detailed representations were received from local residents at the time the LDC was being considered, which strongly challenged the lawfulness of the activities taking place at Pitchings Farm. However, the LDC application was also accompanied by compelling supporting evidence from third parties that demonstrated the business had been operating for a period in excess of 10 years in the manner described by the LDC issued in 2013.

Consultations

County Council (Highway Authority) – No response to date.

District Council – No response to date.

Parish Council - No objections to these plans being passed because the Parish Council do not see these plans causing any detrimental effect to the surrounding area.

Representations

Two letters of representation have been received from local residents. One of these is a comprehensive letter of strong objection and the other letter endorses the representations made in the detailed objection letter. This letter also objects to this rubber stamping of the applicant's unregulated activities, which have a huge impact on the village of Waterfall and Waterfall Lane. It states that a few trees will not help and urges that relocation to a proper site is required.

The detailed letter of objection makes the following points:

- Important that the case officer considers the planning history of the site, specifically the papers including Enforcement and Legal Services consideration of the Certificate of Lawfulness, their previously submitted evidence and statutory declarations relating to the case and more recently photographs of the type of HGV traffic generated.
- The tenor of the submitted application seems to be more about the landscaping scheme than the change of use of the land to yard areas and that this change of use is a foregone conclusion because of the issuing of the Certificate of Lawfulness.
- The application forms do not clearly identify the proposed use as B2 General Industry.
- The application form refers only to 'Commercial Use' of the land and not what particular

aspect of the B2 use the land will contain.

- The application form states that the site cannot be seen from a public footpath, which is clearly not the case.
- No opening hours are stated, when unsocial hours are a concerning feature of this business.
- The supporting statement emphasises the farm diversification aspect of the family enterprise, which is not the case as the application in his own declaration during the consideration of the Certificate of Lawfulness stated that there was a rough proportion of 70% fabrication use and 30% agricultural/residential use.
- The applicants have used the pre-application discussions with the Authority's Landscape Officer relating to the landscaping scheme to infer that the Authority is in agreement with the proposals and that a landscape scheme overcomes any difficulties. This is, however, in conflict with the Sandford principle which gives greater priority to the conservation and enhancement of the natural beauty within the National Park.
- The use of the planting scheme demonstrates that what it seeks to envelop is damaging to the local landscape. Additionally, the form of geometric enclosure is inconsistent with the local landscape characteristics and their setting as required by GSP2.
- The proposed retrospective change of use to yard areas is the most significant part of the submitted proposal. This should be seen as a major extension to the principle business use, which was in itself unauthorised for many years. To grant an approval would only serve to embed an unacceptable use in an inappropriate location.
- The agent suggests that use of this land will have no impact on traffic when logically it increases the capacity of the site to store and manufacture their products and its loss would limit that capacity and activity across the board.
- The applicants chose to achieve their development of the site by stealth and would have succeeded completely had it not been reported to the Authority by members of the public. To approve the application would be damaging to public confidence in the planning system generally and to the reputation of the National Park Authority as a guardian of the National Park and the public interest.
- The development would be contrary to policy GSP1 as it is unsustainable and the majority of the workforce has to commute to the site.
- Contrary to GSP3 as it adversely impacts on the living conditions and amenities of the community and uses Whitefields Lane which is signed as "Unsuitable for HGVs". The proposal is not an agricultural or land management business that conserves or enhances the valued characteristics of the landscape, nor does it constitute agricultural diversification.
- Contrary to the DS1 Development Strategy policies as it is not development in or on the edge of a rural settlement – it is in open countryside. Paragraph 13.17 of the Core Strategy refers to successful businesses whose increased scale of operation is not in keeping with the National Park. This states that a small scale business may be established on a farm, but as it grows and increase employees, deliveries etc. it should consider moving to a more sustainable location in a town or village.
- Contrary to Core Strategy policies E2, E2B, and D. These policies only encourage small scale business if there is a link to agriculture as the primary business. There is no link in this case. Business uses in more remote areas of the countryside will not be permitted

and proposals to accommodate growth and intensification need to be considered carefully in terms of the impact.

- Contrary to T1A and T1E, proposed change of use will not conserve or enhance the valued characteristics of the National Park and impacts in environmentally sensitive areas should be minimised.
- No transport plans have been submitted and the supporting information is silent about traffic generation and vehicle type and movement related to the area of land for which a change of use is required.
- The Parish Council's response of no objections is contrary to their comments on the Staffordshire Moorlands Development Framework where they were recorded as being adamant that they did not want any development that increased traffic on Waterfall Lane.
- The use is not sustainable and has outgrown its site. It is timely to send the strongest signal that further growth beyond the Certificate of Lawful Use will not be allowed.

This letter is available to view on the public file.

Main Policies

Relevant Core Strategy policies include: DS1, GSP1, GSP2, GSP3, L1, E2, T1 & T4

Relevant Local Plan policies include: LC4, LE4, LT2 & LT9

In this case, policy DS1 and E2 of the Core Strategy and saved Local Plan policy LE4 are especially relevant because the current application concerns the expansion of an existing business in a location outside of a named settlement. These policies are relatively supportive of employment uses, especially where they are related to the diversification of an existing farming business, but stress employment uses are only permissible where they do not compromise landscape conservation objectives and where they are not unneighbourly. The provisions of E2(D) and LE4(b) otherwise set out specific criteria to assess proposals for the expansion of existing businesses in the open countryside.

E2(D) says proposals to accommodate growth and intensification of existing businesses in the open countryside will be considered carefully in terms of their impact on the appearance and character of landscapes. LE4(b) says outside named settlements, expansion of existing industrial and business development will not be permitted unless:

- i. it is of a modest scale in relation to the existing activity and/or buildings, and does not extend the physical limits of the established use;
- ii. it does not harm and wherever possible secures an enhancement to the amenity and valued characteristics of the area and the appearance of the site; and
- iii. new or extended buildings are clearly justified and proper consideration has been given to the possibilities of using appropriate existing buildings to meet the needs of the business.

DS1, E2 and LE4 are also supported by a wider range of design and landscape conservation policies in the Development Plan including policies GSP1, GSP2, GSP3 and L1 of the Core Strategy and saved Local Plan policy LC4, which seek to safeguard the valued characteristics of the National Park by promoting sustainable developments that would be of a high standard of design and sensitive to their landscape setting.

Traffic management and vehicular movements associated with the existing employment uses at Pitchings Farm have been raised in representations. Core Strategy policies T1 and T4 and saved Local Plan policies LT2 and LT9 presume against developments that would result in traffic generation particularly where it would result in the more intensive use of minor roads by heavy goods vehicles and large vehicles transporting goods.

It is considered that these policies in the Development Plan are consistent with the more recent national planning policies in the National Planning Policy Framework ('Framework') taking into account the following paragraphs from the Framework which are considered to be of particular relevance to the current application.

Paragraph 14 of the Framework states that at the heart of national planning policy is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-making.

Paragraph 17 of the Framework states, amongst other things, that a set of 12 core land-use planning principles should underpin both plan-making and decision-taking. Amongst these 12 core principles is that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Planning should also contribute positively to the living conditions of existing communities.

Paragraph 28 of the Framework states, amongst other things, that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should, amongst other things, support the sustainable growth and expansion of all types of businesses and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings.

Paragraph 34 of the Framework states plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks, along with their wildlife and cultural heritage.

Use of Planning Conditions

Section 70(1)(a) of the Town and Country Planning Act 1990 enables the Authority in granting planning permission to impose "such conditions as they think fit". This power must be interpreted in light of material factors such as the National Planning Policy Framework, the recently published Planning Practice Guidance on the use of conditions, and relevant case law.

The Framework says local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions but planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Planning Practice Guidance says whether it is appropriate for the Authority to impose a condition on a grant of planning permission will depend on the specifics of the case. Conditions should help to deliver development plan policy and accord with the requirements of the National Planning Policy Framework, including satisfying the six tests for conditions. The six tests must all be satisfied each time a decision to grant planning permission subject to conditions is made.

This Guidance also says when used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. It is also highly relevant to this application that this Guidance otherwise states that a condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development.

Assessment

In making a resolution to approve this application at the meeting of the Authority's Planning Committee in January 2015, members considered the following key issues:

- whether the principle and the scale of the development complies with the terms of Core Strategy policy E2 and Local Plan policy LE4;
- whether retention of the development would intensify the established employment uses of land at Pitchings Farm and/or generate unacceptable levels of vehicular movements; and
- whether the proposed development is otherwise acceptable in physical landscape terms, and therefore in compliance with Core Strategy policies GSP1, GSP2, GSP3, and L1, and Local Plan policy LC4.

In general terms, it was agreed by members that they could support the growth and expansion of the established business in accordance with the provisions of E2 and LE4 through granting retrospective planning permission for the yard area subject to a number of conditions. The conditions suggested by members were mainly required to prevent any future intensification of the activities taking place on the yard area and to mitigate the visual impacts of the yard area in order to safeguard the character of the surrounding landscape in accordance with the requirements of Core Strategy policies GSP1, GSP2, GSP3, and L1, and Local Plan policy LC4.

One of the key conditions suggested by members reflected the recommendation made by officers that a revised planting scheme submitted by the applicant should be carried out because the planting is necessary to make the yard area acceptable by minimising its visual impact. The planting would increasingly screen the yard over time whereas in the current situation, the yard area, and the various activities carried out on the yard, detract from the character of the surrounding landscape. The proposed planting scheme would also serve an additional planning purpose by containing the existing industrial uses of the land at Pitchings Farm within a clearly defined area.

Condition 4 (above) contains this requirement for the implementation of an amended planting scheme and has been written in the form of a model condition that addresses a situation where development has already been carried out and further works are required to remedy any harm to amenities arising from retention of the development. Condition 5 seeks to ensure that any plants that need replacing because they have been damaged, or have died, for example, are replaced over a five year period from the time of the permission. The applicant has no issue with these conditions or the requirement also contained in Condition 4 to submit and agree parking arrangements for staff vehicles on the yard area. Condition 6, which is also agreed, simply requires the parking area not to be obstructed and to remain available for its designated use.

Conditions relating to staff parking were suggested by members because cars are being parked on a roughly surfaced area outside of the red-edged application site. Similarly, various items associated with the steel fabrication business and not related to farming activities were seen stored in various ad-hoc locations in fields away from the yard area. Therefore, members sought to address further 'development creep' and the associated harmful impacts of untidy land by suggesting a condition restricting activities carried out by the steel fabrication business to the

area covered by the LDC and the yard area within the red-edged application site. These restrictions are set out in Condition 3 (above) and have been agreed with the applicant.

Notably, members considered that exceptional circumstances existed in this case that warranted removing permitted development for both uses of the yard area and for further operational development on the red edged application site (Conditions 7-9). Members also sought restrictions on external lighting (Condition 10) and the height of stored materials on the yard area (Condition 2). Straightforwardly, the conditions seeking to manage further development on the yard and limit the height of stored material on the yard have been agreed by the applicant and would be reasonable and necessary to ensure that mitigation for the development secured by the planting would not be compromised by items being stored or built on the yard or otherwise brought on to the yard that would be much higher than the proposed hedgerow.

It was also determined that control should be retained over the design of any perimeter fences because even at a maximum height of 2m, many different types of security fences would have a detrimental impact on the visual amenities of the local area and the character of the landscape setting of Pitchings Farm.

The restriction on the use of the yard area has also been agreed with the applicant and is considered to be justified because it seeks to address the issues of whether retention of the yard area would intensify the established employment uses of land at Pitchings Farm and whether the scale and size of the industrial uses on the land are acceptable. In other words, this condition is intended to maintain the 'status quo' because members agreed that any further intensification of the business in such a remote and isolated location in open countryside with poor access to the primary road network and in an area of particular scenic beauty would not be acceptable in planning terms.

Therefore, it is considered Conditions 1-10 meet the six tests for planning conditions set out in the Framework and Planning Practice Guidance, and would generally enhance the quality of the development carried out so far whilst enabling a resolution of approval for the yard area when it would otherwise have been considered necessary to refuse planning permission. It is also considered that these conditions have been tailored to tackle specific problems, and seek to mitigate the adverse effects of the development, as opposed to standard conditions or conditions that would impose broad unnecessary controls. However, these conditions do not cover any restriction on the hours of operation by the business as suggested at the meeting of the Planning Committee in January.

Initially, it was suggested at the January meeting that the hours of operation should be restricted to 9am-5pm Monday to Friday, with no operations taking place on bank holidays or weekends. This suggestion prompted further discussion and, when asked, the applicant said that he could agree a restriction on operations at bank holiday and weekends but not week days. The applicant's agent has since clarified the applicant meant he would agree to restricting deliveries to and from the yard area on bank holidays and weekends but this restriction would not relate to working hours. The applicant's agent has taken further legal advice and says the applicant would appeal any conditions which attempt to restrict vehicles movements and working hours to any area other than the application site outlined in red.

However, since this correspondence, officers have reviewed the evidence submitted with the LDC application and the supporting statement submitted with the LDC application by the applicant's current agent states:

Since the establishment of the business at Pitchings Farm in 1996, the usual business hours have been based on a six day week Monday to Saturday, 6.30am to 6pm. Although this does increase and decrease depending on workload at the time. Occasionally it has been necessary for production and manufacturing work to be carried out on a Sunday. With regard to the deliveries to the site, these are usually from Monday to Friday with occasional Saturday

deliveries. Deliveries are mainly during normal business hours.

Statutory declarations made by the applicant and other interested third parties support this statement, and say unambiguously that the industrial uses taking place on site have not been intensified for more than ten years. Therefore, officers consider there is a clear benchmark to work to in terms of the pre-existing 'hours of operation' for the steel fabrication business at Pitchings Farm, which is based on the applicant's and his agent's own evidence and is reflected in the terms of Condition 11 and 12 (above).

Officers consider that a restriction on deliveries and operating hours to match the pre-existing situation (as per the evidence in the LDC application) would be reasonable and necessary to limit any further intensification of the steel fabrication business to protect the tranquillity and amenities of the local area especially at times when the nearby footpaths would be more likely to be used. In particular, it would be reasonable and necessary to prevent an increase in the times large delivery vehicles would use Whitefields Lane, especially when there would be more likelihood of conflict with recreational users of the Lane, which is also a public right of way, if deliveries to and from the site were to increase in number over the weekend or bank holidays.

Equally, restricting hours of work to the pre-existing situation would restrict vehicular movements through Waterfall at times when residential properties would be more sensitive to noise disturbance, and reduce the need for extensive external lighting for yard areas after dusk, which would have a harmful impact on dark skies and the tranquillity of the area. Therefore, there would be good planning reasons to impose a restriction on the times of deliveries to and from the yard area and on working hours to match the pre-existing situation to safeguard the amenities of the local area and to conserve the valued characteristics of the National Park in accordance with the provisions of Core Strategy policies GSP1, GSP2, GSP3, and L1, and Local Plan policies LC4.

Moreover, Pitchings Farm does not benefit from good access to the primary road network. Therefore, increasing numbers of large vehicles using Whitefields Lane to distribute goods to and from the business would conflict with the strategic objectives of T1 and T4 of the Core Strategy and saved Local Plan policies LT2 and LT9; and an intensification of the use of Whitefields Lane by large vehicles arising from the retention of the yard area would harm the general amenities of the local area and the specific provisions of E2(D) and LE4(b). Therefore, Conditions 11 and 12 are considered to be reasonable and necessary and would be imposed on any permission for a proper planning purpose.

In these respects, it is considered the need for Conditions 11 and 12 arises from the effect of the retention of the yard area and, in particular, how retention of the yard area has been integral to a degree of intensification of the pre-existing uses of the whole site rather than the physical characteristics of the yard area itself, or the precise nature of the activities carried out on the yard taken in isolation. For example, although the LDC certificate demonstrates that the provision of the yard area has not resulted in a 'material intensification' of the pre-existing use of the site, this does not rule out a situation where there has been 'mere intensification' of the industrial use of the site with adverse side effects.

Moreover, any development can, in theory, be disaggregated into its separate elements but that is not the approach normally adopted for planning purposes. For example, the current development proposals could be 'disaggregated' by looking at the physical impacts and the use of the red-edged application site in isolation rather than consider the potential effects of creating a larger planning unit in a B2 use for general industry through the retention of the yard area. In these terms, it is reasonable to describe the primary purpose of the creation of the yard area as being to extend and expand the established steel fabrication business with the physical operations of concreting and the planting scheme being the subsidiary and facilitating components of the development proposals.

Nonetheless, by virtue of its size and scale, the likelihood is that the provision of the yard area would intensify the established use of the site (although, as the LDC indicates, this is not to the point where a material change of use of the land has taken place). Whilst it is understandable that the applicant would not want any unduly onerous restrictions to be placed on the established uses of the business, it is not uncommon or unlawful for conditions to be imposed that seek to modify the existing operations of a business where retention of both the pre-existing operations and the proposed development would result in the site being over-intensively developed.

In this case, the adverse planning consequences arising from the creation of the yard area would include the likelihood of larger delivery vehicles moving to and from the site than before because of the increased storage capacity on-site. A further example of adverse planning consequences would arise from the erection of a building on site without planning permission that opens on to the new yard area and is used for the more efficient construction of concrete products. Whereas concrete was previously hand-mixed on site (according to evidence accompanying the LDC application), ready mixed concrete is now delivered to the site by a concrete mixer lorry, which has the consequence of an additional and different type of large vehicle moving to and from the site that has been said to have had an adverse side effect on the amenities of the local area since the yard area was constructed.

The unauthorised building has been designed so that concrete products dry quicker to improve efficiencies in the production process, compared to the previous situation where a lambing shed was used to make concrete products. The increased storage area would clearly allow the steel fabrication business to expand by facilitating far more efficient processing of deliveries and orders, and so on. Therefore, it is reasonable to conclude the creation of the yard area has intensified industrial uses carried out on the site as a whole which has given rise to adverse side effects on the amenities of the local area. These effects could be minimised by preventing any further intensification of 'occasional deliveries' on a Saturday and 'occasional' hours of work on a Sunday.

It is also understood that Condition 12 would remove some flexibility the applicant may have had to work extended hours to meet the needs of the business. However, the impacts on the business of a tighter restriction on working hours have to be balanced against what is reasonable in the context of the current development proposals. The yard area for which retrospective planning permission is sought extends to approximately 1558m² whereas the land deemed to be in a lawful use by the steel fabrication business extends to approximately 3116.50m². Therefore, the current proposals to retain this yard area conflict with policy LE4(b), which says that outside named settlements, expansion of existing industrial and business development will not be permitted unless it is of a modest scale in relation to the existing activity and/or buildings, and does not extend the physical limits of the established use.

Consequently, officers consider that a restriction on working hours is reasonably related to the development because the yard area is not a 'minor development'; it is an exception to policy that constitutes a significant expansion of the pre-existing steel fabrication business, which indicates the primary purpose of the creation of the yard area was to extend and expand the established steel fabrication business. It is also reasonable to consider the provision of the yard area has intensified the industrial uses carried out on the site as a whole. This is especially the case where the established uses of the site and the activities taking place on the yard overlap, and the area covered by the LDC and the yard area are so interlinked, both functionally and physically, that it is not possible to distinguish distinct areas of the site that could or should be treated separately.

Notwithstanding these issues, the applicant has not been able to agree the wording of Conditions 11 and 12 and his agent is suggesting that an appeal may follow with an application of costs if these types of conditions were imposed on any permission. However, it also has to be taken into account that the integrated nature of the extended site would mean that restrictions on

working hours and delivery times would need to be applied to the business as a whole in order to be enforceable in any meaningful way and to properly safeguard the amenities of the area. For example, a condition may be unenforceable because it is impossible to detect a contravention; more commonly it will merely be difficult to prove a breach of its requirements. In this case, if restrictions were only placed on the yard area it would be difficult, if not impossible, to prove that a large delivery vehicle seen travelling to or from the site was not being loaded and/or unloaded on the yard area unless the actual site was being monitored at that time. Conversely, if large delivery vehicles were moving to and from the site but being loaded and/or unloaded on land covered by the LDC then a restriction solely on the use of the yard area would not prevent harm to the amenities of the local area.

Therefore, it is considered that restrictions on the site as a whole are necessary to make the operation of the extended business premises acceptable in planning terms and to make Conditions 11 and 12 enforceable. As these conditions are intended to prevent harm to the amenities of the local area, which is clearly likely to result from the unfettered operation of the core of the 'established business' from within the extended business premises, then they will not be so difficult to monitor, as those affected by contravention of its requirements are likely to be able to provide clear evidence of any breaches. Moreover, the requirements of the conditions are considered to be more precise than the applicant's suggested condition and therefore would give the applicant and any interested third parties a clearer understanding of what the applicant is expected to do.

It might also be said that planning enforcement issues at Pitchings Farm that have resulted in an LDC being granted for a steel fabrication business open countryside and the erection of a further two buildings without the benefit of planning permission may have already resulted in undermining public confidence in the planning system to some extent. Therefore, the enforceability of restrictions on working hours and/or delivery times and how effective the restrictions would be is also a particular matter of public interest in this case.

Finally, the determining factor in many applications where the acceptability of a particular development is contentious often relates to whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits of doing so. In other words, an assessment is often carried out as to whether the development proposals constitute sustainable development when assessed against policies in the Framework when taken as a whole.

In this case, if the primary development was simply the physical operation of creating a small subsidiary yard area for activities incidental to the established use of the land alongside the associated landscaping then it would be easier to argue that the benefits of allowing the business to operate as it did before would outweigh any harm associated with retaining the yard area. It would also be much easier for the applicant to argue that Conditions 11 and 12 seek to remedy a pre-existing problem or issue not created by the proposed development.

However, the yard area has extended the land used by the established steel fabrication business by around 50% and is used extensively for purposes ancillary to the established uses of the site. Therefore, as also noted above, it is reasonable to conclude that the primary purpose of the development is to extend the pre-existing steel fabrication business and there is a clear risk that retention of both the pre-existing operations and the proposed development would result in the site being over-intensively developed.

In this context, the benefits arising from allowing the 'pre-existing' part of the business to operate earlier or later than the core hours stated in the LDC application, or accept deliveries at weekends would not demonstrably outweigh the harm arising from the more intensive industrial use of a large industrial site created by the expansion of the pre-existing steel fabrication business through the provision of the additional yard area.

These harmful impacts on amenity would be a consequence of allowing an over-intensively developed industrial use of the land and would be exacerbated by the associated harmful impacts of the larger industrial unit at Pitchings Farm on the intrinsic character and beauty of the National Park, together with the unsustainable location of the business outside of a named settlement and away from the primary road network. This means that the development proposals would conflict with core planning principles in the Framework. Consequently, if Conditions 11 and 12 were found not to meet all six tests for conditions but it was agreed that retention of both the pre-existing operations and the proposed development would result in the site being over-intensively developed, then planning permission should be refused for the current application.

Conclusion

For the reasons set out in this report, officers have concluded that Conditions 11 and 12, together with Conditions 1-10, do meet the six tests. They would enable the yard area to be retained when it would otherwise have been necessary to refuse planning permission for the application and they reflect the intent of the conditions suggested by members at the meeting of the Planning Committee in January 2015.

Accordingly, the application is recommended for approval in accordance with the resolution made in January 2015 by the Planning Committee, subject to the conditions listed in this report.

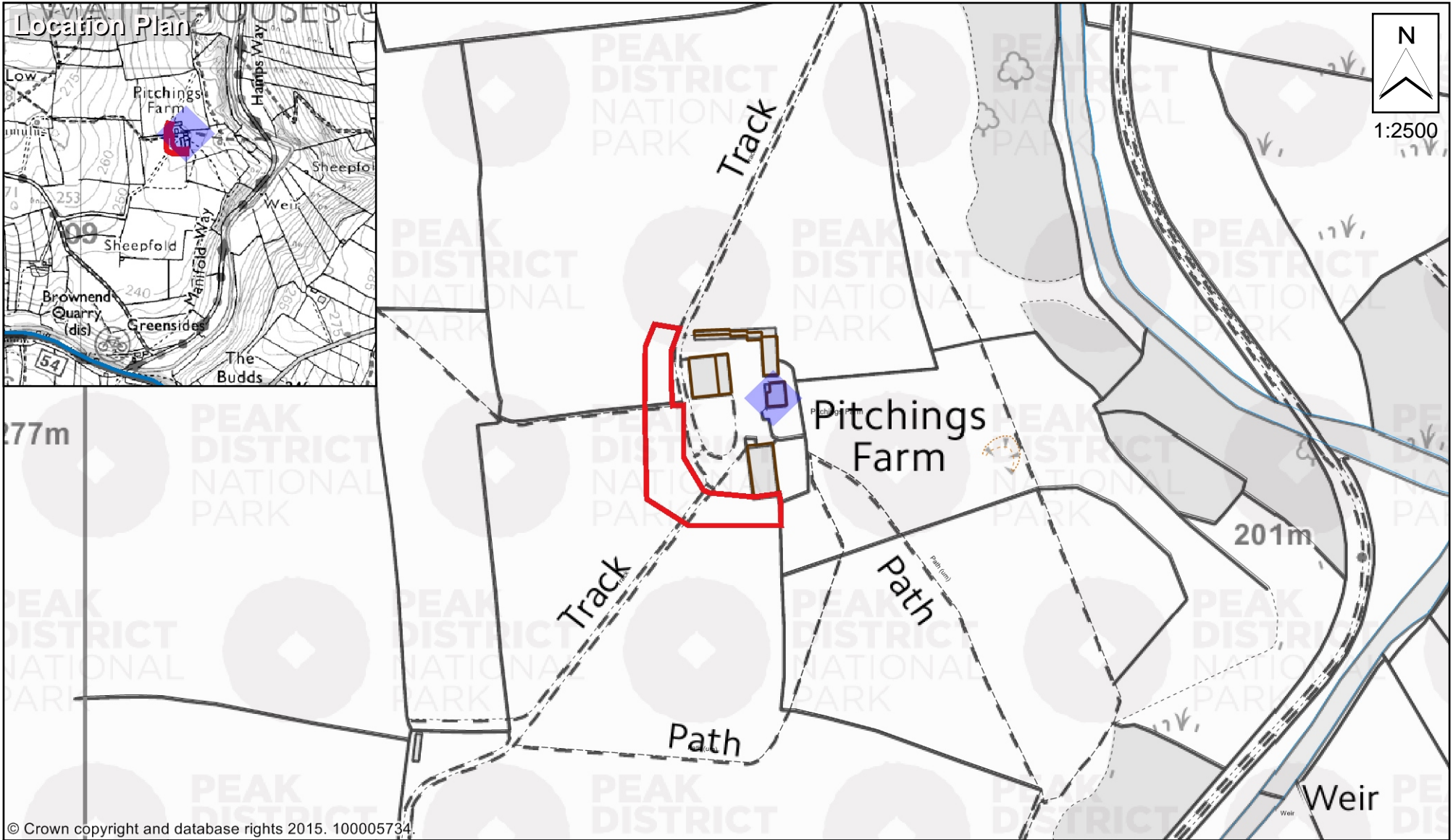
Human Rights

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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Committee Date:	13/02/2015	Title: Pitchings Farm, Whitefields Lane, Waterhouses	 PEAK DISTRICT NATIONAL PARK
Item Number:	6		
Application No:	NP/SM/1014/1059		
Grid Reference:	409314 350796		

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7. FULL APPLICATION – ERECTION OF AFFORDABLE DWELLING ON LAND OFF BUXTON ROAD, HIGHFIELD FARM, ASHFORD (NP/DDD/1014/1042, P10648, 419370/369801, 31/01/2015/KW/CF)

APPLICANT: MISS KATE BROCKLEHURST

Site and Surroundings

The site comprises the lower south-eastern corner of a steeply sloping field that abuts the gardens of properties on the northern side and at the eastern end of Buxton Road. The field was formerly allotment gardens, but there is now little evidence of this former use. The field slopes steeply upwards in a north-westerly direction and is visible from Buxton Road between the roadside terrace and the adjacent school to further to the east. There is currently no vehicular access to the site, but there is a pedestrian access linking the lower corner of the field to Buxton Road which passes alongside the eastern boundary of the rear gardens to the adjacent roadside terraced cottages.

The field is within the designated Ashford Conservation Area and is identified in the accompanying Conservation Area Appraisal Map and on the Local Plan Proposals Map as an important open space in the Conservation Area.

Proposal

The application proposes the erection of an affordable dwelling to meet a local need. The proposed dwelling would have three bedrooms, a traditional low two-storey, double-fronted form, and would be constructed in natural limestone with a natural blue slate roof. It would be sited within the lower eastern corner of the field and would be set into the steeply sloping ground the field such that only the upper storey of the rear of the dwelling would be visible above the finished ground level.

A footpath is to be provided to the front of the proposed dwelling, which links into the existing private pedestrian access between the site and Buxton Road, but there is no possibility of creating a vehicular access from Buxton Road. Vehicular access to the property would be gained by creating a 340m long access track the public road network at the north-eastern end of the Highfield housing estate, which is 230m to the north-east of the application site.

The route of the proposed access track would follow an existing grassed farm track along the north-western boundary of the Highfield housing estate, then cross a public footpath route to follow the lower corner of an adjacent field before entering the steeply sloping field that contains the proposed dwelling site. The access at this point cuts diagonally across the steeply sloping ground contours before turning sharply eastwards to enter the application site. Parking spaces would be provided on a slightly raised area to the rear of the dwelling.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. By virtue of its siting in an elevated position, above the existing residential properties that front on to Buxton Road, the proposed dwelling would be a prominent and incongruous addition to the street scene that would fail to reflect or respect the existing pattern of built development within the local area, would be unneighbourly, and would detract from the valued characteristics of the local area. Therefore, the proposals are contrary to national planning policies in the Framework, and do not accord with policies GSP1, GSP2, GSP3 and L1 of the Core Strategy or saved Local Plan policies LC4 and LH1.**

2. **The proposed dwelling would fail to preserve the special qualities of the designated Ashford in the Water Conservation Area and would detract from the significance of this heritage asset because the newly-built house and associated track would be constructed on an important open green space in the Conservation Area but the proposed development would not be sensitive to the special qualities of the open space including its positive contribution to the setting of the village. Therefore, the proposals conflict with core planning principles in the Framework and do not accord with policy L3 of the Core Strategy or saved Local Plan policy LC5.**
3. **By virtue of the orientation of the access track, its overall length, its poor relationship with existing landscape features, and a section that would be especially visible from public vantage points, the access track would detract significantly from the character of the surrounding landscape and the setting of the Conservation Area in its own right, and the adverse visual impact associated with the track would be exacerbated by the prominent and elevated location of parking provision for the proposed dwelling. Furthermore, a demonstrably safe and convenient access to the property for emergency vehicles, service vehicles such as bin lorries and for future occupants of the property could not be achieved without further adverse impacts on the environmental quality of the local area. Therefore, the proposals conflict with core planning principles in the Framework and do not accord with policies T1 and T3 of the Core Strategy or saved Local Plan policies LT11 and LT18.**

Key Issues

1. Whether the proposed development meets the requirements of the Authority's Core Strategy and Local Plan policies in relation to the provision of affordable dwellings to meet local need;
2. Whether the proposed development would conserve the character and setting of designated Ashford Conservation Area and the established grain and pattern of the built development along the northern side of Buxton Road;
3. Access and parking provision; and
4. The potential impact of the proposed dwelling on the residential amenities of the nearby properties to the south of the application site.

History

1994 – Outline consent refused for the erection of a single detached dwelling on the same site as that currently proposed. The proposal was refused on grounds that the dwelling site was situated outside the physical confines of the village on a steeply sloping and prominent hillside within the Conservation Area. Consequently, the proposed development would detract from the appearance of the landscape and adversely affect the character and appearance of the Conservation Area. The application was also refused on grounds of the unacceptably long and tortuous access to the site, which was considerably in excess of the recommended man-carry distance from the nearest public highway.

A subsequent appeal in 1995 was dismissed on grounds that the proposal would require substantial earthworks and these together with the proposed dwelling would change the appearance of the site to the detriment of the setting of the properties along Buxton Road and the north-west, and also the character and appearance of the Conservation Area.

Consultations

County Council (Highway Authority) – Require amended plans/additional information to address detailed comments on the proposed access arrangements.

District Council - No response to date.

Parish Council – Support the application for the following reasons:

- The proposed development is on land which is of limited agricultural use and currently presents an untidy appearance when viewed from the village. A former use of the site was as allotment gardens on terraced plots, and in the last two or three years, scrub was cleared away and the site advertised to re-establish that use. With only one expression of interest, the scheme was not viable and the land is likely to return to scrub.
- There is evidence that, historically, there were dwellings on the site, in the area of the proposed new dwelling.
- The applicant is clearly keen to remain and develop her new business in the village and this commitment and enterprise should be encouraged and supported.

The Parish Council also comment that the pedestrian access off Buxton Road should remain as it is and should not be made into a drive.

Representations

Three letters have been received from the occupiers of three of the nearby roadside properties along Buxton Road, which raise the following objections and concerns:

- the proposed house would be on a greenfield site, which is in a prominent location overlooking the village and the nearby houses;
- there has been a history of problems with water flowing down from the allotment field and entering the rear of the roadside properties, and the proposed access road will further channel water towards these properties;
- the proposed dwelling will directly overlook the gardens and upper rear windows of the nearest roadside properties and the proposed boundary fencing would not mitigate for a loss of privacy;
- there will be a right of way to the property via the existing pathway down to Buxton Road, which will directly overlook the rear patio, lounge and kitchen of the easternmost cottage;
- acceptance of this proposal could set a precedent for further development of the allotment field;
- likelihood of noise, disturbance and damage to the adjoining properties and gardens during the constructions works; and
- it is inappropriate to start building houses on agricultural land as opposed to redundant farm buildings or brownfield sites, both of which are available in the village.

It is also said in one of the letters that the author fully supports the need for affordable housing as long as strict rules are applied to prevent it becoming yet another holiday-let and that a local occupancy clause is enforced, and, if granted, it should be made clear that no other houses would be allowed to be built in the field in the future.

Main Policies

Relevant Core Strategy policies include: DS1, GSP1, GSP2, GSP3, GSP4, L1, L3, HC1, T1 & T3

Relevant Local Plan policies: LC3, LC4, LC5, LH1, LH2, LT11 & LT18,

National Planning Policy Framework

The National Planning Policy Framework ('the Framework') was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent national planning policies in the Framework with regard to the key issues that are raised in the determination of the current application for the following reasons:

In the first instance, it is considered saved Local Plan policy LH1 and policy HC1 of the Core Strategy provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. This is because policies HC1 and LH1 set out the relevant criteria for assessing proposals for newly built houses to meet local need. The Framework also supports the use of small sites specifically for affordable housing in small rural communities that would not normally be made available for the provision of open market housing subject to normal planning considerations.

The planning considerations that are key issues in the determination of the current application include design and amenity considerations and the impacts arising from siting the proposed house in an elevated and prominent location within an important open green space in a Conservation Area within a National Park.

In these respects, Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage, which is consistent with the aims and objectives of policies GSP1, GSP2 and L1 of the Core Strategy. The Framework otherwise states that local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, including safe and suitable access provisions. These provisions are consistent with the requirements of Policies GSP3, T1 and T3 of the Core Strategy and saved Local Plan policies LC4 and LT18.

The Framework also states that the conservation of heritage assets in a manner appropriate to their significance forms one of 12 core planning principles whilst Paragraph 132 of the Framework states that great weight should be given to the conservation of a designated heritage asset and that the more important the asset, the greater the weight should be. These provisions are consistent with the criteria for assessing development within a Conservation Area set out in policy L3 of the Core Strategy and saved Local Plan policies LC5 and LT11.

Assessment

Issue 1 - Whether the proposed development meets the requirements of the Authority's Core Strategy and Local Plan policies in relation to the provision of affordable local needs dwellings.

Core Strategy policy HC1 says that exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where the proposals would address eligible local needs and would be for homes that remain affordable with occupation restricted to local people in perpetuity. The provisions of HC1 are supported by policy LH1 of the Local Plan, which gives

more detailed criteria to assess an application for a newly-built house, which is intended to be affordable and meet local need.

LH1 states exceptionally residential development will be permitted either as a newly built dwelling in or on the edge of Local Plan settlements provided:

- i. there is a proven need for the dwelling;
- ii. the need cannot be met within the existing housing stock;
- iii. the intended occupants meet the requirements of the National Park Authority's local occupancy criteria (policy LH2);
- iv. the dwelling will be affordable by size and type to local people on low or moderate incomes and will remain so in perpetuity; and
- v. the requirements of Policy LC4 are complied with.

Need and affordability

The application proposes an affordable house to meet a local need that would be sited within a named settlement in the Core Strategy (DS1). It is therefore considered that the proposal is acceptable in principle and would warrant approval if the application met the five criteria set out in LH1 first taking account of whether there is a proof of need. The application proposes a single dwelling. Therefore, the need for the newly built dwelling should be judged with reference to the current circumstances of the applicant.

The accompanying supporting information states that the applicant is a local resident, who has lived all her life in Ashford. She is currently living with her parents at Highfield Farm, which is an inconvenient living arrangement for the present house is not conducive to the requirements and needs of two families. The house is also held on an agricultural tenancy by her father, so this will not be available for her to live in as an independent household when her father retires.

The applicant has looked for many years for alternative accommodation in and around Ashford, but has been unable to find anything that she can afford on her low income. Her only earnings are from the small business she operates and due to the nature of her business; she needs to stay in Ashford, as Highfield Farm is the source of her raw material for the business.

The accompanying information also states that Ashford is a parish where local property fetches exceptionally high prices, yet no affordable housing has been built in the village for decades. Reference is made to the Annual Monitoring Report for the PDNPA for 2012-13, which reveals that there has not been a single completion for local needs housing in the parish in the period 1991-2013.

The applicant is in a position, however, to build a small dwelling on a corner of the proposed site at Buxton Road. This is possible because her father will make the plot available to her and because her partner, who is starting out as a self-employed builder, can build the house economically.

Officers consider that in terms of her local qualification and current living circumstances, the applicant readily meets the terms of the Authority's policies. Whilst no detailed information has been submitted in respect of whether her housing needs could be met within the existing housing stock, it is acknowledged that because of her existing living and financial circumstances, she would not be able to purchase an open-market property and it is also likely that she would not be considered a priority for social housing. The agent has also confirmed that there is no other land or buildings available on her father's farm holding as this is a tenanted holding.

It is also considered that the size and floor area of the proposed dwelling is commensurate with the Authority's size guidelines for affordable local needs dwellings, and additional information has been supplied by the applicant's agent that seeks to demonstrate the cost of building the dwelling and providing access provision would not be so great as to take the dwelling, once built, beyond affordability.

It is therefore considered that the applicant's circumstances and the size of the proposed dwelling readily meet the terms of the Authority's affordable housing policies whilst the actual build costs for the dwelling would be with the normal parameters for the construction of affordable housing. Consequently, it is considered that the current application meets the requirements of HC1 and criteria (i)-(iv) of saved Local Plan policy LH1.

However, in addition to the above considerations, criterion (v) of policy LH1 states that the proposal must also comply with the requirements of policy LC4. Amongst other things, saved Local Plan policy LC4 says that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible it enhances the landscape, built environment and other valued characteristics of the area. These issues are addressed under the Issue 2 section of this report.

Issue 2 - Whether the proposed development would conserve the character and setting of designated Ashford Conservation Area and the established grain and pattern of the built development along the northern side of Buxton Road.

In the first instance, it is important to note that the proposal can be described as 'backland development' because the proposals involve the provision of housing on a 'landlocked' site behind existing buildings, which does not have a frontage onto the public highway. Backland development is typically much more difficult to integrate with the existing built environment than infill development where new housing is proposed in a gap between existing residential properties, rather than behind them.

Therefore, compliance with design and conservation policies as indicated by LH1(v) is an especially important issue in this case, also taking into account the proposed house would be sited on an important open space within a designated Conservation Area.

As noted above, Local Plan policy LC4(a) says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible it enhances the landscape, built environment and other valued characteristics of the area. Local Plan policy LC4(b) goes on to say, amongst other things, particular attention will be paid to scale, form, mass and orientation in relation to existing buildings, settlement form and character, landscape features and the wider landscape setting.

Local Plan policy LC4 is now also supported by the more recently adopted policy GSP3 of the Core Strategy which says development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal. GSP3 goes on to say, amongst other things, particular attention will be paid to:

- A. impact on the character and setting of buildings
- B. scale of development appropriate to the character and appearance of the National Park
- C. siting, landscaping and building materials
- D. design in accordance with the National Park Authority Design Guide

In this case, it is highly relevant to the application of LC4 and GSP3 that the application site is on land that is a designated important open space within the designated Conservation Area. In these respects, policies LC5 of the Local Plan, and policy L3 of the Core Strategy are also highly

relevant to the current application.

LC5 seeks to preserve and enhance the National Park's historic built environment and respectively address development that would affect the special qualities of a designated Conservation Area and its setting. L3 also seeks to ensure the National Park's historic built environment is conserved and enhanced for future generations.

L3 set out three criteria under which the current application should be assessed because of the potential impacts of proposed development on cultural heritage assets of archaeological, architectural, and historic significance:

- A. Development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest;
- B. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset of archaeological, architectural, artistic or historic significance or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest;
- C. Proposals for development will be expected to meet the objectives of any strategy, wholly or partly covering the National Park, that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets. This includes, but is not exclusive to, the Cultural Heritage Strategy for the Peak District National Park and any successor strategy.

These policies are consistent with national planning policies in the Framework that require high quality design, which should be sensitive to local distinctiveness, and the conservation of heritage assets in a manner appropriate to their significance. In this case, the significance of the application site as an important open space is related to it being on the steeply sloping and prominent hillside to the rear of the properties along Buxton Road.

The Conservation Area Appraisal illustrates that it is the constraining influence of this steeply sloping land that has shaped the pattern and grain of the built development in this part of the village. In particular, existing housing development has a linear form that fronts on to Buxton Road with the steeply sloping hill forming a natural boundary to the settlement limits. Siting a house 'perched up' above these properties, as proposed in this application, would be incongruous with the existing character of this part of the village and the newly-built house would have a significant impact on the character and setting of the existing buildings fronting on to Buxton Road.

When viewed from Buxton Road, the dwelling would appear unduly prominent and poorly related to the existing houses, and would seriously impede views of the higher ground and the backdrop to the village beyond. This is an important consideration as the application site and the remainder of the field are included within the designated Conservation Area because they form a fine backdrop and setting to the village. The application site is also visible from Buxton Road from the gap between the roadside properties and the Ashford School building, and in the vicinity of the junction of Buxton Road with Fennel Street.

It is therefore considered that a newly-built house would be visible from public vantage points and would fail to conserve or enhance the special qualities of the Conservation Area. These problems would be exacerbated by the provision of the adjacent vehicular parking area and the access drive that would double back on itself across the application site, which would increase the visual impact of the newly-built house, further detracting from the setting of the designated Conservation Area, and resulting in additional harm to the character of the village.

Although the application site and surrounding field was used quite intensively as allotments, and the terraced profile of the former allotments can still be seen, this was some time ago and the site and surrounding field now has the general appearance of rough grazing land. Therefore, the application site cannot be classified as previously developed land or 'brownfield' site, and officers do not consider a newly-built house on the site is required to achieve enhancement purposes or to relocate a non-conforming use.

In these respects, the most tangible public benefits arising from any permission for this application would be the delivery of an additional affordable dwelling that would meet the needs of a person with a local qualification in the first instance but would be available to the local community over the longer term. This is an important consideration and affordable housing has been allowed on important open spaces in Conservation Areas exceptionally (in Monyash and Sheen most recently) where it has been found that there would be less than substantial harm to the character and appearance of the Conservation Area.

However, where houses have been permitted on important spaces they can be characterised as infill developments that would follow the existing pattern of development with their respective villages. In this case, the newly-built house would not be properly integrated into the existing pattern of development along Buxton Road and it would be an incongruous addition to the village. Consequently, it is considered that the public benefits of granting planning permission for the new house would not outweigh or offset the demonstrably harmful impacts arising from the proposal.

The proposed dwelling, taken together with the associated access and parking provision, would fail to conserve the significance of the designated Ashford Conservation Area because it would be constructed on an important open green space within the designated Ashford Conservation Area, and building on this land would not be sympathetic to the established grain and pattern of built development on the northern side of Buxton Road. The proposed development would also fail to reflect or respect the special qualities of the open space, its positive contribution to the setting of the village, or the manner in which the prominent position of the dwelling within this open space would impede views of the higher ground beyond.

Therefore, the current application is contrary to national planning policies in the Framework and does not meet the requirements of design and conservation policies in the Development Plan including saved Local Plan policies LC4, LC5, and LH1, and policies GSP1, GSP2, GSP3, L1 and L3 of the Authority's Core Strategy.

Issue 3 – Access and Parking Provision

As there is no vehicular access to the site from Buxton Road, the submitted scheme proposed the creation of a 340m long access track which accesses on to the public road network at the north-eastern end of the Highfield housing estate. The proposed access route follows an existing grassed farm track along the north-western boundary of the Highfield housing estate, then crosses a public footpath route, then follows the lower corner of a field before entering the steeply sloping field that contains the proposed dwelling site. The access at this point cuts diagonally across the steeply sloping ground contours before turning sharply eastwards to enter the proposed dwelling site. Parking spaces would be provided to the rear of the proposed dwelling.

As set out in the above section of the report, there are concerns that these arrangements for access and parking provision for the proposed dwelling would harm the character of the local area in their own right because of the potentially unacceptable adverse visual impact associated with the access track and parking spaces. There are also concerns that the access would not be safe and the Highway Authority has already sought amendments and additional information to address a number of issues related to the accessibility of the proposed development.

In these respects, policies T1 and T3 of the Core Strategy provide the strategic context for transport management and infrastructure within the National Park, stating that conserving and enhancing the National Park's valued characteristics will be the primary criterion in the planning and design of transport infrastructure. The Framework requires new developments to be provided with safe and suitable access provisions. Saved Local Plan policies LT11 and LT18 provide further detail on what this means in practice.

LT11 states that the design and number of parking spaces associated with residential development must respect the valued characteristics of the area, particularly in Conservation Areas. LT18 states that the highest standards of environmental design and materials should be used in transport infrastructure to conserve and enhance the valued characteristics of the area. T18 goes on to say that the provision of safe access arrangements will be the prerequisite of any development but where the provision of safe access would damage the valued characteristics of the area, the Authority will consider refusing planning consent.

The applicant's agent has submitted amended plans seeking to address the Highway Authority's concerns. These plans show an amended layout for the length of track from the edge of the application site to the public highway. This length of track would be surfaced with limestone chippings or tarmac and have a width of 5m. A turning head for a refuse lorry is also proposed at the south-western end of the track on a fairly level area of ground above the steeply sloping former allotment field. From the turning head, the final part of the track to the site of the new house would revert back to the original 'cart track' arrangement (i.e. a track that has two strips of limestone chippings with grass down the centre) as shown on the submitted drawings.

Notwithstanding the visual impact of a 5m wide surfaced track running through open fields, the turning head would be some 100m from the proposed house, which is a significant distance to take a bin out for collection for anyone with mobility problems or in difficult weather conditions. It is also considered that it is unreasonable to expect other service/delivery vehicles and visitors to park on the turning head and carry loads down the remaining 100m down the remainder of the access to the dwelling itself. Furthermore, the remaining length of the track is on a relatively steep gradient and has a 'hair pin' bend where it doubles back on itself. It is therefore considered that there is a real risk that emergency vehicles would not be able to get any closer to the house than the turning head.

Furthermore, concerns have been raised about the adequacy of the construction methods and the gradients of this final section of the access track, which crosses diagonally across the steeply sloping former allotment field that contains the application site. It is likely therefore that the access drive would have to be constructed to a higher specification using a bound surface, such as tarmac rather than limestone chippings as proposed. Surface water drainage from the track would also have to have a properly engineered solution, so as not to cause drainage problems further down the field to the rear of the existing roadside properties.

All such measures would serve to exacerbate the adverse impact of the access drive on the character of the allotment field and consequently, the character and appearance of the Conservation Area of which the allotment field forms part. Furthermore, the widening of the remainder of the access track through the fields at the top of the allotment field and along the rear boundary of the Highfield estate would in itself detract from the landscape character of the surrounding area and would be visible from the existing public footpath that crosses the route of the proposed access track.

It is therefore considered that by virtue of its layout and design, including its length, gradient and inadequate surfacing, the proposed access track would not provide a suitable or safe access to the property and would detract significantly from the character of the surrounding landscape, the Conservation Area and the valued characteristics of the area. The visual impact of the track would otherwise be exacerbated by the provision of a parking area to the rear of the proposed house would not be screened from view by the house itself and this area would either need some extent of cut and fill or to be partially dug in to the hillside to be level that would increase its visual

impact.

In conclusion, the proposals conflict with the aims and objectives of national planning policies in the Framework and the Authority's Core Strategy and do not meet the specific requirements of Saved Local Plan policies LT11 and LT18. In these terms, it is also extremely difficult to consider the house would readily meet the needs of future occupants other than in very specific circumstances because it would not be sufficiently accessible. Consequently, these issues significantly diminish the public benefits that might otherwise be derived from the provision of an affordable house with safe and suitable access arrangements.

Issue 4 - The impact of the proposed dwelling on the residential amenities of the nearby properties to the south.

As noted previously in this report, Core Strategy policy GSP3 states, amongst other things, that when assessing development proposals particular attention will be paid to the form and intensity of the proposed use or activity and its impact on the living conditions of communities. Local Plan policy LC4 further states, amongst other things, that where development is acceptable in principle, particular attention will be paid to the amenity, privacy and security of the development and of nearby properties. The Framework states that local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

As noted in the above section of this report, there are concerns that the problems with providing adequate access to the proposed house would mean that future occupants of the new house would not have a good standard of amenity. There are also concerns that the new house would detract from the residential amenities of the nearby roadside properties fronting on to Buxton Road. These concerns arise because the new house would be a form of backland development, which can often cause a significant loss of amenity to existing properties including loss of privacy, loss of daylight, overlooking, visual intrusion by a building or structure, and noise disturbance.

In this case, the proposed dwelling would be situated on the higher ground levels in the field, which abuts the rear terraced garden boundary with the roadside properties along Buxton Road. Due to the steeply sloping ground levels, the finished floor level of the proposed dwelling is about 2.2m above the level of the adjacent rear gardens. The proposed dwelling would be set back about 7.0m away from the boundary of the neighbouring gardens, and its main front elevation would look towards the rear elevations of the roadside cottages below.

By virtue of the significant difference in ground levels between the proposed dwelling and the roadside cottages and the distance between them (c. 27.5m), it is not considered that there would be significant overlooking of the rear elevations of the roadside cottages. Nonetheless, the proximity of the proposed dwelling to the rear upper garden terrace of the roadside cottages and its elevated position, means the new house would be unneighbourly because the proposed dwelling would adversely impact upon the quiet enjoyment of the use of the rear garden areas abutting the application site, primarily, through the loss of privacy and, to a lesser extent, the impact of the proposed development on the outlook from the roadside properties.

Therefore, the impact of the proposed development on the living conditions of the occupiers of the nearby roadside cottages would give rise to further conflict with the Framework and policies GSP3 and LC4 beyond the potential impact of the dwelling on the character and appearance of the village and its designated Conservation Area.

Moreover, due to the steeply sloping nature of the site, significant earthworks would be required not only to construct the dwelling itself and adjacent vehicular parking area, but also to provide the access drive. Therefore, it is likely the roadside cottages would experience significant noise disturbance during the construction phase of the development if it were to be granted permission, alongside the risk of other potential problems arising, as raised in representations on this

application. Whilst these issues do not constitute a reason for refusal of the current application, it should be noted that the imposition of conditions specifying construction methods and hours of operation should be carefully considered if permission is granted for the current application.

Conclusion

In conclusion, there are some planning considerations that support granting planning permission for the current application: the applicant has a local qualification, the proposed house would be affordable, and the house would be on the edge of a named settlement. The provision of an affordable house to meet the needs of the local community would also provide wider public benefits. However, the adverse impacts of the proposed development significantly and demonstrably outweigh the need for the proposed house, when the current application is assessed against policies in the Framework and the Development Plan when taken as a whole.

The proposed house and the provision of its access and parking area would harm the character, appearance and amenities of neighbouring buildings, detract from the setting of the village and fail to conserve and enhance the special qualities of its designated Conservation Area, and detract from the significance of an important open space in a Conservation Area. These adverse impacts of granting planning permission for the current application are further exacerbated by the absence of a safe and suitable access, which would mean the property would not be accessible to a wide range of people and would not provide a high quality of amenity for any future occupant.

Accordingly, the current application is recommended for refusal.

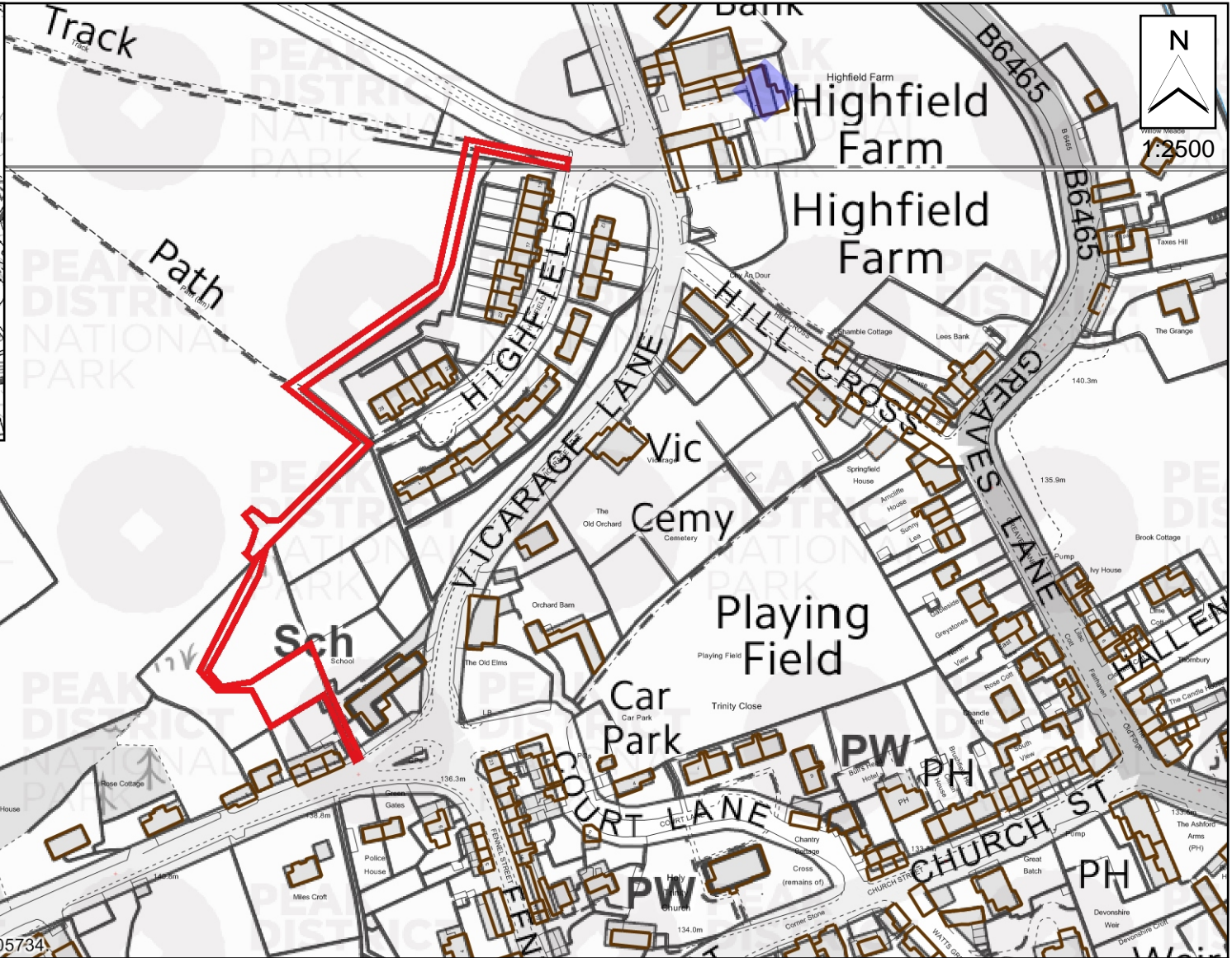
Human Rights

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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Committee Date:	13/02/2015
Item Number:	7
Application No:	NP/DDD/1014/1042
Grid Reference:	419370 369801

Title: Land off Buxton Road, Highfield Farm, Ashford



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8. S.73 APPLICATION – PROPOSED VARIATIONS TO CONDITION 2 (COMPLIANCE WITH APPROVED PLANS) AND CONDITION 3 (HEIGHT OF HEDGE) ATTACHED TO PLANNING DECISION NOTICE NP/SM/1213/1146 FOR INSTALLATION OF 30 KW (96 PANELS) GROUND MOUNTED SOLAR PV PANELS, UPPER HURST FARM, HULME END (NP/SM/1214/1233 P.5051 411402/358954/CF)

APPLICANT: SUSAN GREEN

Site and Background

Upper Hurst Farm is located in open countryside approximately one kilometre to the south east of Hulme End. The original farm and associated stone built outbuildings lie adjacent to Beresford Lane, about 500 metres south east of its junction with the B5054 Hartington to Warslow Road. The application site comprises a partially enclosed field parcel immediately north of the existing group of buildings at Upper Hurst Farm. This field parcel, (approximately 1.55 hectares in area) is also immediately adjacent to Beresford Lane and a converted stone-building, which is now a dwelling in separate ownership from the original farm house at Upper Hurst Farm, which was formerly a working dairy farm.

Upper Hurst Farm lies within the landscape character area described as 'Upland Pastures', which is valued for its peaceful rural landscape with open views to surrounding higher ground. In this case, the site is visible in the wider landscape, and distant views of the site can be gained from various points on higher ground to the north of the site including from the B5054. The application site is also open to views from the adjacent Beresford Lane, from the nearest public footpath adjacent to the northern boundary along side other public rights of way in the local area and within the wider landscape from viewpoints on higher ground to the south of the site.

Proposals

The current application seeks to vary conditions attached to a previous planning permission granted for the installation of a ground mounted solar array on the application site in 2014. This permission was for the installation of an array of ground mounted solar panels, comprising 2 rows of 48 solar panels (96 in total), subject to conditions including a pre-commencement condition requiring the boundary hedges (along Beresford Lane and the northern field boundary) to reach 2 - 2.5 metres in height before the development was commenced. The permission also required one row of the panels to be installed against the hedge along the northern boundary of the application site and for the run of panels to be started at the north eastern end of the field closest to Beresford Lane.

The current application seeks to vary the siting and layout of the ground mounted array by starting the run of panels from the north eastern end of the field and to move the panels 1.5m away from the bottom of the hedge on the northern boundary of the application site. The current application also proposes to substitute the pre-commencement conditions on the hedge heights with a management plan for the hedgerow and includes proposals for an additional four solar panels. The proposed ground mounted array shown on the submitted plans now comprises two rows of fifty solar panels over an area measuring 83m x 2.5m (compared to 80m x 2.5m, as approved).

In common with the original application, the panels would be orientated in landscape format and measure 1.7m x 0.97m, but the top edge of the panels would be no higher than 0.5m above the adjacent ground level because they would be installed in modules sited on the ground and angled to maximise their efficiency.

It is stated in the submitted application that the deletion of the condition precedent that requires the hedge along Beresford Lane to reach a height of 2.5m and the hedge along the northern

boundary of the application site to reach a height of 2m before development commences will enable the proposals to be implemented at once and maximise the viability of the proposals by ensuring that the capital cost of the scheme is offset by the current feed in tariff. The applicant considers the implementation of the submitted hedgerow plan would otherwise ensure that the effectiveness of the hedgerows and their wildlife value will be achieved and maintained with greater certainty and sooner.

The applicant also wishes to slightly increase the generating capacity of the installation by adding a further four panels and to relocate the array to avoid mature trees overshadowing the array at the north western end of the field and to facilitate better management of the hedgerow along the northern boundary of the application site.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions / modifications:

- 1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plans and specifications subject to the following conditions / modifications:**
- 2. No development shall take place until a landscape management plan and a schedule for its implementation has been submitted to and agreed in writing by the Authority. Thereafter, the development hereby permitted shall be dismantled and permanently removed from the land within six months of the date of the failure to comply with the requirements of any part of the management plan.**
- 3. At the time of their installation, the external finishes of the ground mounted modules shall be matt black and the individual solar panels shall not be installed other than with matt black surrounds and an anti-reflective finish. Thereafter, the ground mounted solar array shall be permanently so maintained throughout the lifetime of the development hereby permitted.**
- 4. Once the solar panels are no longer required for the purposes of energy generation, the ground mounted solar array shall be completely removed from the land, and the ground shall be reinstated to its original ground within three months of the solar panels being decommissioned.**

Key Issues

- Whether the ground mounted solar array as proposed in the current application would adversely affect the valued characteristics of the National Park; and
- Whether the proposed hedgerow management plan would make any adverse impacts associated with the ground mounted solar array acceptable in planning terms.

History

In terms of the current application, the most relevant part of the planning history for Upper Hurst Farm is the planning permission granted under decision notice NP/SM/1213/1146 in February 2014 for the proposed installation of 30 kwh of ground mounted solar PV panels (96 panels). There were other planning applications which related to the change of use of agricultural land to caravan and camping site and erection of associated facilities building (granted conditionally) and the change of use of redundant farm buildings to a residential dwelling and holiday cottage (granted conditionally) in 2011-2013, but these are not directly relevant to the current application.

Condition 2 attached to this permission required the ground mounted solar array to be carried out in complete accordance with the submitted plans and specifications, subject to a further five conditions including a time limit for the commencement of the proposed development. As noted above, the current application seeks to vary this condition, which was imposed for clarity and for the avoidance of doubt, and seeks permission for siting the array differently and for an additional four solar panels. These changes could not be agreed as non-material minor amendments to the original permission especially when taking into account the Parish Council's comments on this application, which are set out in a later section of this report.

Condition 3 says that no development shall take place until:

- i. the hedge adjacent to the public right of way has reached a minimum height of 2m above the adjacent ground level (measured from the southern side of the hedge) along its entire length along the northern most boundary of the red-edged application site; and
- ii. the hedge adjacent to the public highway has reached a minimum of height of 2.5m above the adjacent ground level (measured from the eastern side of the hedge) along its entire length along the western most boundary of the red edged application site.

Condition 3 goes on to say: thereafter, the length of hedge adjacent to the public right of way, as described in paragraph (i) above, shall be maintained at a minimum height of 2m and the length of hedge adjacent to the public highway, as described in paragraph (ii) above shall be maintained at a minimum height of 2.5m throughout the lifetime of the development hereby permitted. This condition was imposed to minimise the impact of the development on the surroundings and to safeguard the landscape character of the area.

The current application proposes a variation to condition 3 and seeks permission for the implementation of a hedgerow management plan instead. Consequently, if the current application is approved, condition 4 attached to the 2014 permission would no longer serve any proper planning purpose and should also be varied or be deleted.

Condition 4 says that in the event that either or both of the hedges subject of Condition 3 (above) are removed, damaged, or maintained in such a manner that they no longer reach the minimum heights (as set out in paragraphs (i) and (ii) in Condition 3 above) the development hereby permitted shall be permanently removed from the land within twenty eight days of the date either or both hedges no longer reached the relevant minimum heights (as set out in paragraphs (i) and (ii) in Condition 3, above).

Consultation:

County Council (Highway Authority) – No response to date.

Staffordshire Moorlands District Council – No response to date.

Parish Council – Object to the current application.

Firstly, the Parish Council do not consider the proposed amendments to the numbers of panels allowed by the previous permission should be treated as a non-material minor amendment noting at the time of the original application, the Parish Council did not object to the ground mounted solar array approved in 2014 but was very keen to state that it was opposed to the size and number of panels being subsequently increased.

Secondly, the condition regarding the height of the screening before the development is permitted is of great importance to the Parish Council and councillors were unanimous in their opposition to a variation of the height condition attached to the original planning permission granted in 2014. The Parish Council goes on to say that the speed of growth of the purchased

screening should have been considered when the plants were purchased as larger saplings could have been planted if the speed of the installation was a consideration and point out various concerns over the screening in place for other installations at this site (i.e. the camping and caravan site at Upper Hurst Farm), which is felt by some local people to be inadequate, have been raised previously with the Authority.

The Parish Council concludes that the visual amenities for local residents and people travelling along local lanes will be further compromised should the installation of the ground mounted solar array be allowed before the original minimum height is reached.

Representations:

One representation from a local resident has also been received by the Authority, which raises concerns about the removal of condition 3 relating to the height of the boundary hedges.

In essence, this letter says the substance of the current application is based upon suppositions about unconfirmed reductions in Government controlled feed in tariffs and on further suppositions regarding the amount by which hedgerows will row vertically in the next year but no mention is made however of the ever increasing "export payments" made to schemes by the network utility companies. Therefore, the requested variation may prove to be unnecessary and could create an eyesore that would be seen from the surrounding area.

The author of this letter concludes by saying it is hoped that the National Park Authority will adhere to its original condition and ensure that the countryside around Upper Hurst Farm will not be subjected to further blight.

Main Policies

National Planning Policy Framework ('the Framework')

At paragraph 17, the Framework says core land-use planning principles should underpin both plan-making and decision-taking, and sets out 12 core planning principles. One of these 12 core planning principles encourages local planning authorities to support delivery of renewable resources through the planning system. Accordingly, at paragraph 98, the Framework says when determining planning applications for renewable energy development, local planning authorities should approve the application if its impacts are (or can be made) acceptable unless material considerations indicate otherwise.

The Framework also makes it clear that the fact that the ground mounted solar array would be located within a National Park in this case is a highly relevant material consideration in terms of national planning policies. For example, paragraph 115 in the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage.

This guidance on renewable energy development in the Framework is also supported by the more recently published Planning Practice Guidance (PPG). The section on renewable and low carbon energy in this guidance reaffirms that the need for renewable energy does not automatically override environmental protections, or the need to conserve and enhance landscape, wildlife and cultural heritage especially within a National Park.

The Government's Planning Practice Guidance closely reflects the thrust of the following Development Plan policies, which are the most relevant to the current application, and are generally considered to be consistent with the above guidance in the Framework because they support the take up of renewable energy development where its impacts would be acceptable.

Key Policies

Relevant Core Strategy policies: CC2

Relevant Local Plan policies: LU4

These policies relate directly to renewable energy development in the National Park and the *Climate Change and Sustainable Building* Supplementary Planning Document (SPD), adopted in 2013, offers further guidance on the application of these policies. The guidance in this SPD and the provisions of policies CC2 and LU4 are also supported by a wider range of design and conservation policies in the Development Plan listed below:

Wider Policy Context

Relevant Core Strategy policies include: DS1, GSP1, GSP2, GSP3, GSP4, L1, L2 and L3.

Relevant Local Plan policies include: LC4, LC6, LC15, LC16 and LC17.

These policies set out a wide range of criteria for assessing the acceptability of development in the National Park with a particular focus on landscape conservation objectives. The Authority's Landscape Strategy and Action Plan (adopted in 2009) gives further guidance on how to conserve and enhance the established landscape character of the National Park, and is referred to specifically by policy L1 in the Core Strategy. The landscape conservation objectives set out in the Authority's Landscape Strategy and Action Plan should therefore guide the assessment of development proposals that are likely to affect the landscape character of the National Park.

Assessment

Policy Framework

Policies in the Development Plan and in the Framework are generally consistent because both are supportive in principle of low carbon and renewable energy development in the National Park provided that it can be accommodated without adversely affecting landscape character, cultural heritage assets, other valued characteristics or other established uses of the area as set out in Core Strategy policy CC2 and Local Plan policy LU4.

Within Development Plan policies there is a presumption in favour of the conservation of the landscape character, biodiversity and cultural heritage of the National Park, the Framework confirms that great weight should be given to conserving the landscape and scenic beauty in National Parks and makes a presumption in favour of the conservation of heritage assets and wildlife interests in accordance with the provisions of Core Strategy policies GSP1, GSP3, L1, L2 and L3 and Local Plan policy LC4.

Practice guidance published recently by Government confirms that the need for renewable energy does not automatically override environmental protections and great care should be taken to ensure that heritage assets and National Parks are conserved. In short, the desire to encourage the take up and delivery of renewable energy development does not override the conservation purposes of the National Park.

Therefore, one of the key issues in the determination of this application is considered to be whether the proposed amendments to the previously approved scheme would mean the ground mounted solar array (as proposed in the current application) would detract from the landscape character, cultural heritage assets or other valued characteristics of the National Park including its biodiversity.

Policy Guidance on Renewable Energy Development

The Authority's adopted Supplementary Planning Document (SPD) for *Climate Change and Sustainable Building* was adopted after public consultation in March 2013 and should therefore be given substantial weight in the determination of the current application. The Authority's SPD offers advice on renewable energies, including solar arrays. The SPD indicates that ground mounted solar arrays may be a sensitive solution in many cases, but it does say that large scale ground mounted solar arrays are not appropriate and that ground mounted solar arrays outside the curtilage of a building should be avoided.

It therefore has to be acknowledged that guidance in the SPD on ground mounted arrays is not especially supportive of the principle of the size and siting of the approved ground mounted solar array, or the size and siting of the ground mounted solar array as proposed in the current application. However, this SPD also states that limiting the visual intrusiveness of a solar array is a key consideration in determining an appropriate location for solar panels, and the siting and layout of a ground mounted solar array. Therefore, the SPD promotes a 'Landscape First' approach, and the previous permission was granted in accordance with this approach because it was considered the visual impact of the ground mounted solar array could be mitigated for by the screening effect of high hedges on the northern and western boundaries of the application site.

Consequently, the proposed revisions to the siting and scale of the approved scheme, and the merits of the proposed hedgerow management compared to a 'minimum height' requirement for the boundary hedges need to be very carefully considered before permission is granted for the current application.

Landscape Strategy and Action Plan

The Authority's Landscape Strategy and Action Plan was adopted in 2009 after public consultation and, therefore, should also be given significant weight in the determination of the current application. This document illustrates that the application site is located within the landscape character area of the 'South West Peak' and specifically within the landscape character type of 'Upland Pastures'. This is a peaceful rural landscape with open views to surrounding higher ground. The Landscape Strategy and Action Plan says that even small scale renewable energy for local needs may be inappropriate in this landscape character type.

The landscape attributes of 'Upland Pastures' that can be considered to be particularly sensitive to change arising from the introduction of renewable energy development are its:

- historic field patterns;
- strong feelings of openness and tranquillity;
- its sparse and traditional settlement pattern with a lack of modern development;
- open views to surrounding landscape; and
- valued semi-natural habitats including species-rich meadows.

The landscape setting of Upper Hurst shares many of these attributes and it is therefore reasonable to conclude that the character of the landscape surrounding the application site is sensitive to change. In these respects, even though the solar panels have been located adjacent to existing features in the landscape, the Authority still needs to ensure that the ground mounted array proposed in the current application is not visually intrusive and does not appear to be sporadic and isolated development in open countryside.

Landscape and Visual Impact

The approved siting of the ground mounted solar array was agreed because it was considered that the applicant had made the best use of existing landscape features by siting the panels immediately adjacent to the northern boundary of the application site and starting the run from the north western end of the field. There is an existing hedgerow on both the western and northern boundaries of the field and this hedgerow in its current condition stands higher than the top edge of the proposed panels once they have been inserted into the ground mounted modules that are proposed in the current application.

One of the key concerns in respects of the current proposals to move the array away from the northern boundary of the field is that the array would not be screened as effectively by the hedgerow. Moreover, this application seeks to remove the requirement for the hedgerow along the northern boundary to reach 2m in height before the ground mounted solar array is installed. It is considered that the approved array would not be seen site from higher ground to the north of Upper Hurst Farm if the hedgerow were to achieve the required height of 2m above the adjacent ground level. This is a particularly important consideration because one of the reasons for approval of the caravan and camping site on the opposite side of the buildings at Upper Hurst Farm was to remove visibly intrusive development from the application site.

Similarly, by moving the array towards the eastern end of the field, there are concerns that there would be a greater potential for the array to be seen from distant vantage points to the west, south west and directly south of the site. These concerns are exacerbated by the proposals to remove the requirement for the hedgerow along the western boundary of the application site to reach 2.5m in height before the ground mounted solar array is installed, and by the proposals for an additional four panels.

In the representations on this application, it is clear there are local concerns that these proposed changes would result in the array being more likely to be seen from the nearby public rights of way, and/or from Beresford Lane once it has been installed. The changes could also result in a greater extent of the panels being much more likely to be seen over the top of the hedge along the field boundaries from a range of nearby vantage points in the local area.

However, it would not be possible to see the array from the east of the site because of the topography of the surrounding landscape and the existing buildings at Upper Hurst Farm would generally prevent the array being seen from the south and south west of the site other than along a short length of Beresford Lane and from distant vantage points on higher ground on Narrowdale Hill, Wetton Hill and Ecton Hill. It is likely that the front edge of the panels on both rows of the array would be seen from these hills but it is considered that the overall scale of the development would be significantly diminished because of the intervening distances. The visual impact of the array would be further diminished if the panels were to have a non-reflective finish and matt black surrounds.

The array also has the advantage that it would be a static feature in the landscape and would not necessarily draw attention to itself, unlike the turning blades of a wind turbine, for example. Moreover, solar panels are designed to absorb light, and only reflect a small amount of the sunlight that falls on them compared to standing water or glass, for example, and it is not anticipated that the array would give rise to a problem from glare. In particular, an anti-reflective coating would reduce light reflections to between 2 and 4% of the strength of light falling directly on the panels, which would be far less than the glare off most other everyday objects.

It is therefore considered that the overall impact of the array when experienced from key distant vantage points to the south and south west of the application site would be comparable with seeing a long line of wrapped silage bales in the landscape, running parallel to the adjacent hedge rather than seeing an inappropriate form of development in open countryside. It is also considered that the additional panels would not have a more harmful impact on the landscape by way of the array being an additional 3m in length, as compared to the approved array, when seen from these vantage points.

From distant vantage points to the west of Upper Hurst Farm, more of the array would be seen from this direction if the current application were to be approved because the array would be moved around 20m from the western boundary of the site so less of its length would be screened by intervening trees or hedgerows. The array would also be an additional 3m in length. However, the array would be seen 'side on' and from vantage points further away from the application site than Narrowdale Hill, Wetton Hill and Ecton Hill, for example. It is therefore considered the array would be seen from these viewpoints as a dark coloured and relatively distant narrow strip running parallel to the hedgerow along the northern boundary of the application site. The front face of the panels would not be seen from viewpoints to the west of the site to any significant extent so it is unlikely that reflections from the panels would give rise to further impacts on views into the site from this direction.

From the north west and north of the site, views of the array would be of the back of the ground mounted modules rather than the potentially more reflective face of the panels. However, the existing hedge would almost completely screen the row of panels nearest to the northern boundary of the application site even though they would be sited 1.5m away from the hedge. Glimpses of the back of the ground mounted modules might be seen through gaps in the hedgerow, and a very limited amount of the upper section of the second row of the ground mounted modules might be seen over the top of the hedgerow. It is again considered that the additional panels would not have any substantial impact on views of the site from this direction by way of the array being an additional 3m in length compared to the approved array provided the external surfaces of the ground mounted modules are finished in matt black.

It is therefore considered that the revised siting for the ground mounted array and the additional four panels, subject to appropriate planning conditions, would not result in the development being significantly more visually intrusive than the approved scheme when seen from higher ground at distant vantage points broadly to the north, west and south of the site. The array would not be seen from the east. These conclusions would remain the case if the restriction on implementing the development prior to the hedgerow reaching either 2m or 2.5m in height was relaxed. It is therefore concluded that the most substantial impacts of any approval for the current application would be limited to the more immediate landscape setting of Upper Hurst Farm, which is a concern that is raised in representations on this application.

Notably, one of the issues raised in representations is the potential cumulative impacts of the proposed array and the camping and caravan site on the opposite side of the buildings at Upper Hurst Farm. On one hand, seeing the two developments from distant vantage points is unlikely to be a significant issue, primarily because the two developments would be seen within a panoramic landscape setting, which includes a wide variety of different developments and landscape features. On the other hand, from closer vantage points, seeing the camping and caravanning site in one field away from the main group of buildings then seeing the solar array in another field on the opposite side of the same buildings could be much more easily experienced as a sprawling form of development in open countryside that is poorly related to the main group of farm buildings.

The cumulative impact of the proposed array and the existing camping and caravanning site when seen from nearby could therefore undermine the valued characteristics of the local area, which include strong feelings of openness and tranquillity, and its sparse and traditional settlement pattern with a lack of modern development. Consequently, the ability to effectively screening the proposed array by the hedges on the western and northern boundaries of the application is considered to be key to the acceptability of the current proposals. However, officers accept that the retention of the conditions attached to the original permission is not necessarily the best way to achieve effective screening for the proposed development.

As approved, the array would be tight to the bottom of the hedge on the northern boundary of the application site, which would not facilitate proper management of the hedge or promote its growth over the longer term. Therefore, there are good reasons to move the array further away from this boundary. Condition 3 requiring a minimum height for the boundary hedgerows is prohibitive but in its current condition, the hedge could reach the minimum heights but with very poor growth. In this respect, the submitted application refers to leaders (i.e. single shoots of hawthorn) that have achieved an average height of between 1.6m and 2m in one season from its previous height of around one metre. This means that the hedgerow could achieve the minimum heights required by Condition 3 relatively quickly (the applicant estimates later this year) but in the absence of any limitation on the depth of the hedge or amount of foliage that would be required to discharge this condition, the hedge might still not provide effective screening for the proposed development.

Furthermore, the hedgerows are generally in poor health, are quite 'gappy' in places, and have been overtrimmed in the past. Therefore, adopting a revised version of the hedgerow management plan could offer a better way forward for the hedgerow in both landscape conservation and ecological terms than seeking to retain the requirements of Condition 3. The environmental benefits of managing the hedgerow in accordance with a revised management plan would be enhanced if the meadow management plan for the application site was also adopted. The disbenefits of taking this approach would be that the array would need to be installed (from the applicant's perspective) before the full benefits of adopting the management plan could be achieved. Moreover, adopting good management practices such as hedge laying and coppicing could increase the length of time that would be required to allow the hedgerows to otherwise reach the minimum heights set out in Condition 3.

Taking all these factors into account, on balance, it is considered that the benefits of adopting a revised landscape management plan for the hedgerows and for the application site outweigh the concerns raised in respects of relinquishing the minimum height restriction prior to the installation of the proposed ground mounted solar array. Securing the ongoing maintenance of the hedgerows and associated habitat would provide far better mitigation and provide greater environmental benefits over the longer term compared to simply requiring the hedgerows to be maintained at a certain height. These benefits are considered to offset the potential harm arising from the increased likelihood that the array would have a more substantial visual impact on its immediate landscape setting both at the time of its installation and for some time after its installation. In reaching this conclusion, one determining factor is that retention of Condition 3 and the minimum height restriction might not provide as effective screening for the proposed development as anticipated at the time this condition was drafted.

A further determining factor is that the ground mounted solar array, as proposed in this application, would not have a substantial impact on the character of the wider landscape setting of Upper Hurst Farm, as noted above, whilst a successful management plan should see the hedgerows fully recovered and at around the optimal height and thickness to effectively screen the array from nearby vantage points within three planting seasons. On this basis, it is concluded that planning permission could be granted for the current application because the ground mounted solar array would not have an overriding unacceptable impact on the scenic beauty of the National Park and the localised adverse visual impacts associated with the proposed development would be addressed within a reasonable time frame.

Ecology

By virtue of the nature of the development, it is highly unlikely that the proposed array would have a substantial impact on any nature conservation interest. In particular, the array would not have any impacts on bats or birds and there are no records that indicate the application site provides habitat for any other protected species or has any special ecological interest. Moreover, adoption of a revised landscape management plan based on the proposals for hedgerow and meadow management submitted with this application would conserve wildlife and enhance biodiversity in and around the application site. Therefore, any approval for the current application would accord with the specific policies in the Framework, and policies L2 and LC17 in the Development Plan, which promote nature conservation objectives.

Heritage Assets

There is no evidence to suggest that the array would affect any extant archaeological interest, and whilst the array may be seen from various vantage points, there are no overriding concerns that the array would have any significant impact upon the setting of any designated heritage asset taking into account it is highly unlikely that the array would be seen in the immediate setting of any scheduled ancient monument, listed building, or designated conservation area. Therefore, any approval for the current application would not conflict with specific policies in the Framework or policies L3 and LC15 and LC16 that seek to conserve and enhance the cultural heritage of the National Park.

Amenity

The array would not detract from the living conditions of any local resident. There are no nearby residential properties that would have clear sight of the array other than the converted barn adjacent to the application site, which is occupied by the current applicant. The existing modern farm buildings would prevent the array having any significant impact on the residential amenities of the original farm house.

In all other respects, the array would not give rise to any other amenity issues such as noise and disturbance. As noted above, the nature of the development is such that solar panels are designed to absorb light and only reflect a small amount of the sunlight that falls on them. Therefore, it is not considered that reflectivity is likely to be an issue, despite the size and scale of the proposed array, and it is not considered the panels would harm the residential amenities of the converted barn or the more general amenities of local area because of glare.

In these respects, the proposals comply with the specific requirements of policies LC4 and GSP3 and the national planning policies in the Framework that seek to safeguard amenity and protect the living conditions of local residents likely to be affected by development proposals.

Other Considerations

This report sets out the substantive reasons for approval of the current application; it is considered the proposals would not have an unacceptable harmful impact on the landscape character of the National Park, and mitigation measures would address concerns in relation to the impacts of the array on the visual amenities of a more localised area in the vicinity of Upper Hurst Farm. In these respects, the Framework states very clearly that applications for renewable or low carbon development should be approved if the impact of the development is acceptable, or can be made acceptable.

However, it is acknowledged that whilst it is considered the proposals accord with the 'landscape first' approach taken in the SPD, there is some conflict with guidance in the SPD which says large scale ground mounted solar arrays are not appropriate and that ground mounted solar arrays outside the curtilage of a building should be avoided. Equally, whilst it is considered that the array would not be visually intrusive, the array will be seen either fully or partially from various nearby vantage points. In these respects, the Framework also requires the Authority to weigh any harm arising from the proposed array against the public benefits it would achieve.

In these respects, the electricity produced by the array would clearly make a substantial difference to the camping and caravanning business operated by the applicant especially when taking into account the panels do not need direct sunlight to work – they can still generate some electricity on a cloudy day. The income generated by the proposed array may also achieve wider public benefits in terms of providing local employment opportunities, supporting the wider rural economy and managing the landscape appropriately. In this case, these socio-economic considerations can be given some weight if it is considered that the array as proposed in this application is unlikely to have more than a very limited impact on the valued characteristics of the National Park, and would not compromise the character of its landscape setting.

However, the weight that can be attached to these issues is limited by the absence of any detail in the submitted application on the energy needs of the business, or what other socio-economic benefits could be achieved by the business if permission were to be granted for the current application beyond what might be achieved if the development was carried out 'as approved'.

Equally, it is also recognised that any renewable energy project can provide a valuable contribution to cutting greenhouse gas emissions and reducing dependency on non-renewable energy sources. These aims and objectives are fully supported by the SPD on renewable energy and are promoted and encouraged by policy DS1 and GSP1 of the Core Strategy, and national planning policies in the Framework. Therefore, these environmental considerations would normally be given significant weight in the determination of a planning application seeking permission for renewable energy development. However, these considerations can only carry limited weight in this case because it is not made clear in the submitted application what extra benefits might be achieved by the revised scheme proposed in this application compared to the approved scheme.

Conclusions

The wider public benefits of delivering renewable energy projects that can be accommodated in the National Park weigh in favour of granting planning permission for the revised array but the additional benefits that might be achieved by allowing the revised scheme as opposed to the approved scheme have not been properly stated. However, it is considered the proposed development would not have a significant long-term adverse visual impact on its landscape setting, and the revised proposal would not harm the scenic beauty of the National Park. It is also considered that appropriate mitigation would mean the proposed development would not harm the amenities of the local area and would not harm any other valued characteristic of the National Park. In these respects, the proposed development can be considered to constitute sustainable development promoted and encouraged by DS1 and GSP1 and the Framework.

The application is therefore also considered to accord with Core Strategy policies GSP1, GSP3, L1, L3, and CC2 and Local Plan policies LC4 and LU4 and guidance in the Authority's adopted SPD on Climate Change and Sustainable Building and the Authority's Landscape Strategy and Action Plan, and is considered to be in conformity with national planning policies in the Framework and government guidance in the associated Planning Practice Guidance. Accordingly, the current application is recommended for approval subject to conditions securing the external finishes of the individual solar panels and the ground mounted modules and the implementation of a landscape management plan, for the reasons set out in earlier sections of this report.

However, an amended management plan would be required because the submitted schemes are not sufficiently precise or capable of being properly enforced. The requirement for submission of an amended scheme before the scheme is implemented is necessary because the landscaping scheme is required to make the proposed development acceptable in planning terms and would 'go to the heart' of any permission for the current application. In these terms, a further requirement to remove the array if the approved landscape management is not carried out is considered to be justified in this case.

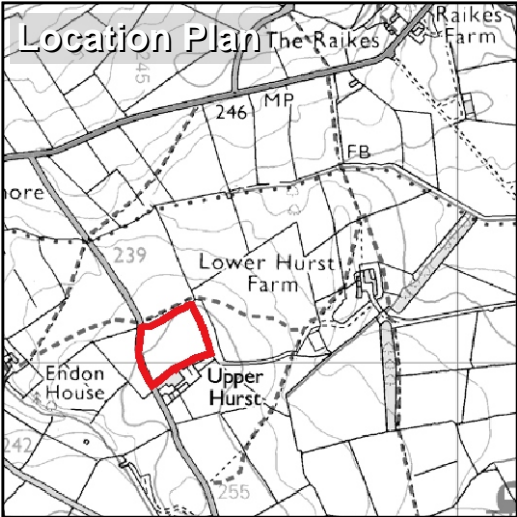
It would also be necessary to require compliance with the submitted plans and specifications for clarity and avoidance of doubt and reasonable to require the removal of the array when it is no longer required for generating energy. The requirement to remove the array once it is no longer required would be an identical requirement to the limitations imposed on permitted development rights for solar panels by the Government, and this type of condition would be necessary in the interests of safeguarding landscape character. If the array were no longer required and was otherwise left to fall into disrepair, then it would have an increasingly detrimental impact on the immediate landscape setting of Upper Hurst Farm.

Human Rights

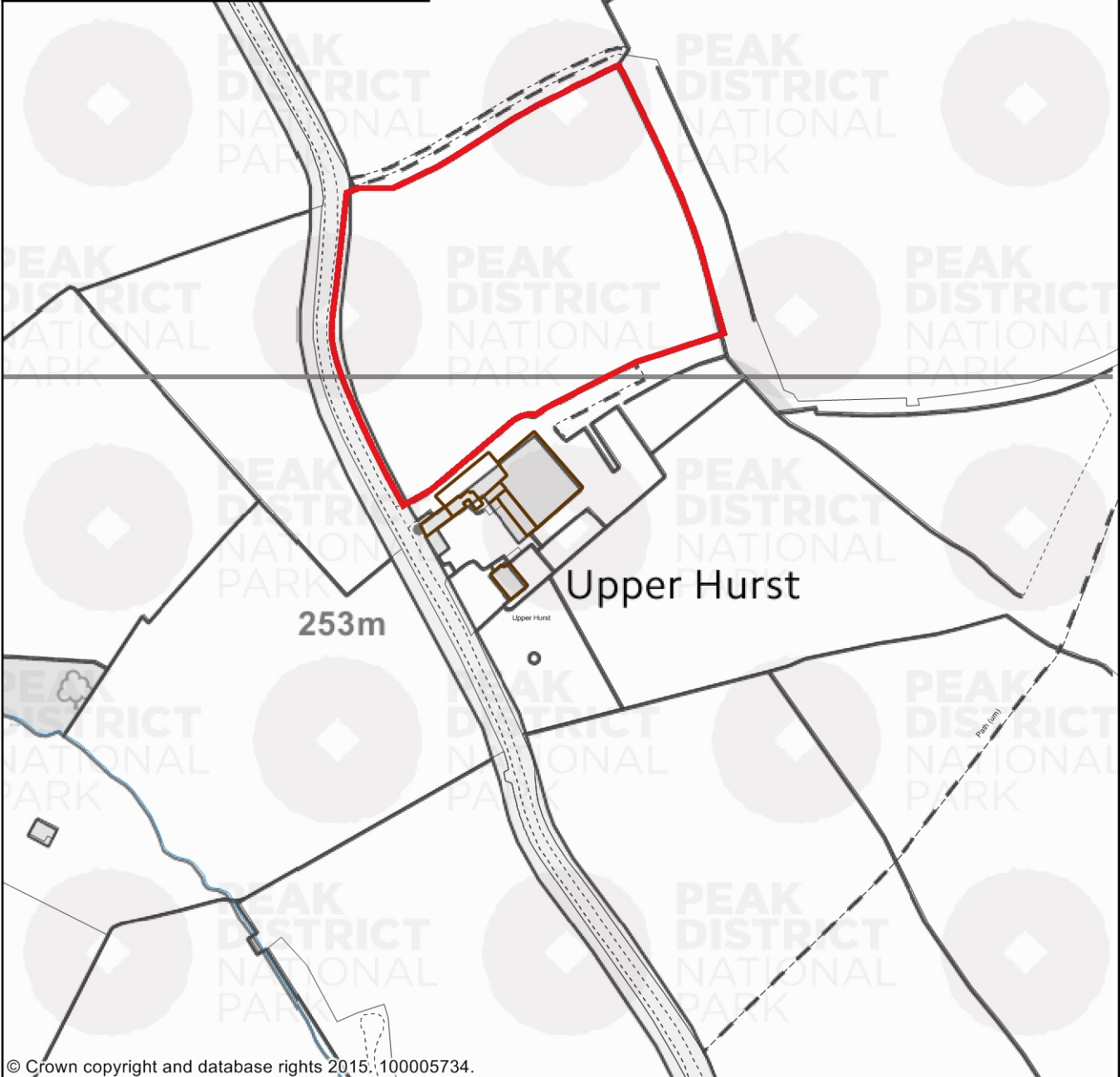
Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)


Nil



1:2500



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Committee Date:	13/02/2015	Title: Upper Hurst Farm, Hulme End	 PEAK DISTRICT NATIONAL PARK
Item Number:	8		
Application No:	NP/SM/1214/1233		
Grid Reference:	411402 35895		

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9. FULL APPLICATION – TEMPORARY CHANGE OF USE FROM OF INDUSTRIAL UNIT TO A PERSONAL TRAINING STUDIO AT UNIT 2B, STATION YARD, BAKEWELL. (NP/DDD/1114/1161 P.1911 422222/368996 SPW)

APPLICANT: MR ED ELEY

Site and Surroundings

The application relates to an existing building, known as Unit 2B, located on the industrial estate at Station Yard, Bakewell. The building is utilitarian in appearance, finished in cladding with a corrugated sheet roof. The premises has a roller shutter door, a pedestrian door, and two windows. The application shows five car parking spaces associated with the unit, although it appears on site that one is actually associated with the neighbouring unit, which has temporary consent as a mixed use comprising a foodbank store, church and community centre.

The details submitted in the application state that the previous tenants of Unit 2B vacated the premises in early 2014. A further unit is known to be vacant at present but the other units on the industrial estate appear to be occupied.

The industrial estate otherwise lies adjacent to the former railway station, which is a Grade two listed building, and part of the disused railway line running through Bakewell has become the Monsal Trail. The Trail is a popular recreational route, and visitors using the Trail can pay to park at Station Yard.

There are also houses situated to the west of the site. These houses lie relatively close to the unit, with their gardens being within approximately 32m and the houses themselves within approximately 60m of the unit. There is, however, an embankment between these houses and the unit, which slopes down to the houses and is covered with trees.

Proposal

The application seeks temporary planning permission for use of unit 2B for a personal training studio (a gymnasium) within a D2 use class for a period of five years. Thereafter, the unit would return to its consented business use for light industry.

There would be no alterations to the external appearance of the unit, and only some minor changes to the interior of the building would be required to make it suitable for the proposed use. The main change shown on the plans would be alterations to the existing staff room and cloak room, which would become changing rooms. The fit-out costs for the gym are said to be between £15,000 and £20,000.

The submitted application states that there will be up to four members of staff offering 1-2-1 training so there would be no more than four customers visiting the premises at any one time. The hours of opening are 8am to 8pm Monday to Friday and 8am to 12pm on Saturday and closed on Sunday.

RECOMMENDATION:

That the application be approved subject to the following conditions/modifications:

- 1. Standard time limit**
- 2. The use hereby permitted shall be temporary for 5 years.**

3. Use shall be limited to a ‘gymnasium’ and for no other purposes within a D2 use class.
4. The use hereby permitted shall be limited to within the building.
5. Visiting members of the public (including customers/members/clients) shall be limited to no more than 4 at any one time

Key Issues

- Whether the temporary loss of employment space is acceptable, and/or whether there is a proven need for the proposed community use; and
- Whether the current proposals would harm the amenities of the local area and/or prejudice the ability to use the units for employment uses.

History

8 August 2014 – Planning enquiry (Enquiry 21315) relating to proposed use of unit 2b as a personal training studio. Advised that planning permission was required, but unlikely to be granted unless it can be demonstrated the unit is not longer required for light industrial uses and adequate parking provision can be made.

August 2014 - at the meeting in August 2014, the Planning Committee granted temporary planning permission (NP/DDD/0514/0484) for the use of unit 2A for mixed use comprising a foodbank store, church and community centre. It was considered that the temporary use safeguarded the existing employment use as required by core strategy policy E1. As there was a significant lack of onsite parking for the proposed use, and some informal arrangement to use the other businesses parking out of hours. Planning conditions restricted the opening hours to when adequate parking is likely to be available on the wider site, this was in the interests of the amenities of the area.

1983 - NP/WED/1282/475 granted planning permission for units 2 a, b, and c and Unit 3. Planning condition 2 restricted the use to light industrial uses. This use class is now known as B1c. It also required that no activities or storage take place outside the buildings and removed permitted development rights for gates, walls, fences, ancillary buildings, extensions or other alterations. Planning conditions also limited the noise from the site to not more than 45db when measured from the boundaries of the application site between 10pm and 7am Monday to Saturday and all day Sundays and bank holidays.

Consultations

Bakewell Town Council – Object to the proposal which would lead to the loss of another industrial unit at Station Yard. The Town Council considers the current application proposes an unsuitable change of use at this location that is contrary to both planning policy DS1 F which seeks to safeguard employment sites and policy LB11 which states proposals for the development of community, sports and arts facilities to meet agreed local needs will be permitted, preferably in or close to Bakewell’s town centre.

County Council (Highway Authority) – No objection subject to a maximum of 4 clients at any one time.

District Council – No response to date

No other representations have been received

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, HC4, E1.

Relevant Local Plan policies: LB1, LC4, LB11.

Core Strategy policy GSP1 reiterates that the Authority has a statutory duty to foster the social and economic welfare of local communities in the National Park whilst GSP2 states opportunities to enhance the National Park should be acted upon.

Core Strategy policies DS1 and E1 seek to safeguard employment land and buildings, particularly those which are of high quality and in a sustainable location, and promote the take-up and enhancement of under-used employment sites in order to secure sustainable economic growth and a prosperous rural economy.

Policy HC4 of the Core Strategy and LB11 of the Local Plan provide a policy basis to enable and/or retain a wide range of community focussed services and facilities in named settlements including Bakewell.

Core Strategy policy GSP3 and policy LC4 of the Local Plan seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

It is considered that these policies are consistent with the core planning principles set out in paragraph 17 of the National Planning Policy Framework and the policies in the Framework when taken as a whole.

Assessment

Loss of existing business unit

Core Strategy Policy DS1(F) is specific to Bakewell, and says that the Authority will seek to safeguard employment sites and promote the take-up of under-used employment sites in the town. Core Strategy Policy E1 is the detailed policy dealing with employment sites in towns and villages and says that the Authority will safeguard existing business land or buildings, particularly those which are high quality and in a suitable location.

E1 goes on to say that 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.

In this case, it is considered that Unit 2B, the business unit which is the subject of the current application, is located on an industrial estate where employment uses, and related activities and operations remain an appropriate and viable use of the site, and there is no reason to consider the premises could no longer be used for its approved use for light industry.

Therefore, the change of use of this unit to a different use as proposed in this application would amount to the loss of employment space for business uses. Although the new use for the building would provide some employment opportunities, the building would no longer be in the same use as the units on the remainder of the industrial space, and the character of the new use of the building would be materially different compared to the approved use of the building for light industry.

Consequently, the proposed use of the building would not be in complete accordance with E1 and DS1 other than the current application proposes a temporary use of a vacant building on an industrial estate where there are other vacant units. In these respects, granting temporary

permission for the current application would enable the premises to be occupied by a different type of business providing local employment opportunities. This approach may then safeguard the long term viability of the whole employment site more effectively than leaving the unit empty not least in terms of obtaining rental income from a unit that might otherwise stay vacant for some time. At the end of the temporary period, unless a further permission is sought and granted, the unit would also return to its former use for light industry so the loss of employment space for an industrial use would not be permanent if permission was granted for this application.

Furthermore, it is emphasised in the submitted application that the proposed personal training studio is a community use that will serve the local community including those employed on the site, local residents and Bakewell. The use is considered to be within use class D2, and as a sports/fitness facility, it is considered to be a community use. Policy E1(D) is permissive of the re-use of business units for community uses.

Therefore, the temporary use of Unit 2B for the use proposed in this application would not be a departure from economic policies in the Development Plan and could be acceptable provided the proposals would conform with the Authority's policies on community facilities in the first instance.

Use of the site for the proposed personal training studio.

Core Strategy policy HC4 says that community uses will be encouraged within settlements and the preference is for re-using a traditional building provided that there is evidence of community need. Saved Local Plan Policy LB11 is specific to Bakewell, and states that proposals for the development of community facilities to meet agreed local needs will be permitted, preferably in or close to the town centre.

In this case, the unit is outside Bakewell's town centre but within walking distance and it is within Bakewell's Development Boundary. Therefore, the proposed use of the building cannot be ruled out by virtue of its location because it is within a settlement and reasonably close to the town centre, in accordance with E1 and LB11, even though installing a gym in the unit is not the preferred option in policy terms.

The application is supported with three letters from residents of Bakewell, some of which are from existing customers supporting the business locating in Bakewell. This demonstrates some local support for the facility. However, this information falls short of the evidence that would demonstrate community need for the current proposals. Nonetheless, the application seeks a temporary consent, and the proposals involve only a limited investment into the existing unit, and no new building is being proposed.

Therefore, there is an opportunity to allow a 'trial run' to properly assess the need for the facilities that would be offered from the unit if permission were to be granted for the current application and the applicant was to seek a permanent consent at a later date. As noted above, a trial run would make use of a vacant industrial unit. This would also serve to offset concerns that a community need has not been fully demonstrated. Notwithstanding these considerations, a trial run would only be appropriate if the proposed uses would not harm the amenities of the local area.

Amenity

Previously, strong concerns have been raised that parking provision at the site is already inadequate and if more people were encouraged to visit the site than are drawn in by the existing uses, there is a real risk of parking spilling out of the industrial estate onto surrounding roads. In turn, excessive demand for on-street parking on the nearby streets could have a harmful impact on the visual and residential amenities of the local area, and cause highway safety issues.

Although not made explicit in the Highway Authority's consultation response, this position is reflected in their response which seeks to limit the number of customers on the site at any one time to no more than four visiting members of the public. The submitted application confirms that it is intended to offer personal training at the premises and there would be no more than four customers using the premises at any one time. It is therefore considered it would be reasonable and necessary to limit the numbers of people visiting the gym.

Equally, it would be reasonable and necessary to limit the use of the unit to the proposed use for personal training studio as there are other uses within a D2 use class other than gym that may generate more visits to and from the premises by members of the public. Similarly, it would be reasonable and necessary to restrict the proposed uses of the premises taking place outside of the unit. This would prevent any further concerns that the studio would give rise to noise and disturbance and prevent any conflict between people seeking to use the gym and other activities taking place on the site outside the unit.

In the absence of any further concerns that the proposals would have any other direct impacts on the residential amenities of nearby properties, such as loss of privacy, it is therefore concluded that the current application does not conflict with the objectives of policy LC4 and GSP3 because the proposed use of the unit would not result in unacceptable harm to the amenities of the local area subject to appropriate planning conditions.

Conclusion

It is therefore concluded that the current application is compatible with relevant policies in the Development Plan and a number of relevant considerations also support an approval of the current application. In particular, the temporary nature of the permission offsets concerns that the unit concerned will be taken out of an employment use, and the limited evidence of community need. The proposed use of the building would also bring the vacant unit back into use and this use would not be unneighbourly, subject to conditions.

Accordingly, the current application is recommended for conditional approval.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

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10. PLANNING APPLICATION TO INCREASE THE NUMBER OF POWDERS TANKERS DELIVERING OVERNIGHT AND THE CESSATION OF NIGHT TIME DELIVERIES OF COATED MACADAMS. VARIATION OF CONDITION 10 (iii) OF PLANNING CONSENT NP/DDD/0803/419, BALLIDON QUARRY (NP/DDD/0214/0210, M3893, 13/03/2014, 420192 / 354944 /APB)

APPLICANT: LAFARGE-TARMAC TRADING LTD

Site and Surroundings

Ballidon Quarry is operated by Lafarge-Tarmac Trading Limited, a company formed in 2013 by the merger of Tarmac and Lafarge. The quarry is located in the southeast corner of the National Park, approximately 1.5 km to the northeast of the village of Parwich and less than 0.5 km from the hamlet of Ballidon. It covers an area of approximately 75 ha with the main processing area, including the powders plant, covering the eastern central portion of the site.

The quarry predominantly works high purity limestone, which is processed into industrial powders used in products for animal feeds, use in plastics, glues and numerous other products where purity and whiteness are essential. The quality of the limestone worked from Ballidon Quarry for powders sales is reflected in the section 106 legal agreement. This stipulates that a minimum of 40% of sales from the quarry are to be sold into the industrial sector, with the remainder permitted to be sold to the aggregates sector. The main planning permission NP/DDD/0803/419 covering mineral working at Ballidon Quarry requires mineral extraction to cease by 31 December 2040.

Proposal

The application seeks a variation of condition 10 of the existing planning permission so as to allow for an increase in the number of tankers transporting powders overnight (between 1900 and 0600 hours), from 8 movements (4 In 4 Out) to 24 movements (12 In 12 Out). This is to address the general improvement in the economy and increasing demand for high purity powders from further afield. No change in the permitted hours of the powders plant itself is required or sought. Also, no change is sought to the overall permitted number of vehicle movements to and from the site, which are capped at 800 per day (400 In, 400 Out).

Condition 10 currently reads as follows:

The total number of dry aggregate, industrial and coated roadstone lorry movements per day shall not exceed a maximum of 800 (i.e. 400 in and 400 out). Within the total number of vehicle movements the following restrictions shall apply:

- (i) No more than 240 (120 in, 120 out) dry aggregate vehicle movements shall take place per day subject to the restrictions specified in condition 17 of this permission;
- (ii) Out of the 240 movements, no more than 40 movements (20 in, 20 out) of dry aggregate lorries shall take place between 0500 hours and 0600 hours Monday to Saturday;
- (iii) No more than 8 movements (4 in, 4 out) of industrial powders shall take place between 1900 hours and 0600 hours Monday to Saturday.

From the date of this permission the operators shall maintain records of their lorry movements, specifying types of vehicles, products carried, and time in and out of the site, and shall make them available to the MPA at any time upon request. All records shall be kept for at least 36 months.

The applicant states that as part of the proposal, and the ongoing rationalisation of the business following the Lafarge Tarmac merger, it is intended to permanently cease the production of asphalt at Ballidon and focus on the industrial powders markets for the remaining life of the reserve. Ballidon Quarry previously had two on-site asphalt plants which frequently serviced night time contracts on the motorways and primary road network transporting asphalt loads up to 240 tonnes per night (i.e. 24 movements (12 In, 12 Out) using 20 tonne lorries). Those two plants were decommissioned and removed from the site in 2013, therefore asphalt-related movements from Ballidon Quarry, both during the day and at night, have now ceased. The applicant states that the proposed increase in overnight vehicle movements associated with the powders operation is, in effect, offset by the cessation of night time coated stone operations and deliveries.

Reference to the committee report minutes from Planning Committee October 2000 indicates that coated roadstone movements would be unrestricted Monday to Sunday, but subject to a daily total number of 240 vehicles (120 in, 120 out). However, condition 10 does not specifically include a restriction on the daily number of coated roadstone (asphalt) movements, with the control of movements applied through the overall 800 per day limit less the dry aggregate and powder movements specified in the condition. The proposed increase in night time movements of powders would be accommodated within the already permitted 800 daily movements.

RECOMMENDATION:

That the application reference NP/DDD/0214/0210 to vary condition 10(a)(iii) be approved, subject to:

1. Condition 10 being revised to read:

The total number of dry aggregate, industrial and coated roadstone lorry movements per day shall not exceed a maximum of 800 (i.e. 400 in and 400 out). Within the total number of vehicle movements the following restrictions shall apply:

(i) No more than 240 (120 in, 120 out) dry aggregate vehicle movements shall take place per day subject to the restrictions specified in condition 17 of this permission;

(ii) Out of the 240 movements, no more than 40 movements (20 in, 20 out) of dry aggregate lorries shall take place between 0500 hours and 0600 hours Monday to Saturday;

(iii) No more than 24 movements (12 in, 12 out) of industrial powders shall take place between 1900 hours and 0600 hours Monday to Saturday.

From the date of this permission the operators shall maintain records of their lorry movements, specifying types of vehicles, products carried, and time in and out of the site, and shall make them available to the MPA at any time upon request. All records shall be kept for at least 36 months.

2. The remaining conditions on permission NP/DDD/0803/419 being re-imposed on the grant of a new permission, subject to any necessary minor updates, to be agreed with the Chair and Vice Chair of Planning Committee and the Director of Planning; and

3. The signing of a deed of variation to the existing section 106 to reflect the new planning permission.

the remaining conditions on permission NP/DDD/0803/419 being re-imposed on the grant of a new permission and the signing of a deed of variation to the existing section 106 to reflect the new planning permission. Revised condition 10 to read as follows:

The total number of dry aggregate, industrial and coated roadstone lorry movements per day shall not exceed a maximum of 800 (i.e. 400 in and 400 out). Within the total number of vehicle movements the following restrictions shall apply:

- (iv) No more than 240 (120 in, 120 out) dry aggregate vehicle movements shall take place per day subject to the restrictions specified in condition 17 of this permission;
- (v) Out of the 240 movements, no more than 40 movements (20 in, 20 out) of dry aggregate lorries shall take place between 0500 hours and 0600 hours Monday to Saturday;
- (vi) No more than 24 movements (12 in, 12 out) of industrial powders shall take place between 1900 hours and 0600 hours Monday to Saturday.

From the date of this permission the operators shall maintain records of their lorry movements, specifying types of vehicles, products carried, and time in and out of the site, and shall make them available to the MPA at any time upon request. All records shall be kept for at least 36 months.

Key Issues

- Whether the proposed development is supported by relevant policies within the Development Plan and specifically with reference to Core Strategy policies MIN1, T1, T4 and Local Plan policies LM1, LM9 and LT9.
- The effect of the proposed development upon the character and amenity of the area and whether it would conserve and enhance the valued characteristics of the Peak District National Park.

Relevant History

1951 – Ministerial consent granted for extraction of limestone and for tipping of quarry waste. Working had taken place before this date. There was no end date and no limit to depth of working, or restoration requirements.

Further extensions for extraction and tipping were granted in 1952, 1963, 1973, 1986, 1991 and 1992. In addition to the consents for extraction, there have been a number of additional permissions for ancillary plant and buildings between 1950 and 1997.

2000-2003 – Planning application submitted to consolidate all the existing planning permissions for mineral working and ancillary development at Ballidon Quarry, rather than undertake a review of the old permissions under the provisions of the Environment Act 1995. Planning permission NP/DDD/0500/172 granted subject to conditions in March 2003 following signing of a legal agreement.

2003-2004 – Planning application submitted seeking a variation of NP/DDD/0500/172 and associated legal agreement to facilitate an increase in production of animal feed powders by 100,000 tonnes per annum, increasing the total output of the operation to 1.1 million tonnes per annum. Planning permission NP/DDD/0803/419 granted on 24 August 2004 with accompanying section 106 legal agreement.

2005 – Planning application to replace existing three powders plants with a single new plant.

Planning permission NP/DDD/0905/0907 granted February 2006.

2008 – Planning application seeking non-compliance with condition 5 of planning consent NP/DDD/0905/0907 to permit the retention of existing powders plants until 31/12/08 to enable the full commissioning of the new replacement powders plant.

Consultations

Highway Authority (DCC) – as there are no known significant issues resulting from the existing operations of the quarry, bearing in mind the cessation of night time asphalt movements and the proposed increase in conditional HGV movements being during hours outside of the normal daily peak traffic flows, it is considered unlikely that any consent would result in severe detriment to safe operation of the Highway. Therefore, subject to condition 10(iii) being amended as suggested within the application details and night time asphalt production being ceased, there are no highway objections to the proposals.

DCC Planning – no response received

Derbyshire Dales District Council – no comments received

Environment Agency – no comments received

Natural England – no comment to make on the variation of condition 10.

Health and Safety Executive – no comments received

Ballidon and Bradbourne Parish Council – unanimous objection to the application on the basis of the following points:

1. B5056 is in poor condition and too narrow for large vehicles
2. Light pollution is already an issue from the quarry itself and will increase with the additional vehicles
3. Noise and general disturbance to the local population during the night
4. Impact on wildlife in the area, e.g. badgers, rabbits and particularly owls, 50,000 of which are killed each year and are becoming an endangered species
5. Speeding lorries on quiet roads
6. Assuming all of the extra 10% traffic allowance requested will be night traffic as the quarry is at full daytime capacity
7. Assuming vehicles with a 20 tonne capacity, this equates to an extra 5000 lorries.

Following a clarification e-mail from the case officer explaining the context of the application and the existing vehicle number limits that exist on the permission, a second response was received from the Parish Council. Their objections on grounds (3), (6) and (7) were withdrawn, but they still have genuine concerns on the other points raised (poor condition of B5056, light pollution, impact of wildlife, speeding lorries).

Also query the detail that preceded the response from PDNPA and notice that no termination date is quoted for the planning permission. Previously have come across a term of 60 years for quarrying permissions, that is, they do not go on indefinitely. Perhaps this should be made clear. In which case, what seems to have happened by rolling the various planning permissions into the one with the most recent date, is that the end date is moved forward.

Brassington Parish Council – No representations received.

Representations

No representations have been received.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, MIN1, T4

Relevant Local Plan policies: LM1, LM9, LT9

The National Planning Policy Framework (the Framework) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001.

At the national level, the Framework states that when determining planning applications local planning authorities should give great weight to the benefits of mineral extraction, including to the economy, but adds that, as far as is practicable, provide for maintenance of landbanks of non-energy minerals from outside National Parks. It also requires that in granting permission for mineral development, that there are no unacceptable adverse impacts on (*inter alia*) the natural and historic environment and human health.

Fundamentally, the Framework states that planning permission for major development (which includes the winning and working of minerals) should be refused in designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. This policy direction is repeated at the Authority's Core Strategy (CS) level in GSP1. Policy GSP2 states that the opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon, with proposals needing to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area. The requirement to ensure that development respects, conserves and enhances all valued characteristics of the site and buildings that are the subject of a proposal is set out in policy GSP3 and the policy requires assessment of a range of factors including impact on access and traffic levels. To aid the achievement of its spatial outcomes, policy GSP4 requires that the Authority considers the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.

Saved Local Plan policy LM1 seeks to assess and minimise the environmental impact of mineral extraction and states that mineral development will not be permitted unless adverse impacts on the valued characteristics and amenity of the area can be reduced to the minimum practicable level or eliminated. Particular attention will be paid to various factors, including nuisance and general disturbance to the amenity of the area (including that caused by transport and the method and duration of working). Similarly, Core Strategy policy L1 seeks to conserve and enhance valued landscape character and other valued characteristics of the National Park. Other than in exceptional circumstances, development will not be permitted where it is likely to have an adverse impact on such sites. Policy T4 states that development requiring access by Large Goods Vehicles must be located on and/or be readily accessible to the Strategic or Secondary Road Network, a policy which is reinforced by Local Plan policy LT9.

It is considered that in this case there is no significant conflict between policies in the development plan and the more recently published National Planning Policy Framework because both sets of documents seek to promote sustainable economic development in rural areas which conserve and enhance the valued characteristics of the National Park.

Assessment

Whilst this application is concerned with major development (by virtue of the fact it is related to mineral development), it is a section 73 application seeking a relatively minor change to one aspect of one condition on an existing permission for mineral extraction at the site. Therefore the principle of mineral working at the site is already established and the application of the major development test in the Framework and Core Strategy policy GSP1, is necessarily limited in scope. If the application was refused, the development would still continue under the existing suite of conditions. Therefore, exceptional circumstances exist in that the assessment of the application solely needs to appraise the impact of increasing the number of night time lorry movements carrying powders.

Specifically, in transport terms, the overall limit of 800 HGV movements per day (400 In, 400 Out) to and from the site is an already established principle embodied within the existing permission in the form of condition 10. Importantly, this application does not seek any increase in that overall capped figure. The 800 total is split between dry aggregates, asphalt (coated roadstone) and powders, with the number of night time powders movements (between the hours of 1900 and 0600) restricted to no more than 8 (4 In, 4 Out) Monday to Saturday.

The applicant indicates that the proposed increase in night time powder movements (still within the 800 total) is effectively offset by the fact that the site no longer produces asphalt, with the two asphalt plants now having been dismantled and removed from the site. When those two asphalt plants were operational, they used to service regular night time contracts, giving rise to unrestricted (subject to overall maximum of 800 for all movements) night time traffic movements approximating 24 (12 In, 2 Out), but these have now ceased altogether. Consequently, the proposal does not give rise to elevated traffic movements beyond those that have previously taken place, since one product is essentially switched for another.

The Authority has never received any complaints regarding traffic from the site, neither from daytime or night time movements. Furthermore, the Highway Authority has not raised any concerns from a highway capacity or safety point of view. Ballidon and Bradbourne Parish Council's original objections on noise/disturbance and traffic numbers were withdrawn following clarification that the increase in night time movements is still within the overall permitted daily numbers of 800 (400 In, 400 Out). The route out of the quarry, through the hamlet of Ballidon and onto the B5056 has been continually used without incident for a significant period of time. It is considered that the increase in night time powder movements will not have any discernible impact on this situation. It is therefore concluded that the development will not give rise to unacceptable nuisance or amenity impacts and does not conflict with local plan policies LM1, LT9 or Core Strategy policy T4.

Ballidon and Bradbourne Parish Council has maintained its objections in relation to the perceived effects of the development on wildlife, traffic speeding, light pollution and poor condition of the B5056. Taking these four issues in turn, there is no evidence to indicate that the operation of the powders plant, or any increase in associated night time movements from the site, will result in a detrimental impact on wildlife. When the two asphalt plants were operational at the quarry, with associated night time movements of coated roadstone servicing contracts on motorways and the primary road network, there were no known impacts on wildlife, therefore there is no basis to assert that night time powders movements would be any different.

Similarly, the proposal does not impact on the level of light pollution from the site. Following the removal of the asphalt coating plants, the level of light pollution from the quarry is likely to have reduced.

In terms of traffic speeding, this is a matter which is outside the control of planning, since it is a police and highway safety matter. Nevertheless, the roads leading from the quarry to the B5056

are relatively narrow and not conducive to speeding, and the company operate a strict code of conduct in relation to quarry vehicles using that stretch of highway.

Finally, in relation to the B5056 itself, this road receives significant HGV traffic from a host of other sites, including several quarries in relatively close proximity (e.g. Longcliffe Quarry and Ben Bennets Quarry at Grangemill). Consequently, attributing any highway damage to a particular development is not possible. In any event, and notwithstanding that the proposed movements are still within the overall existing limit of 800 per day, the proposed increase in night time movements from 8 to 24 is relatively modest.

The Parish Council also queried the timescale over which the quarry development has to run. The existing primary permission allows mineral working to December 2040 and restoration by December 2041. This application is only seeking to vary a condition of the primary permission dealing with vehicle movements associated with powders. No change is sought to the overall timeframe for the quarry. Therefore, if approved, the resultant permission would still be linked to 2041. The 60 year date referred to by the Parish Council is linked to the Planning Act 1981 which imposed an end date of 2042 onto existing old mineral permission (i.e. 60 years from 1982).

Conclusion

It is considered that the proposal will not give rise to unacceptable impacts and is in accordance with the relevant development plan policies. In this case, relevant development plan policies are up-to-date and in accordance with the more recently published National Planning Policy Framework. In the absence of any further material considerations, the proposal is recommended for approval subject to the imposition of a revised condition 10 as detailed in the recommendation of this report alongside the re-imposition of all remaining conditions on the existing permission NP/DDD/0803/419.

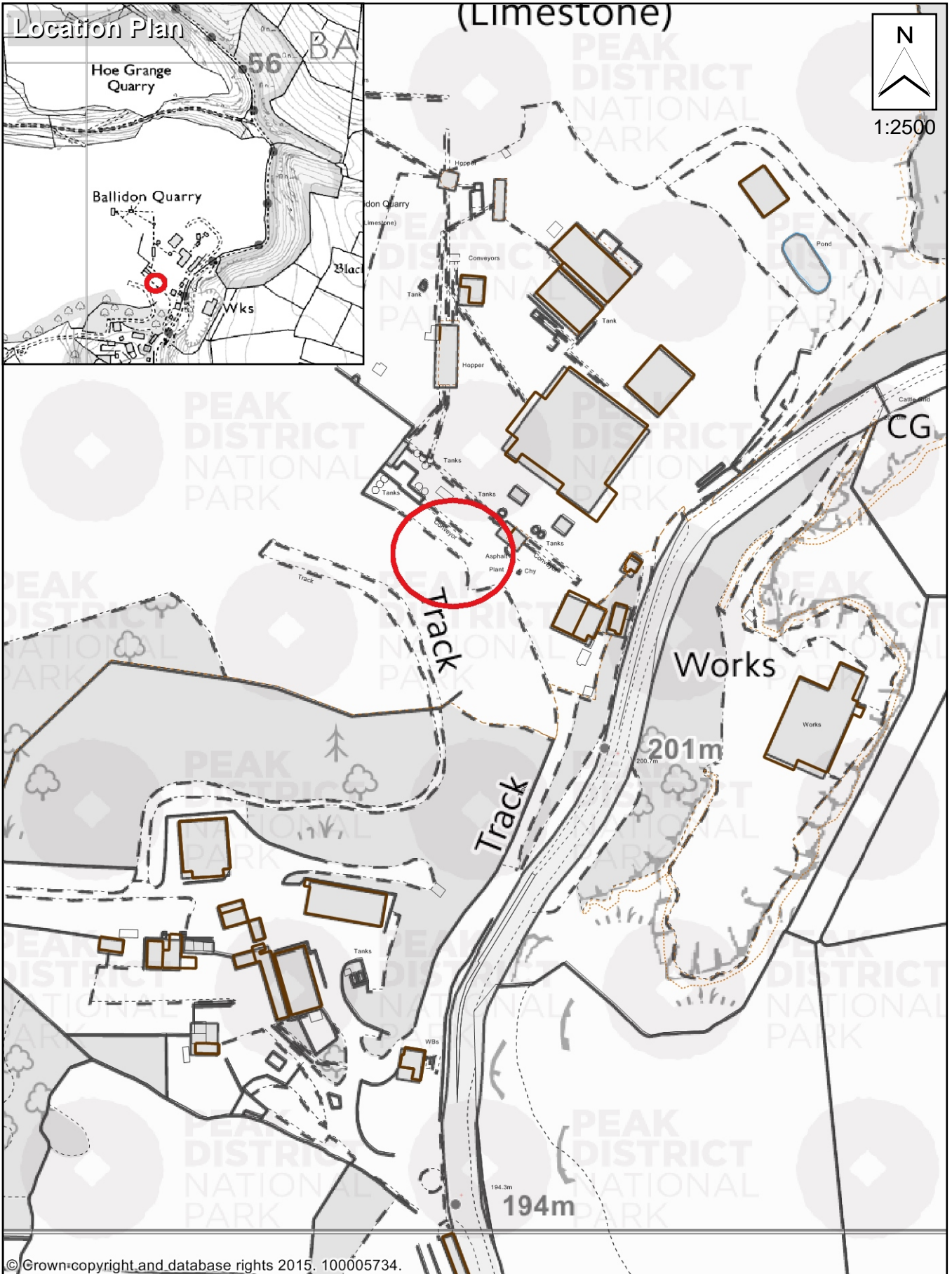
Human Rights

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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Committee Date:	13/02/2015
Item Number:	10
Application No:	NP/DDD/0214/0210
Grid Reference:	420192 354944

Title: Ballindon Quarry



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11. FULL APPLICATION – CONSTRUCTION OF NEW AGRICULTURAL DWELLING, ELIZABETHASH FARM, HAYFIELD ROAD, CHINLEY (NP/HPK/1014/1067, 28/01/2015, 404926 / 384574/AM)

APPLICANT: H & S FROST

Site and Surroundings

Elizabeth Ash Farm is situated on the eastern side of the A624 Hayfield Road, about 2km northeast of Chinley. The land holding extends to approximately 9 hectares of farmland on which the applicants have established a pig-breeding and rearing enterprise.

The land holding is served by two modern agricultural buildings sited on the sloping ground approximately 40m east of Hayfield Road below. To the front of one of the farm buildings is an agricultural workers caravan which was granted planning permission for a temporary three year period in 2010. Access is via a steep, unmade track at the southern end of a roadside layby.

The application site is located lower down the hillside than the existing buildings and caravan on the north side of the access track, 11m to the east of Hayfield Road. The site forms a corner of the existing field and the land here slopes steeply upwards from west to east.

The nearest neighbouring property is Chinley Head Farm which is a grade II listed dwelling situated at the lower roadside level 18m west of the farm buildings and another dwelling, The Old Coach House, is situated 34m to the south west of the farm building.

Proposal

This application seeks planning permission for the erection of an agricultural worker's dwelling on the site. The amended plans show that a two storey, four bedroom, detached dwelling would be built on the site, constructed from natural gritstone under pitched roofs clad with blue slate. The finished floor level of the proposed dwelling would be dug into the steeply sloping site at the lowest point of the field, and the ground levels altered to step up to the higher level to the rear of the dwelling and retained with a stone wall.

Access to the proposed dwelling would be via the existing track with two parking spaces allocated adjacent to the house.

The submitted planning statement says that the proposed dwelling would be constructed to a standard in excess of Code for Sustainable Homes Level 3 which would be achieved by a combination of high specification insulation for floors, walls and roof, triple glazing, harvesting, storage and filtration of rainwater and installation of solar photovoltaic slates on the south facing roof slope.

The application proposes to remove the touring caravan from the site when the proposed dwelling is completed.

RECOMMENDATION:

That the application be APPROVED subject to prior entry into a legal agreement to prevent the separate sale of land in ownership, the new house, and existing buildings and subject to the following conditions / modifications.

- 1. Statutory 3 year time limit for implementation.**
- 2. Development not to be carried out otherwise than in accordance with specified amended plans.**

- 3. Agricultural occupancy condition.**
- 4. The residential caravan on site shall be removed and the land restored to its previous condition within 1 month of the first occupation of the dwelling hereby approved.**
- 5. Removal of permitted development rights for external alterations, extensions, outbuildings, hard standing, walls, fences and other means of enclosure to the approved dwelling.**
- 6. No development shall take place until a detailed scheme showing the finished ground levels within the site has been submitted and approved. The development shall then be carried out in accordance with the approved scheme.**
- 7. No development shall take place until a detailed scheme of landscaping (including planting, earth mounding, re-seeding, walls, gates and hard standings) has been submitted and approved. The development shall then be carried out in accordance with the approved scheme and maintained in perpetuity.**
- 8. Any new services to be placed underground.**
- 9. Foul sewerage to be dealt with by a package treatment plan. Prior to the installation of the package treatment plant, full details of which shall have first been submitted and approved. The development shall then be carried out in accordance with the approved scheme.**
- 10. Development shall be built to a minimum of the Government's Code Level for Sustainable Homes Level (or its successor) required of Registered Social Landlords at the time of commencement of the building works.**
- 11. No development shall take place until a design stage assessment (under the Code for Sustainable Homes or its successor) has been carried out and a copy of the summary score sheet and Interim Code Certificate indicating that the development can achieve the stipulated final Code Level (or any such national mechanism that replaces this) have been submitted to and approved in writing by the National Park Authority.**
- 12. Prior to the occupation of the dwelling hereby approved, a copy of the summary score sheet and Post Construction Review Certificate (under the Code for Sustainable Homes or its successor) shall be submitted to the Authority verifying that the agreed standards have been met.**
- 13. Conditions to specify or require prior approval of architectural and design details for the dwelling including, stonework, roof materials, roof verges, rainwater goods, chimneys, window and door design and finish and solar panels.**
- 14. Prior approval of space within the site for accommodation, storage of plant, materials and parking for site operative's vehicles during construction works.**
- 15. Parking and turning areas to be laid and constructed prior to first occupation of the dwelling and maintained in perpetuity.**
- 16. Details of bin storage space and dwell area for use on refuse collection days to be submitted and approved. The development shall then be carried out in accordance with the approved scheme.**

Key Issues

- Whether the functional requirements and viability of the agricultural business are sufficient to justify the proposed agricultural workers dwelling.
- Whether the siting and design of the proposed dwelling is acceptable and would conserve the valued characteristics of the National Park including the scenic beauty of its landscape.
- Whether the development is acceptable in all other respects.

History

1997: Planning permission granted for erection of agricultural building.

1999: Planning permission granted for replacement of lean-to agricultural building.

2010: Planning permission granted temporarily for the siting of residential caravan and associated works to provide temporary agricultural dwelling for a period of three years.

The Authority's Planning Committee agreed with the officer recommendation that the proposed caravan was justified on agricultural grounds and was acceptable subject to conditions limiting the permission to a temporary three year period and conditions to minimise the impact of the caravan in the landscape.

2011: Planning permission granted conditionally for construction of new agricultural building.

Consultations

Highway Authority - No objections subject to conditions.

District Council - No response to date

Parish Council - Make the following comments.

The Parish Council supports the establishment and expansion of genuine farming enterprises in the parish and has no objection in principle to this application provided that it meets the tests of essential functional need and economic sustainability.

However, even if those tests are met, the Parish Council seriously question the siting of the proposed agricultural dwelling, which lies on land that slopes upwards away from the road. It is very prominent from both short and long distance public viewpoints and isolated from any existing buildings. We suggest it would be better sited much closer to the existing agricultural building, which at least benefits to some degree from existing tree screening, and to which it would be better related functionally. The Parish Council also point out that there is an existing 4 bedroom dwelling, on Hayfield Road immediately adjacent to Elizabethash Farm, which is on the market and has been for some time

Representations

One representation has been received at the time this report was written. The letter objects to the proposed development. The reasons for objection are summarised below. The letter is available to read in full on the website.

- Questions the accuracy of information provided in this and previous applications at the site in regard to the type and number of stock kept.

- The labour and time required at the farm has decreased.
- Questions whether business accounts have been submitted and whether the business would support the income needed to sustain the finances of the workers which are stated to be required.
- There is property for sale adjacent to the holding which has been on sale for a considerable amount of time and could accommodate a farm worker.
- Concern that a holding of this size cannot sustain a viable business.

Main Policies

Relevant Core Strategy policies: HC1, HC2, GSP1, GSP2, GSP3, CC1 and L1

Relevant Local Plan policies: LC3, LC4, LC12, LT11 and LT18

The National Planning Policy Framework (the Framework) is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001.

Paragraph 55 of the Framework makes clear that Local Planning Authority's should avoid new isolated homes in the countryside unless there are special circumstances. One of the circumstances in which isolated residential development may be justified is when there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Equally, paragraph 115 of the Framework says that great weight should be given to conserving landscape and scenic beauty in National Parks and that the conservation of wildlife and cultural heritage are important considerations and should be given great weight in National Parks.

Policy HC1 of the Core Strategy reflects Government guidance and allows for new residential development in the National Park, exceptionally, where it provide for key workers in agriculture, forestry or other rural enterprises in accordance with policy HC2 of the Core Strategy. Policy HC2 deals with housing for key workers in agriculture, forestry or other rural enterprises and says:

- A. New housing for key workers in agriculture, forestry or other rural enterprises must be justified by functional and financial tests.
- B. Wherever possible it must be provided by re-using traditional buildings that are no longer required for their previous use.
- C. It will be tied to the land holding or rural enterprise for which it is declared to be needed.

Local Plan policy LC12 adds the detailed criteria that allow an assessment to be made of the acceptability of a proposal for housing for a key worker. LC12 permits agricultural dwellings on the basis that they are considered in relation to the needs of the enterprise and not the personal preferences of the individuals involved, and provided that certain specified criteria can be met. Amongst these criteria, the policy states that development will be permitted provided that the stated intentions to engage in or further develop farming are genuine, reasonably likely to happen and capable of being sustained for a reasonable period of time. Where there is uncertainty about the sustainability of an otherwise acceptable proposal, permission may be granted for an appropriate temporary accommodation.

The Authority's housing policies are supported by a wider range of design and conservation policies including Core Strategy policy L1 which requires all development to conserve and enhance valued landscape character as identified in the Landscape Strategy and Action Plan. Other than in exceptional circumstances, development which will have a harmful impact will not be permitted.

Policy GSP3 of the Core Strategy and saved Local Plan policy LC4 are also directly relevant to the current application because they set out the design principles for development in the National Park, and also seek to safeguard the amenities of properties affected by development proposals, and set out criteria to assess design, siting and landscaping. The Authority's Supplementary Planning Documents (SPD) the Design Guide and the Building Design Guidance offer further advice on design issues.

Policies LT11 and LT18 of the Local Plan require new development to be provided with adequate access and parking provision but also say that access and parking provision should not impact negatively on the environmental quality of the National Park.

Assessment

Whether the proposed house is justified by functional and financial tests

The main functional need for someone to live on site in this case is related to the care and management of the pigs at farrowing and the subsequent rearing of growing piglets. At each farrowing a worker stays within the building day and night for up to two days in close proximity of the newly born piglets to ensure that they are not harmed by the sow. Thereafter, the piglets need careful monitoring to ensure that they receive nourishment. Some piglets need to be hand-reared which requires attention 24 hours a day. Piglets are also subject to stress-related and viral illness and require close and constant monitoring to ensure they are reared efficiently.

Once the pig-rearing enterprise has reached its maximum level, the applicants intend that the pig herd will produce some 60 farrowings a year. Allowing 10% loss due to barren sows, the herd will produce a weekly farrowing sequence producing some 555-600 piglets per year. During the winter months (October to March) both sows and piglets will need to be housed for their welfare and to reduce damage to the land through 'poaching'.

The Authority granted planning permission in 2010 for the siting of a touring caravan on a temporary basis because it was considered that the care and management of pigs and subsequent rearing of piglets demonstrated that there was a functional need for a permanent on-site presence of one full-time worker at the holding. It was also considered that the projected increase in stock numbers and the intention to erect an additional agricultural building at the holding demonstrated a firm intention and ability by the applicants to develop the enterprise.

The applicants have subsequently secured planning permission and erected the additional agricultural building on the holding. The business plan submitted with the 2010 application forecast the number of breeding sows to increase from 7 in 2009 to a maximum of 30 by 2013. However, due to the demand for piglets in the intervening period, the agent advises that the intended number of pigs retained for breeding purposes has not been achieved and that the size of the breeding herd now stands at 25 sows (5 fewer than predicted).

Notwithstanding this, the number of sows has still grown in size since permission was granted (in 2010 there were 20 sows in the breeding herd) and it is therefore considered that the care and management of pigs and subsequent rearing of piglets at the holding still justifies a functional need for a permanent on-site presence of one full-time worker. The applicants have otherwise followed through with their stated intention to further develop the farm buildings and now also run a small flock of 28 breeding ewes on the land.

Trading accounts have been submitted in support of the application for the three years to April 2014. Officers have viewed the accounts which show that the business was in profit in all three years and made a significant profit in 2014. The agent advises that the applicant has financial reserves to cover the cost of constructing the proposed dwelling. Having viewed the trading accounts, Officers are satisfied that the agricultural business has been profitable over the past 3 financial years and that the proposed dwelling is commensurate to the need and profitability of the business.

It is therefore considered that the evidence submitted in support of the application demonstrates that the existing agricultural business passes both the functional and financial test set out by Core Strategy policy HC2 and saved Local Plan policy LC12.

There are no existing traditional buildings on the holding which could be converted to create the proposed dwelling. It has been drawn to Officers attention by the Parish Council and in representations that a four bedroom dwelling adjacent to the farm buildings is for sale. However, this property is marketed for sale at £500,000, and the farm business would not be able to afford that property, even if the sale price was substantially discounted. It is therefore considered that there are no existing properties in the local area which could meet the need of the agricultural business.

It is therefore considered that the erection of a permanent dwelling on the holding is acceptable in principle. The agent has confirmed that the applicant's would be willing to enter into a legal agreement with the Authority to ensure that the dwelling and agricultural land and buildings at the holdings cannot be sold separately. An agricultural occupancy condition would also be necessary because the proposed house is only considered to be acceptable because it has been demonstrated to be required for an agricultural worker in accordance with HC2 and LC12. Finally, a condition would be recommended to ensure that the caravan on site is removed shortly after the house is first occupied.

Design, siting and landscape impact

The fields here slope steeply upwards away from the highway where the existing agricultural buildings and the touring caravan are perched above the level of the highway. The proposed dwelling would be sited at the lowest point of the field in the corner adjacent to the track which runs up towards the agricultural buildings. The finished floor level of the proposed dwelling would be 'dug in' to the steeply sloping site at the lowest point of the field, and the ground levels altered to step up to the higher level to the rear of the dwelling and retained with a stone wall.

Concern has been raised by the Parish Council with regard to the proposed site for the dwelling. The Parish Council is concerned that the proposed dwelling would be visually prominent from both close and more distant views and that the dwelling would be viewed in isolation from the existing agricultural buildings. The Parish Council considers that a site further up the hill-side and adjacent to the agricultural buildings would be more appropriate.

Officers are sympathetic to the Parish Council's concerns that the impact of the proposed dwelling be minimised. However, it is considered that siting the dwelling further up the hill adjacent to the farm buildings would actually have a greater visual and landscape impact because the dwelling would 'sit up' and skyline above the roadside and would be more noticeable from the roadside and in the wider landscape.

It is considered that the proposed site would have less impact because the dwelling would be 'dug-in' to the ground levels and the land landscaped and held with a retaining wall such that part of the dwelling would effectively be below ground level. The proposed dwelling would be visible from the road, but would be read with the existing neighbouring dwellings. The proposed site would also reflect how farm workers dwellings have historically been sited along Hayfield Road, fronting onto the road and orientated to match the contours of the land.

The agent has submitted amended plans to show the proposed finish floor level which would be 200mm above the lowest level of the field by the road facing stone boundary wall. If permission is granted, conditions would be recommended to require detailed levels of the proposed garden area to be approved before any development commences to ensure that the land is appropriately graded back to minimise the impact of the development. A condition to require a detailed landscaping scheme including tree and hedge planting to break-up the impact of the dwelling when viewed from the north and dry stone boundary walls would also be recommended.

The design of the proposed dwelling is considered to be acceptable because the form and massing of the building would reflect the simple horizontal form and high solid to void ratio of traditional agricultural dwellings in the local area. The dwelling would be built from natural gritstone under blue slate roofs which is acceptable. Amended plans have been sought and received to simplify the massing of the building and to resolve fenestration details.

If planning permission is granted, conditions are recommended to agree material samples and to ensure that architectural and design specifications are of a satisfactorily high standard. A condition to remove permitted development rights for various types of domestic development would also be recommended as necessary to ensure that the Authority retains control over development which could have an adverse impact upon the visual appearance of the dwelling in this prominent rural position.

Subject to the imposition of the above conditions it is considered that the proposed dwelling would be sited in the best location on the holding where it would not have a harmful impact upon the landscape of the National Park and that the dwelling would be appropriately designed in accordance with Core Strategy policies GSP3 and L1 and saved Local Plan policy LC4.

Environmental management

Core Strategy policy CC1 states that development must make the most efficient and sustainable use of land, building and resources and take account of the energy hierarchy. Core Strategy policy CC1 states that a minimum sustainability standard, equivalent to that required by the Government for affordable housing by Registered Social Landlords must be achieved unless it is not viable for a particular development. This requirement is also reflected in the recently adopted climate change and sustainable building SPD.

Currently the minimum sustainability standard is level 3 in the Code for Sustainable Homes. In this case information has been submitted in support of the application which states that the proposed development would perform in excess of Code level 3. The submitted information states that this would be achieved by utilising high performance glazing and thermal insulation. The development would also utilise rain water harvesting and filtration and include integrated solar photovoltaic slates.

It is considered that the submitted information demonstrates that the proposed dwelling is capable of meeting a minimum of level 3 in the Code for Sustainable Homes and therefore that the proposed development is in accordance with Core Strategy policy CC1 and adopted SPD. If permission is granted, conditions to ensure that the development is built to a minimum of level 3 in the Code for Sustainable Homes along with conditions requiring a design stage assessment to be carried out and interim and post construction review certificates to be submitted at the relevant stages in accordance with Core Strategy policies GSP4, CC1 and paragraph 7.2.15 of the SPD would be recommended.

Other Issues

The proposed site is located in the corner of the field which is improved grassland. There are therefore no concerns that the proposed dwelling would have any adverse impact upon designated ecological sites or protected species or that the development would impact upon any ecological interest.

The submitted plans show that two parking spaces can be provided adjacent to the dwelling, with further spaces available in the farm yard. There is adequate space to turn so that vehicles can enter and exit the site in a forward gear. Access visibility onto the main road is sufficient in both directions. Therefore Officers have no reason to disagree with the Highway Authority's recommendation and it is considered that subject to conditions the proposed development would be unlikely to harm highway safety or the amenity of road users.

The application proposes to install a package treatment plant to deal with foul sewerage, this is considered to be acceptable because it would not be viable to connect the dwelling to the mains sewer in this case. If permission is granted a condition would be recommended to require full details of the package treatment plant to be submitted and approved in the interests of preventing pollution to the water environment.

Conclusion

The current application satisfies the financial and functional tests in policy HC2 of the Core Strategy and Local Plan policy LC12. There is also an offer of a legal agreement to secure the appropriate future development of the holding to allow the current application to fully meet the requirements of Development Plan policies.

The site is considered to be the best available on the holding where the new dwelling would not have a harmful visual or landscape impact that would also meet the needs of the farm business and an appropriate design coupled with the safeguards of a legal agreement mean the current application meets the requirements of guidance within the Framework and the requirements of Core Strategy policy L1 and Local Plan policies LC4 and LC12 in terms of landscape conservation.

The proposed access to the new development would be provided with sufficient visibility to ensure safe access and egress from the site. Therefore, there are no objections to the current application on highway safety grounds. There are otherwise no objections to the proposals that cannot otherwise be dealt with by conditions such as the provision of services and environmental management.

It is therefore concluded that the proposal subject to conditions and an appropriate legal agreement complies with policies in the Development Plan, and the requirements of the Framework and is not otherwise precluded by any other material planning consideration that indicates the proposal should otherwise be refused.

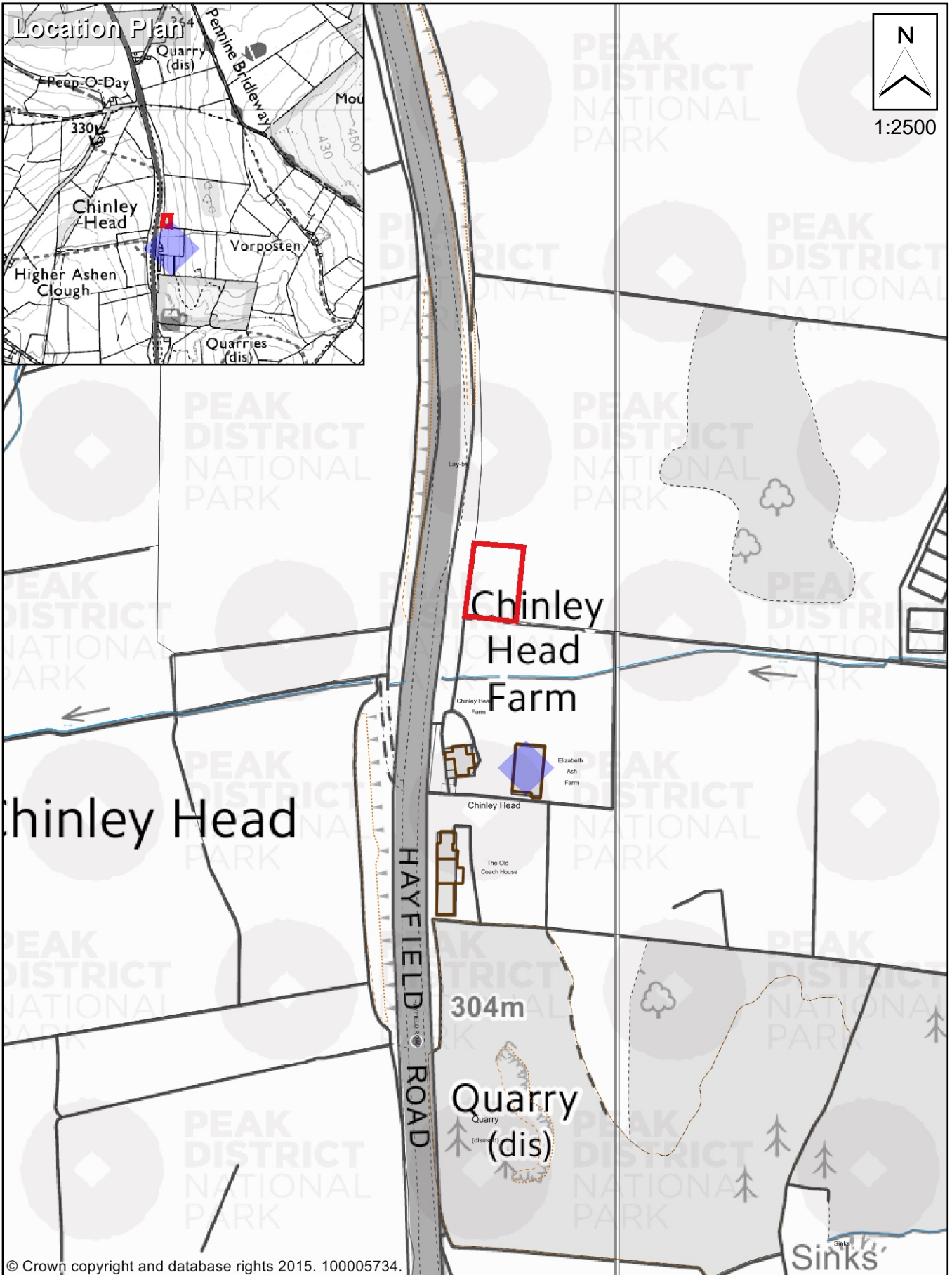
Accordingly the current application is recommended for conditional approval.


Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil



Committee Date:	13/02/2015	Title: Elizabeth Ash Farm, Hayfield Road, Chinley	 PEAK DISTRICT NATIONAL PARK
Item Number:	11		
Application No:	NP/HPK/1014/1067		
Grid Reference:	404926 384574		

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12. FULL APPLICATION – CHANGE OF USE OF PUBLIC HOUSE TO TWO RESIDENTIAL DWELLINGS WITH ASSOCIATED PARKING AND AMENITY SPACE, AT STANHOPE ARMS DUNFORD BRIDGE, SHEFFIELD, (NP/B/0914/0988, P2026, 415828 / 402320/SC)

This application is brought to the Committee because the views of the Parish Council are contrary to the Officer recommendation.

APPLICANT: MR COSTA CONSTANTINAU

Site and Surroundings

The Stanhope Arms is sited within the hamlet of Dunford Bridge on the southern side of the River Don at the head of the Dunford Bridge to Wortley stage of the Trans Pennine Trail. The former Public House is a large traditional two/three storey building, constructed of natural gritstone under a slate roof and sited within relatively large grounds bordered by drystone walls. Mature trees and hedging run along the northern boundary of the site with the Trans Pennine Trail (old railway line) running beyond. Access is off Windle Edge Road at the northwest corner of the site. Windle Edge Road leads southwest from the hamlet to the A628, which in turn gives access westward towards Manchester and southeast to Sheffield.

The site lies within the Dark Peak Yorkshire Fringe as depicted in the Authority's Landscape Character Assessment, which comprise upland areas that have largely been enclosed and where settlement is associated with industry as well as agriculture. Sloping land is often well wooded and it is this characteristic that defines the upland edge along the margin of the Dark Peak. Much of this land still retains a strong pastoral character despite the urban and in some cases, industrial influences of the towns and villages. Dunford Bridge, whilst retaining the effects of past industrial activity, is now itself predominantly residential in nature.

Proposal

The conversion/change of use of the premises from a former public house to two open market houses, with associated landscaping and parking.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1. 3 year time limit for commencement of development**
- 2. Adopt amended plans**
- 3. Removal of PD rights for external appearance, extensions, etc.**
- 4. Minor building design details.**
- 5. Submit scheme of environmental management measures to reduce energy use and lower carbon footprint.**

Key Issues

1. Whether the building should be retained as a community use
2. Principle of conversion to unrestricted dwellings
3. Design, materials and landscaping

History

1985 – 1997 - Various extensions approved to former public house.

2005 – Public house use ceased

2006 – 2014 - Numerous enquiries received regarding alternative uses

The last use was by a London Theatrical Group who used the site for rehearsals with staying accommodation by members of the group. Sometime in 2012/13 that use also ceased. The property has been vacant and for sale since.

Consultations

Highway Authority – No response at the time of writing the report

Parish Council – Object on the following grounds:

- Agent has failed to demonstrate a viable business case.
- Aware of a serious offer from a third party, who believe they have a commercially viable business plan which would provide a facility for use by the local community. There are no other community facilities at Dunford Bridge, but the property's location on the Trans Pennine Trail (TPT) would present a business with the ideal opportunity to maximise tourism and leisure trade associated with the TPT.
- There is currently an oversupply of larger houses in the Dunford Bridge area.

Representations

One letter making general comments has been submitted, this is summarised below:

- Factual inaccuracies, questionable assumptions and some omissions, which when considered in the round may cause some doubt as to whether the applicants have proven their case that the Stanhope is unviable as a commercial venture.
- Expert Report does not consider the potential trade arising from the recently upgraded Trans-Pennine Trail.
- The Expert Report misunderstands the Stanhope's past as a community resource; it under estimates the demand for community facilities within Dunford Parish.
- The potential for alternative commercial uses deserve further consideration.

Main Development Plan Policies

Core Strategy

Policy DS1, allows for the principle of conversion or change of use to housing, community facilities and business uses including visitor accommodation, in the open countryside, preferably by re-use of traditional buildings. The housing strategy is clear that provision will not be made for housing to solely meet open market demand. However Policy HC1 allows exceptionally, new housing from the reuse of existing buildings, where it addresses eligible local needs for affordable housing, aged persons accommodation, key agricultural or forestry workers or where in accordance with GSP1 and GSP2 the housing would be required in order to achieve

conservation and/or enhancement of valued vernacular or listed buildings, or in certain listed settlements.

In this case, the building lies within Dunford Bridge, a small hamlet located within the open countryside, which is not one of the listed settlements set out in policy DS1. The Stanhope Arms building, although constructed from natural materials in a robust local traditional style, is not a listed building; however it does possess some historic and vernacular merit. Given the application proposal is for market housing, the core housing policy HC1 would in principle support the conversion.

As a former community building, in this case at some point in the recent past the village pub, Policy HC4 is considered the most relevant policy, which seeks to provide and retain various forms of community services and facilities. As this proposal seeks the change of use of a former community facility, Policy HC4C is key to the determination of the application.

The policy states, that proposals to change the use of buildings or sites which provide community services and facilities 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. It goes on to state, that 'Wherever possible, the new use must meet either another community need or offer alternative community benefit such as social housing. It further states, that 'Evidence of reasonable attempts to secure such a use must be provided before any other use is permitted'.

Policy L3 of the adopted Core Strategy is particularly relevant as it deals with Cultural Heritage Assets. It explains that development must conserve and where appropriate enhance or reveal the significance of historic assets and their setting.

Core Strategy Policies GSP1, GSP2 and GSP3; 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 assets.

Local Plan

LC4 considers design, layout and landscaping and points out that particular attention will be paid to scale, form, mass and orientation in relation to existing buildings. Design criteria as set out in the Authority's Supplementary Planning Document is also a material consideration.

LC8 states, that conversion of a building of historic or vernacular merit to a use other than that for which it was designed will be permitted provided that: it can accommodate the new use without changes that would adversely affect its character.

LT11 says that the design of residential parking must respect the valued characteristics of the area, and LT18 states, that inter alia, the provision of a safe means of access will be a pre-requisite for all development. Where a new access is required a refusal will be considered if the provision of a safe means of access would damage the valued characteristics of the Park.

Wider Policy context

National Planning Policy Framework

In this instance, the Development Plan provides a clear policy context in which to determine the current application and is considered not to conflict between more recent Government guidance in the NPPF in respect of the key issues raised by the current change of use application.

Assessment

Public houses are recognised by the Authority and its Development Plan, to be community facilities that play a key role in rural life as an important hub to the social and economic wellbeing of the local community. In this case, the pub closed approx. nine years ago and has been vacant and up for sale ever since, apart from the short term temporary use by the theatre group. The agent has submitted a case for the change of use of a former Public House to residential, on the grounds that the use is no longer needed, can no longer be viable and that there is an inadequate demand for its use. The applicant contends this can be demonstrated and that conversion to two unrestricted dwellings is the best way to achieve the necessary conservation and enhancement required, of what is considered a valued vernacular building.

Core Strategy HC4 - 'Provision and retention of community services and facilities', states that proposals to change the use of buildings or sites which provide community services and facilities to non-community uses must demonstrate that the:

- service or facility is no longer needed, or
- available elsewhere in the settlement, or
- can no longer be viable.

It should be noted that only one of these policy provisions needs to be met. If this first test is passed then the policy 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. Evidence of reasonable attempts to secure such a use, must be provided before any other use is permitted"*

Availability of alternative facilities

The submitted Expert Viability Report (EVP) suggests that due to the Stanhope's remote location and the small resident population of Dunford Bridge, it would appear there is insufficient immediate local population to support the business and there are better placed and more prominent public houses within a wider proximity.

It further states that for a public house such as the Stanhope Arms to be a viable business, it needs to be a primarily food-led operation, especially as there is a limited local population who are perceived to be unable to support sustainable levels of wet sales. Whilst there are reasonable size trading areas within the building, given the property's remote location, it is unlikely to attract sufficient volumes of trade to fill these seats. The issue regarding long term sustainability of the business is as much about the location of the property as to the premises themselves. It concludes that within Dunford Bridge there is insufficient demand for a community facility and there are more viable and better located licensed premises within a fairly reachable distance of the hamlet.

Officers concur with the conclusion of the EVP, that due to the remote and isolated location of the Stanhope, it is unlikely to attract sufficient volumes of trade to make it sustainable and that the local and wider community could still be served by other more viable Public Houses, that are better placed to attract local and wider rural trade from in and around the Dunford area. For example, the Foxhouse Inn at Hepworth (2.2 miles, 5 mins by car), Dog & Partridge at Flouch (4.3 miles, 8 mins by car) and Waggon & Horses at Langsett (5.4 miles, 11 mins by car).

Continuing viability of the business

The EVP states that the most appropriate style of trade for the pub would be as a destination food house, incorporating core wet-led community trade. However, the level of potential trade

would be restricted by the isolated location and the availability of alternative facilities (as stated above).

It also expresses the opinion that a building that falls into disrepair or requires substantial refurbishment to the point at which the cost of repair is disproportionate to the profit of the business can often make it unviable. In this case, the Stanhope Arms is in need of significant works of repair and refurbishment (not only of the building, but also the surrounding grounds) and in the light of such repairs/maintenance required and the cost of such works, it is considered the premises are at, or close to, the end of their useful economic life as a public house.

The EVP further states that the owner/occupier of a public house must be able to expect a reasonable return on the time and risk that is invested in operating the business and arguably a greater return, where the licensee has the greater risk of the debt of the property. The report concentrates on the viability of the Stanhope Arms as a pub/restaurant and concludes that it would not be suitable for other licenced or leisure uses, certainly not without significant further capital outlay.

The EVP goes on to say that the lease option has also been considered (owned by a pub chain and let on the basis of a tied lease). In reality, it would still earn a reduced level of profit and given the current acquisition of pub companies, the implication is that the site would not be of interest to them.

The EVP therefore concludes, that the Stanhope Arms is not a viable proposition for the following reasons:

- After allowance for finance costs, the business is loss making.
- The return on the investment required does not reflect the risk.
- Potential difficulties in raising finance, not only to carry out the refurbishment/repairs but also to acquire the property.
- The property would not be of interest to corporate pub companies, either leased or managed operators.
- Nationally beer volumes are in decline.
- The cost of essential repairs and refurbishment.
- The premises have not operated as a public house for at least 8 years
- The property no longer has a Premises Licence

From the detailed information supplied by the agent, it would appear that in the current financial climate, a borrowing sum of approx £330,000 would be required to cover the cost of the property, including refurbishment and working capital. Added to this would be further operating costs, particularly catering staff and utility costs among other things. The EVP states, that the likelihood of such a loan being made is remote and that lending institutions are only willing to lend to established operators with a proven track record and in circumstances where the business performance is supported by accounts. In this case, due to the significant outlay expected and the existence of more viable businesses within a closer proximity, there would be fewer opportunities to utilize the Stanhope Arms for other community usages, or attract sufficient wet led local trade. Officers therefore agree with the report, that it can be reasonably argued that the former Public House can no longer be viable.

Marketing as a going concern

The property has been marketed by various parties in recent years, the most recent being Sidney Philips (Commercial Property Agents). They undertook a full open marketing campaign with the property being fully exposed to potential purchasers. According to the EVP, they initially looked at the property in October 2011 and subsequently commenced marketing in January 2012 at a guide price of £490,000 for the freehold interest (subject to vacant possession). The marketing campaign is summarised as follows:

- Preparation of sales particulars giving full details of the property
- The property was advertised in the Publican's Morning Advertiser (licensed trade publication).
- For Sale Board erected
- The property was advertised on their website
- The website has the facility to download a set of the property details
- Property details were emailed to all those parties registered on the agents database with a property requirement matching the Stanhope Arms
- Property details were emailed to all those parties who had previously expressed interest in similar properties that had been marketed in the area.

According to the information supplied, there was limited interest with 147 sets of details sent out. In this case, no parties wished to view the property.

The EVP states that whilst there have been tentative enquiries considering the former public house, no formal offers have been forthcoming to date. Furthermore, the property has remained empty since early 2013 and due to sporadic acts of vandalism, is in a worse condition than when it first went on the market. As such, anyone wishing to use this property for its existing use would have to expend considerable monies to bring it back up to operational standards.

In this case, the interpretation of the marketing of the Stanhope Arms as a going concern is as follows:

- The property has been extensively marketed.
- The property has been available for sale at various times over the past 27 months
- All offers received were from parties who required partial, if not complete change of use of the premises.
- The deteriorating condition of the property is making it increasingly unattractive to the market.
- The Stanhope Arms does not appeal to the market as a viable proposition for use as a public house.

Officers consider that the above information implies that the Stanhope Arms does not appear to be supported by the local community to such an extent that would enable it to run as a viable business. As suggested previously, there are more viable and alternative facilities within the surrounding locality of Dunford Bridge, that could absorb the trade and better serve the community needs without any depreciable loss of amenity.

Alternative/other community uses

The Agent commissioned a consultant to undertake an assessment into the viability of the development and submitted a development appraisal based on two semi-detached open market properties. Officers were concerned that the appraisal did not go far enough to confirm that an alternative use such as affordable housing had been thoroughly addressed as required by Policy HC4 C.

Consequently, a revised appraisal based on three properties, two larger properties for open market occupation and one property marketed for affordable use was submitted. In this case, the revised development appraisal concludes, that the construction costs, marketing and other costs such as buildings insurance, security fencing during construction (and after construction, should any properties remain vacant for a period of time). Coupled with the lesser predicted sales value (including risk and contingency allowance), this would have a detrimental effect on the overall viability of the scheme by predicting a negative profit circa minus 9% of the total development cost.

With consideration to the revised assessment that the inclusion of an affordable dwelling unit would not sustain a reasonable return/profit for the developer and the fact that the property is sited in a remote location outside of any named settlement, the building is not deemed sustainable, suitable or required by the community as a whole for another communal use. In this case therefore, Officers consider as all other avenues have now been addressed/exhausted, a change of use of the premises to support two open market unrestricted dwellings, is acceptable in principle.

Principle of conversion to residential use

Policy HC1 states, provision will not be made for housing to solely meet open market demand. However exceptionally, new housing from the reuse of existing buildings can be accepted where there is a local need, or in order to achieve conservation and/or enhancement of valued vernacular or listed buildings. Core Strategy Policies DS1 and HC1, allow in principle conversion of suitable traditional buildings to another use, where conservation and enhancement can be achieved. In this case, Officers consider the former public house is considered to be a valued vernacular building that would warrant conversion to unrestricted housing in order for the building to achieve the necessary enhancement required by policy.

Proposed design and landscape changes

The proposed alterations to the building will mainly be within the main shell of the building, with the internal space divided to provide two separate residential dwellings, one five bedroom and one four bedroom.

Amended plans have been submitted, addressing previous Officer concerns over particular design issues. This has resulted in the reconfiguration of a single storey mono-pitched outbuilding on the south elevation of the building and replaced it with a dual pitched roof and small flat roof infill, linking to the existing two storey offshoot. In addition, two detached double garages are proposed, one for each dwelling unit. Furthermore, a single storey flat roofed extension will be removed and the window detailing amended to better reflect the existing on the west elevation of the property.

The proposal will also include a traditional boundary wall separating the proposed garden areas of the dwellings. The proposed access will be shared and will provide separate tarmacked access drives to the dwellings, with ample space for parking and turning.

The converted public house would provide a 5 bedroom (unit A) and a 4 bedroomed (unit B) dwelling over three floors, including basement storage/games room, detached double garages and separate parking and garden amenity space. In this case, the proposal does not include any new build (to the main building) that would adversely affect its character and appearance. Therefore is not considered to have any greater impact on the building or surroundings than already exists.

Although no structural survey has been submitted, the agents have stated that the building is in sound condition; however, due to the buildings isolated location and sporadic acts of vandalism, there are signs of general deterioration of the building. The plans show that all existing windows and doors will be replaced with a style and materials that provide an appropriate traditional design (further detailed plans to be submitted and agreed by condition). Natural stone slates will be retained and will be conditioned for the new single storey roof as further enhancement of the building.

It is considered, subject to agreed design and materials, that these changes would have minimal impact on the character and appearance of the existing building, with the public aspect (largely views from the public footpath to the north) of the main building remaining largely unchanged. Subject to appropriate conditions, the proposed alterations and new extensions are considered

acceptable, as they help conserve and enhance the building's overall character and appearance and the wider locality in which the development is sited.

Other planning considerations

The Highway Authority has made no response to date; however, they did respond to a previously withdrawn application, (NP/B/0613/0486), stating they had no objections to the proposal. In this case, as the proposal is essentially the same development, it is considered the scheme is satisfactory not to lead to a different conclusion.

There are a number of sporadic dwellings in the locality, the nearest lying on the western boundary of the development site. However, due to the extent of separation from the proposed dwellings, it is considered the residential amenity of these properties would not be adversely affected by the development.

Environmental Management

The agent has looked at energy efficiency measures and given the nature and location of the intended development, there appears to be an opportunity to introduce renewable forms of energy into the scheme. Suggesting that the most obvious way to do this would be to utilise solar PV cells on the roofs of the new build portions of the development, for example to the south facing roof slopes of the garages.

The agent has suggested that there may also be an option to incorporate air source heat pumps. However, it is difficult to be precise about the type of source best suited to the proposals, but a 10% provision of the annual energy needs via a source of renewable energy would be reasonable.

In this case, officers recommend that a condition be imposed to provide further evidence that the applicant has considered and could include the use of environmental management schemes in accord with the Authority's Renewable Energy Policies and Supplementary Guidance.

Conclusion

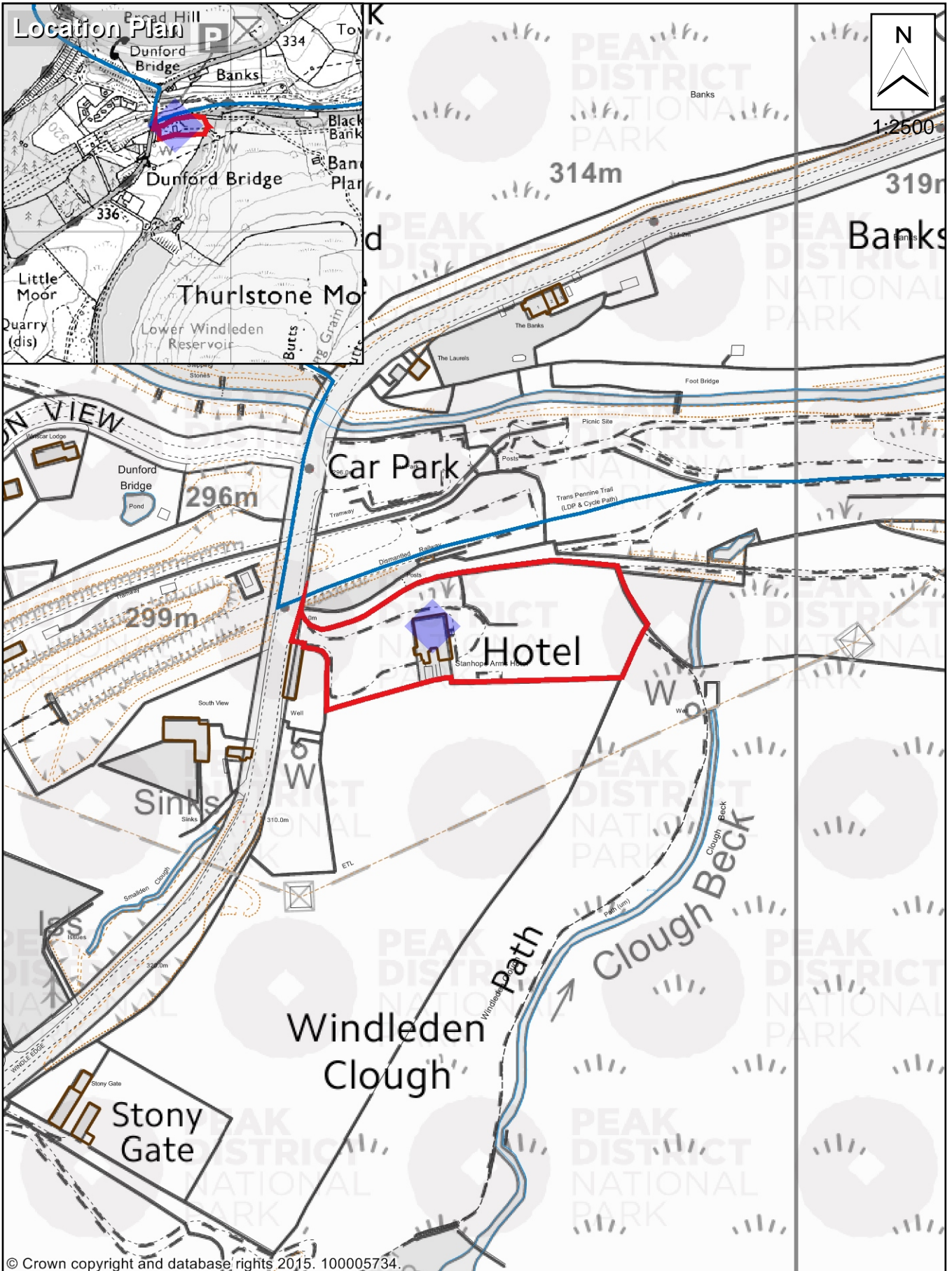
It would appear that this proposal arises as a result of changes in society, leading to a general downward trend in the fortunes of public houses generally and particularly rural pubs in remote or unsustainable locations. In this case, the application confirms that the pub is no longer viable or required to be retained as another community use. Whilst the loss of the Stanhope Arms is regrettable, this former community facility is replicated elsewhere within the wider locality. Consequently, the proposed conversion to unrestricted residential use is considered to accord with the Authority's Adopted Policies, subject to appropriate conditions.


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



Committee Date:	13/02/2015	Title: Stanhope Arms, Dunford Bridge, Sheffield	 PEAK DISTRICT NATIONAL PARK
Item Number:	12		
Application No:	NP/B/0914/0988		
Grid Reference:	415828 402320		

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13. MAJOR FULL APPLICATION: DEMOLITION OF EXISTING FACTORY BUILDING AND THE SUBSEQUENT CONSTRUCTION OF A TOTAL OF 26 DWELLINGS INCLUDING 4 'AFFORDABLE' AND CONVERSION OF FORMER FACTORY BUILDINGS TO TWO DWELLINGS AT DOVE DAIRY, STONEWELL LANE, HARTINGTON (NP/DDD/1014/1045, P.5155, P.9335, P.11087, & P.6283 412534/360474 KW/LB/CF)

Applicant: CATHELCO LTD

Site and Surroundings

The application site lies to the west of the village of Hartington and consists of land to the north of Stonewell Lane. To the north of Stonewell Lane the application site includes brownfield land associated with the former cheese factory operations at Hartington. At present, this land is occupied by a disused modern factory building, two disused stone built buildings of some vernacular merit, areas of car parking and hardstanding, and infrastructure associated with the former industrial use.

The majority of the site is bounded to the north, west and east by a bund planted with a thin and unmanaged belt of woodland. This woodland was planted approximately 25 years ago in an attempt to mitigate the landscape impact of the factory buildings. To the north of the planted bund, an isolated area of hardstanding extends out into agricultural fields

The application site is situated about 23m away from Hartington Conservation Area at the site's eastern edge, to the south of Stonewell Lane, and lies immediately west of the listed Charles Cotton Hotel. To the north, west and south of the application site is agricultural grazing land, a large proportion of which is within the applicant's ownership. Approximately 300 metres (on average) to the far west of the site is the River Dove. To the east, the site lies adjacent to a row of four existing houses oriented at 90 degrees to Stonewell Lane.

A public right of way runs from Stonewell Lane in a north-south direction close to the existing boundary between the brownfield land to the west and greenfield land to the east. A farm access track runs from Stonewell Lane in a north westerly direction through the existing factory car park to the far west of the application site. To the south of Stonewell Lane the site is currently used for agriculture. A drainage ditch runs through the fields adjacent to Stonewell Lane in an east-west direction. The fields are bounded by dry stone walls and there are two mature elm trees.

Background

Over the years, the former cheese factory site has been given several different names, but for the purposes of this report it will be described as the Dove Dairy Site (DDS), as stated in the current application details.

The current application seeks the re-development of the site of the former cheese factory in Hartington. Cheese production was carried out from 1875 until March 2009. The factory closed in 2009 and the factory buildings were stripped of fixtures and fittings by December 2009. Notably, the re-development of the site was being discussed even before the factory closed down and two planning briefs have been produced by the Authority.

In September 1997 a 'Draft Planning Brief for Development at the Creamery and Sites Along Stonewell Lane, Hartington' was published for consultation by the Authority. This brief followed discussion with the former owners of the dairy site, Dairycrest, who wished to proceed with a redevelopment project that included provision of a visitor centre, local needs housing, a playing field, and car parking on land restricted to the southern and eastern portions of the current development site (including the agricultural buildings and the buildings to the rear of the Charles Cotton Hotel). It was emphasised at this stage that the individual elements of the brief should be brought forward as a package. The draft brief was never fully adopted.

In 2008 the master planning of Hartington was revisited for a second time. This time, the site included land to the immediate south of Stonewell Lane and the agricultural lane to the south of that, bordering Mill Lane. A 'Draft Concept Statement' was produced by the Authority and the Housing Authority for local consultation. This listed development principles of:

- an overall plan for the village that benefits the community as a whole:
- new access to the Creamery, relieving Stonewell Lane of commercial traffic and opening up sites with potential for family housing and more convenient car and coach parking;
- small scale family housing allowed gradually, over time, to maintain the life of the village, support existing facilities and fund the provision of new ones; and
- high design standards throughout.

Ideas for inclusion in a masterplan for the site included a sports field incorporating a football/cricket pitch and informal open space with an equipped play area, a village cemetery and a site for housing, car parking and a sports pavilion.

Thereafter, in January 2010, officers engaged in pre-application discussions with the current applicant, which resulted in an exhibition being held in the village hall at Hartington showing development proposals for the site on 29 and 30 October 2010. This was followed by a public meeting attended by over 100 local people. Minutes from this meeting showed that there was a great deal of local concern about the development plans and a high level of opposition to a large development. At the meeting, it was agreed that a Liaison Group would be set up to ensure that the local community and key stakeholders were actively involved in further pre-application discussions.

The Liaison Group met eight times between November 2010 and August 2011 and the activities of the group culminated in a questionnaire being sent out to all residents of the village in order to assess the opinions of the local community in relation to the potential redevelopment of the factory site. The questions were based on the principle of redevelopment and did not relate to specific plans. 75% of the questionnaires were returned.

The most significant results of the questionnaire showed that approximately 50% of respondents wanted to see some community facilities on the factory site but that 72% of people did not want to see these facilities cross-subsidised by open market housing. 44% of respondents wanted to see a maximum of six affordable housing units provided on the site, 34% wanted to see more than 6 units, and 22% wanted to see no affordable houses on the site at all. 70% of respondents did not want to see a village cemetery provided on the cheese factory site. Some responses suggested that a children's play area and allotments would be welcomed. In response to a question about how many houses in total the site should accommodate, the majority wanted to see fewer than 20 houses provided.

Shortly after the responses to the questionnaire were received, an application seeking outline planning permission for redevelopment of the factory site was submitted. This application proposed 39 residential units of which 6 would be affordable houses to meet local needs. 33 units of open market housing were said to be required as 'enabling development' in order to ensure that the scheme would be financially viable also taking into account the application also included provision of several community facilities. In this case, it was intended to use the agricultural land to the south of to accommodate community facilities in the form of a playing field, a children's play area, allotments and a car park. In addition, the application included proposals for the construction of a swale that would improve drainage of the application site and the village.

In January 2012, this application was refused planning permission by the Authority's Planning Committee and the subsequent appeal was dismissed in March 2013 following a public inquiry.

Since the appeal dismissal, the applicant has held detailed discussions with the Authority's officers with a view to addressing the Planning Inspector's reasons for the dismissing the appeal and the concerns and issues raised by the Parish Council and the local Hartington residents.

These discussions have involved consultation with the Parish Council and local residents, who nevertheless maintain their strong objections to the scale and nature of this reduced scheme.

Proposal

The current application seeks planning permission for:

- demolition of the factory complex and erection of a total of 26 dwellings, comprising 20 open-market dwellings, conversion of the traditional stone office buildings (formerly agricultural barns) to 2 open-market dwellings and the erection of 4 affordable local needs dwellings (3 houses and 1 bungalow). The mix of open-market dwellings (including the barn conversions) comprises 1 No. 6 bed house, 8 No. 5 bed houses, 8 No. 4 bed houses, 3 No. 3 bed houses and 2 No. 2 bed houses. The affordable housing would comprise 1 No. 3 bed house, 2 No. 2 bed houses 1 No. 2 bed bungalow.

The housing layout comprises a spine road, which cuts diagonally across the site and then follows an existing access road on the western side of the factory complex, where it then connects back to the western end of Stonewell Lane. The housing is mainly constructed of natural limestone with a mix of traditional roof coverings. The spine road frontages have a mixture of detached, semi-detached and terraced housing, some connected by lower garage buildings and a wider central space, designed to reflect the character and mix of development within the centre of Hartington village. The majority of the street frontages are enclosed by drystone walling. Amended layout plans have been submitted following discussions with the Highway Authority, but the road layout and dwelling positions remain largely as originally submitted.

- The scheme includes the erection of a large single dwelling unit on the westernmost part of the housing development. The original submitted plans for this dwelling proposed a 2½ storey formal Manor House style dwelling with a 10.0m x 19.5m footprint and eaves/ridge heights of 6.0m/9.4m respectively. A large detached garage building was also proposed. Following discussions with the Authority's officers, a revised dwelling design has now been submitted for a simpler traditional farmhouse design with lower single-storey barn style outbuildings arranged in an 'L' plan form. This subsidiary building accommodates the garaging and also a swimming pool. The footprint and eaves height of the farmhouse element remains largely the same as the previous Manor House design; however, the ridge height is greater (10.4m).
- Restoration of 0.57 hectares or 27% of brownfield land on the northern and western sides of the factory complex back to fields.
- Removal of banded tree planting on the northern and western sides of the factory complex and replacement with smaller areas of new tree planting.
- Note: The original submitted scheme proposed the provision of flood attenuation measures within the existing field to the east of the factory complex. This field has a frontage length of 46m and separates the factory physically and visually from the main village. Following discussions with the Environment Agency, however, the flood

attenuation measures are now proposed to be relocated into the field on the south side of Stonewell Lane. This field is outside the red line application site boundary. Consequently, formal consideration of these relocated flood attenuation measures cannot form part of the current application and will require the submission of a separate planning application. The Environment Agency has indicated that the relocated swale, which is in the form of an open watercourse, is likely to be acceptable in principle and this method of flood attenuation was considered to be acceptable when the previous 2012 application was considered, both at the application stage and at the subsequent public enquiry. This current application, as amended, therefore proposes no changes to the field on the eastern side of the complex.

The application is accompanied by Environmental Impact Assessments which considers potential impacts in terms of transport, ecology, contamination, trees, archaeology, flood risk, visual impact, noise and socio-economics. The application is also supported by a Development Appraisal, a Landscape and Visual Impact Assessment and a Design and Access Statement.

RECOMMENDATION:

That the application be APPROVED subject to a S106 agreement including obligations relating to the provision and management of local needs affordable housing, the securing of a financial bond to fund investigation and provision of pedestrian safety measures along Stonewell Lane, phasing of development, and future maintenance of roads, retention and future management and maintenance of trees and tree planting belts within the applicant's ownership which are situated outside of the application site boundary and subject to the following conditions.

1. **Development to be commenced within two years of the date of the permission.**
2. **No development whatsoever to be commenced until a separate planning application has been submitted and approved by the Authority for the provision of the flood attenuation measures in the field to the south of Stonewell Lane. The scheme for the provision of the flood attenuation measures shall then be completed prior to the commencement of the housing development.**
3. **Development to be carried out in accordance with the original submitted plans, subject to the following conditions or modifications.**
4. **Submit and agree amended scheme for the house design of a reduced size and footprint on Plot 1, prior to the commencement of the development.**
5. **Submit and agree amended scheme showing the slight repositioning of the dwellings on plots 9, 10, 12, 15, 20 and 24 to accommodate the Highway Authority's requirements.**
6. **Scheme to be carried out in accordance with the amended road layout plan no. 2231 (08) 02 Rev E, with the exception of the amendments required in condition 4 and submitted house/bungalow designs for plots 2 – 26 inclusive, except for the roof pitches.**
7. **Maximum number of dwellings, including the two units in the retained stone barns shall not exceed 26. A minimum of 4 houses shall be affordable local needs housing managed by a Registered Social Landlord.**

8. **Submit and agree amended elevational plans showing a reduction in roof pitches on all the dwellings to 35°.**
9. **The existing stone built buildings occupying plots 25 & 26 on the site plan no. 2231 (08) 02 Rev E and plan no's 2231 (08) 31 Rev A & 32 Rev A shall not be demolished, and the conversions shall take place within the shell of the existing buildings with no rebuilding.**
10. **Prior to first occupation of the open market houses, the land to the north and west of the site labelled on the site plan 2231 (08) 02 Rev E 'Area Returned to Greenfield' shall be restored to grassland in accordance with details to be submitted and agreed in writing by the Authority.**
11. **All factory buildings, disused tanks, ancillary plant, walls and hardstanding areas and brownfield land identified for demolition on plan 2231 (02) 03 Rev A to be demolished and material removed from the site prior to commencement of the rest of the scheme.**
12. **Details of the proposed disposal of the spoil generated by the demolition works referred to in condition 10. to be submitted to and agreed in writing by the Authority.**
13. **Undergrounding of service lines.**
14. **Houses to be constructed of natural stone (limestone) and limedash render with natural blue slate, Staffordshire blue natural plain clay tiles or red natural plain clay tiles for roofs, all where shown on the approved elevational drawings . A sample panel of the stone wall cladding and render and samples of the roof to be provided and agreed by the Authority prior to the commencement of the development.**
15. **All lintels, sills, jambs, copings and quoinwork shall be in natural gritstone and shall be provided where shown on the approved elevational plans.**
16. **Minor design conditions, including walling detail, rainwater goods, timber doors and windows, window and door recessing, roof verge detail.**
17. **Boundaries of gardens to be demarcated with drystone walls made of natural rubble limestone up to a height of 1.2m. The drystone walls shall be capped with half-round natural limestone coping stones.**
18. **Prior to the commencement of the development updated protected species surveys to be undertaken for bats, badgers and birds. Any recommended mitigation measures to be implemented and retained thereafter.**
19. **Vehicle parking/manoeuvring spaces, including garaging to be provided prior to the occupation of the completed dwelling units and to remain unobstructed for use at all times.**
20. **No development shall commence until a construction phase traffic management plan has been submitted to and agreed by the NPA.**
21. **No construction to take place before 7.30am or after 7pm Monday to Friday, or before 9am and after 5pm on Saturdays. No construction to take place on Sundays or Bank Holidays.**

22. Full details of an external lighting scheme to be submitted and agreed by the Authority prior to the commencement of the development.
23. Environmental Health Authority conditions requiring Intrusive investigations to take place in relation to land contamination following clearance of the factory buildings referred to in conditions 10-12. The results of these investigations along with any recommendations for mitigation to be submitted to the NPA for agreement. Mitigation measures shall thereafter be implemented.
24. Details of additional tree planting on the western edge of the housing development, the southern boundary of Plot 1 and supplementary planting along the eastern edge of the housing development and the south side of Stonewell Lane to be submitted to and agreed in writing by the Authority.
25. Submit and agree detailed landscaping scheme. Phasing of landscaping works to be submitted to and agreed by the Authority
26. No trees to be removed other than those shown for removal on the approved plans.
27. Woodland belt management plan and management plan for all new tree planting to be submitted for approval and thereafter implemented.
28. A construction phase working method statement to be submitted and agreed to show methods for the protection of controlled waters. Recommendations to be implemented.
29. Submission of methodology for soil stripping activities to be submitted. Works to be monitored for archaeological interest.
30. Photographic survey of the existing factory buildings and a record of surviving machinery and fittings to be undertaken prior to development.
31. No demolition or development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted and approved by the Authority in writing.
32. The field immediately to the east of the proposed housing site shall not be used for the storage of materials, spoil or for builders' compounds.
33. Details of any temporary diversion of the public footpath to the east of the site during the construction phase to be submitted and agreed in writing.
34. A scheme for the provision of renewable energy technologies on the site to be submitted and agreed. Recommendations to be implemented.
35. The development shall seek to achieve Code for Sustainable Homes for the housing elements.
36. Tree protection during construction.
37. Withdraw permitted development rights for alterations to the external appearance of the dwellings, extensions, porches, ancillary buildings, solar panels, satellite antenna, gates, fences, walls or other means of boundary enclosure.

38. **Submit and agree of biodiversity enhancements, to include management of the reinstated grassland on the former car park south of Plot 1 as a hay meadow.**
39. **Submit noise survey prior to the commencement of the development for any proposed air source heat pumps, with any attenuation measures required being implemented prior to occupation of the dwellings.**

Key Issues

- Whether, having regard to local and national policy, the material considerations in this case would amount to the exceptional circumstances necessary to justify major development in the Peak District National Park, with particular reference to: the effect on the character of both the landscape of the National Park and Hartington, including the setting of Hartington Conservation Area; the provision of community benefits; and, the economic viability of the development proposals.
- The landscape impact of the proposed development.
- Detailed Layout and Design Issues.
- Environmental Management

Relevant Planning History

NP/DDD/0911/0896 – Outline planning permission refused for residential, employment and community development plus ancillary landscaping and infrastructure elements on the current application site. In terms of residential development, the indicative plans showed that six affordable housing units and thirty three open market housing units were proposed in this application. This application was refused by the Authority's Planning Committee in January 2012 for the following reasons:

1. The scale of the proposed development is out of keeping with the size of the existing village of Hartington and would be damaging to the landscape of the National Park and to the character and setting of the Hartington Conservation Area contrary to EMRP Policies 2, 8 and 26, Core Strategy Policies GSP1, GSP2, GSP3 and L3, and Local Plan Policies LC4 and LC5.
2. The proposals offer insufficient enhancement to the settlement to accord with the provisions of Core Strategy policy HC1 (c).

The subsequent appeal was dismissed on 20 March 2013 (Appeal Ref: APP/M9496/A/12/2172196). Following a public inquiry, the Inspector concluded that, on balance having had regard to local and national policy, the material considerations in this case would not amount to the exceptional circumstances necessary to justify major development in this National Park. The scheme would not be in the public interest and would not fit with the patterns of sustainable development promoted by the Framework. By way of background to the current proposal it is considered appropriate to refer in more detail to the main points raised by the Inspector at the previous appeal.

The Inspector concurred with the Authority that the proposed development constituted major development despite there being no requirement for the submission of an Environmental Impact assessment (EIA).

Core Strategy (CS) policy GSP1 indicates that all development shall be consistent with the Authority's legal purposes and duty. The reasoned justification for the Policy confirms that the

purposes of the National Park designation are: to conserve and enhance the natural beauty, wildlife and cultural heritage of the National park; and, promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

In pursuing the statutory purposes, the Authority has the duty to seek to foster the social and economic well-being of local communities. However, where there are conflicting desired outcomes in achieving National Park purposes, greater priority must be given to the conservation, natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefit.

The Policy confirms that major development should not take place in the National Park except in exceptional circumstances and it will only be permitted following rigorous consideration of the criteria in the national policy.

The Planning Inspector then made the following comments:

- The DDS occupies a relatively isolated position on the valley floor, set apart from the village beyond an area of pasture.
- Although some of the buildings within the DDS are stone-built, the predominant built-form comprises metal-framed and clad buildings situated towards the eastern side of the site.
- It is estimated that the tallest of the buildings in the DDS complex has a ridge height of around 12.6m above ground level.
- At the south-western corner of the building complex is a slender chimney around 20m tall.
- Top the west of the main group the roofscape steps down to two lower buildings beyond which there is a car park and a low bunded structure.
- There is no dispute that the existing factory complex is out of character with its surroundings. Furthermore it is a prominent feature in the wider landscape, due to its scale and colour and its position on the flat valley floor.

Consequently, the Inspector acknowledged that the clearance of the former DDS as proposed, including a small storage area to the north, would amount to a very large benefit in landscape terms. However, this was not the end of the matter in view of the substantial amount of development proposed.

Whilst a full assessment of the landscape character and visual impacts of the outline proposal could not be carried out, the Inspector commented that the submitted scheme:

- Intruded on to the pastures to the east of the DDS.
- Extended further to the west than the existing buildings.
- Although the cumulative footprint of the proposed dwellings would be significantly smaller than that of the existing buildings, given the spread of the proposed dwellings across the DDS and beyond it to the east, it was unlikely that the difference would be appreciated from outside the site.
- Although lower than the tallest existing structures within the site, the ridge levels of the houses would be higher than some of the other buildings.
- In comparison with the DDS site, the overall massing of the development would not appear to be significantly reduced by the scheme when seen from vantage points outside the site.
- The submitted Environmental Statement and Visual Impact Assessment indicates that the character of the section of the appeal site to the south of Stonewell Lane would change from Agrarian to Suburban.
- The relative compact existing group of buildings would be replaced by a development which would appear to sprawl further across the valley floor to the west of the village.
- Relative to the impact of the proposed cluster of 39 dwellings and the group of community facilities, the mitigation provided by the inclusion of details such as the use of locally distinctive materials, drystone walling and the removal/thinning of existing tree belts

would be negligible. This major development would not, therefore accord with the Upper Valley Pasture Landscape Character Type.

- The development of the pasture to the east and the linking of the otherwise isolated DDS within the village, would not be sufficient to give the impression that the housing development is an organic extension to the village. Instead, due to scale and position of the development, it would amount to an anomalous limb to the village form, to the detriment of its character.
- Due to the limited number of vantage points outside the Conservation Area, where both the village and the DDS can be seen together at close quarters, its adverse impact on the significance of the CA is slight.
- Overall, the proposal would give rise to a slight adverse impact on the character of both the landscape of the National Park and Hartington, and the setting of the Conservation Area diminishing the significance of this heritage asset, albeit to a limited degree.
- The scheme would substitute one damaging scale of another, conflicting with the aims of CS policies GSP1, GSP2, GSP3, L1, L3, and E1; EMRP policies 2,8,26 and Local Plan (LP) policies LC4, LC5 and LH1

In respect of the proposed community facilities, the Inspector acknowledged the views of the majority of residents who did not wish to see open-market housing built to fund village facilities. Whilst the greatest level of support was given to the provision of a playing field, this was only supported by 31% respondents to the public questionnaire. There was no overwhelming support, therefore, for the provision of community facilities such as playing field or children's play areas, or for a new car park.

There was, however, significant support for the provision of up to 6 Affordable Housing units and also small business units.

The submitted Flood Risk Assessment (FRA) confirmed that the appeal site and Hartington are at flood risk from pluvial run-off during extreme rainfall events. The proposal included the formation of a swale in the field on the south side of Stonewell Lane, in order to reduce the risk of the appeal site being flooded. The FRA also indicated that this would result in the betterment of upstream flood levels and flows within and through Hartington, in accordance with the aims of CS policy CC5 and LP policy LC22. The findings of the FRA had not been disputed by the Environment Agency. The Inspector therefore concluded that there was a need for these elements (local needs housing and swale) of community infrastructure.

In relation to the economic viability of the scheme, the Inspector stated that the scheme as promoted (33 open-market plus 6 local needs dwellings and other community infrastructure) would put the public to more expense, in terms of allowing more enabling development to take place, than is necessary to deliver the elements of the scheme identified as benefits by the applicant. The Inspector also stated that it may be possible to strike a more appropriate balance by increasing the number of affordable housing units and decreasing the number of open-market units.

The Inspector concluded by stating that the proposed development did not amount to the exceptional circumstances necessary to justify major development in a National Park. Consequently, the scheme would not be in the public interest and would not fit with the patterns of sustainable development promoted by the Framework.

Consultations

This section records the comments made, including concerns raised by all consultees. The later sections of the report respond to or cover these concerns in more detail.

Details of all consultee comments can be viewed in full on the Authority's website.

External Consultees

Derbyshire County Council (Highway Authority) – Recommended that the application be held in abeyance until revised details to satisfactorily address the following issues have been achieved.

- All new roads that are to be offered for adoption need to generally comply with the current layout recommendations contained within the 6C's Design Guide
- Difficult to determine from the drawings if there are intervisible passing opportunities for large refuse vehicle and cars travelling in opposite directions
- Need to contact local refuse collection service to ensure their requirements will be met, (such as reversing distances). Appropriate swept paths need to be demonstrated
- Footways need to be provided on Stonewell Lane and into the proposed development site into the vicinity of road junctions in the interests of safety for future resident
- A review of the existing street lighting needs to be undertaken, even though the predicted level of pedestrian use has decreased since the previous scheme
- Exit visibility splays of 2.4 metres x 33 metres should be provided
- Exit visibility splays from private accesses / driveways need to be demonstrated on the drawings
- Space needs to be identified for waste bins
- Off-street parking should be provided on the basis of 2no. or 3no. spaces per 2/3 or 4/4+ bedroom dwelling. This would appear to be generally satisfied although spaces should be of 2.4m x 5.5m minimum dimension, 2.4m x 6.5m where located between garage doors and the highway boundary, with an additional 0.5m width being required where the spaces are adjacent to physical obstructions (e.g. wall, fence, etc.) - each side where applicable.
- The route of the Public Right of Way should remain unaffected

Overall there are no highway capacity issues with the proposal, however, layout issues need to be resolved to support a full planning application. Following discussions with the Highway Authority, the applicant and the Authority's Officer, amended plans have been submitted addressing the issues raised by the Highway Authority in its initial response.

The Highway Authority now consider that the amended road layout is largely acceptable, but it would appear that Plots 9,10,12,15,20 and 24 may require minor setting back, some due to adjustment of boundary line, others to provide adequate parking between garage doors to the highway boundary. Most of these set-backs would be in the region of 1.0m – 1.5m.

The development would change the nature of the use of Stonewell Lane and it is important that the streetlighting levels meet current regulations. Streetlighting will be required on the new roads and provided that the developer is aware, the streetlighting scheme funded by the developer should be extended, if necessary to the market place.

In respect of pedestrian safety, the Highway Authority still recommends the funding of £10,000 be secured under a S.106 for a monitoring period of up to 5 years post full occupation of the

development. This would enable any issues to be identified and mitigation works to be investigated and implemented should these be deemed necessary.

County Council (Primary Care Trust) – No response to date.

District Council (Environmental Health: Noise and Nuisance) – Noise survey for any proposed air source heat pumps is required, any attenuation measures implemented prior to occupation if approved, hours restriction on construction works.

Derbyshire Dales District Council (Housing) – The Rural Housing Enabler supports the scheme as the proposed number of affordable dwellings (four) to be delivered without grant funding will help meet the identified local housing need in Hartington Town Quarter identified need of 19 affordable dwellings within Hartington Town Quarter, Hartington Nether Quarter and Hartington Middle Quarter carried out in April 2014.

The former Dairy Crest site is the only site to have come forward for affordable housing development in these parishes and as such is a rare opportunity to meet local affordable housing need. Welcomes the proposed homes being designed to comply with Housing Community Agency requirements, Housing Quality Indicators space standards and Level 3 of the Code for Sustainable Homes

Peak District Rural Housing Association – Support the development and the association's commitment to the affordable housing in the scheme, as it addresses the proven need, (in particular for affordable properties) and as they have been trying to find a suitable site for a number of years.

Environment Agency – Initially objected to the submitted scheme as the Flood Risk Assessment submitted with the application does not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework. The submitted Flood Risk Assessment does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Suggests a proposal should be submitted which includes a reinstatement of the culverted watercourse to open channel and a Flood Risk Assessment which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall.

Further discussions have since been held between the applicant and the Environment Agency. Amended plans have now been submitted omitting the proposed water attenuation measures in the field between the brownfield factory site and the local needs dwellings on the edge of the village to the east. It is now proposed to revert to the flood attenuation measures proposed in the field to the south of Stonewell Lane. This comprises the diverting of any flood waters into an open brook within this field, before returning it into a culvert at the western end of the site. It is understood that this revised flood attenuation scheme meets the requirements of the Environment Agency; however, written confirmation has not yet been received on this.

It should also be noted that these revised flood attenuation measures are situated on land that is outside the red line boundary of this current application. Whilst consultees have been advised to comment on the amendments and further site notices have been erected advising of the changes, approval of the revised flood attenuation measures cannot be given under this present application and will require the submission of a separate planning application.

Should this current application be recommended for approval, therefore, a "Grampian" or negatively worded condition should be imposed stating that the proposed development must not commence until planning permission for the flood attenuation measures had been submitted to

and approved in writing by the Authority.

The applicant and agent have been advised to submit the application, so that it could be considered alongside this present application, but they have chosen not to do so at this stage.

Natural England – Not likely to have significant effect on the interest features for which Peak District Dales Special Area of Conservation (SAC) has been classified. Will not damage or destroy the interest features for which the Hamps and Manifold Valleys and the Long Dale, Hartington Sites of Special Scientific Interest (SSSI) have been noted.

Natural England refers the Authority to its standing advice in regards to protected species and should consider securing measures to enhance the biodiversity of the site. Opportunities to incorporate features into the design which would be beneficial to wildlife.

Natural England also refers the Authority to a published set of mapped Impact Risk Zones for sites of Special Scientific Interest (SSSI) to determine how impacts can be avoided or mitigated.

Parish Council – Strongly objects to the development as it would have an adverse effect on the character and landscape of the National Park; the scale of the development is too large; the scheme fails to complement or integrate with the village and it does not offer sufficient enhancement; affordable housing ratio far too low.

It is also contrary to the NPPF and key policies in the Authority's Core Strategy; in particular insufficient enhancement to settlement to accord with the provisions of CS HC1 (c).

Other comments / concerns included;

- Disproportionate development for the village
- Development to the west outside of original factory footprint
- Overall bulk of development shows little change in comparison to the previous scheme
- Land west of the track should be returned to Green field.
- Up market estate of overtly large houses; totally revenue driven
- Design of estate offers little architectural or historic merit when viewed alongside the village
- Development does not provide landscape enhancement required by Core Strategy GSP1
- The navigation of traffic around the site is unclear.
- No workspace / community facilities
- Parish Council believe there are alternative sites for 4 affordable dwellings which could be delivered at a lower cost
- Socio-economic benefits are negligible
- Viability appears to override policy constraints
- Parish Council happy to support a smaller scheme e.g.: 11/12 houses including 4 affordable
- Community consultation has been non existent
- Parish Council supports the confidential questionnaire as determines around 15 houses, including affordable would be acceptable, (restricted to the existing factory footprint)
- Concerned ridge and furrow field will be lost due to requirement of protecting an overlarge development
- Inaccuracy in Design & Access Statement due to a misrepresentation advising the Parish Council is comfortable with 20 houses. This results in the statement to be fundamentally and substantially misleading.

The Parish Council has been reconsulted on the amended road layout, the amended dwelling design for Plot 1 and the relocated flood attenuation measures. Their further comments are as follows:

- The new plans for Plot 1 show no (or negligible) reduction in ridge height but an increase in building footprint over 50% primarily to accommodate an indoor swimming pool. There is still a third floor, now concealed apart from a gable end window, within the increased roof space, but no details on the plans relating to this floor. The plans for this dwelling continue to ignore the fact that the house is in completely the wrong place and in their and the Inspector's opinion, there should be no building to the west of the Bridge End farm track.
- The Parish Council's response does not cover the indicative drainage swale now being proposed as it is outside the red line of the application site and has to be the subject of a separate and subsequent application.
- Note that officers will be using the 151 original third party representational letters as the basis of their recommendations as they are clearly unaware of these belated amendments.
- Wish to register their strong concerns as to how this application can be determined when a fundamental requirement of the Environment Agency regarding flood alleviation, is outside the red line and has to be subject to a separate application.
- Feel strongly that a completely new application incorporating all aspects of the scheme, including flood alleviation if necessary, should be made. In this respect it is noted that no notice has been given to the tenants of the land involving the flood relief scheme.

Internal Consultees

National Park Authority (Archaeology): Require further information as the current heritage strategy is not sufficiently detailed to fully inform the impact of the development of standing and below ground heritage assets on the site. Suggest a written scheme of investigation should be produced. Request further information on the historical development of the cheese factory site and an addendum to the archaeological report following the relocation of the flood attenuation measures into the field on the south side of Stonewell Lane.

No reference to the impact of the flood alleviation works or recognition of the industrial archaeology of the site or proposals of how that should be recorded.

Recommend that a condition be attached requiring that no development be undertaken until a programme of archaeological work, including a Written Statement of Investigation be submitted to and approved by the Authority.

National Park Authority (Built Environment): Recommends refusal as the scheme is an inappropriate development in both townscape and architectural terms. Lack of connection and cohesion with the existing built form of the village. New development would appear as a separate enclave quarantined from the village. Would prefer to see no gap between the existing and proposed housing and ideally be erected on both sides of Stonewell Lane. The density of the development needs to be reduced.

Plot 1, is unacceptable as it is a pastiche of C17 Derbyshire Hall which devalues the originals in the National Park. Only a few of the proposed dwellings have vernacular proportions (gable width and eaves height). Detailing throughout the entire scheme represents C18.

No objection to the conversion scheme for the existing buildings.

Overall scheme resembles an estate of executive houses rather than a natural extension to Hartington which will be clearly visible in the landscape.

The amended design for Plot 1 is better in principle, but wrong in detail terms. The house is hopelessly over-scaled. The 10 metre gable width is completely unacceptable, as is the resultant 10.5m ridge height. The frontage length (19.5m) is excessive for what elevates as a three bay

house. Even the subsidiary gable has a 7.5m gable width. Consequently the amended design is not an acceptable reinterpretation of the local vernacular. If that is the intention, it needs to be scaled back to more reasonable proportions. This amended dwelling design does not resolve the previously relayed comments and criticism of the site layout and its lack of connection/cohesion with the existing village.

National Park Authority (Ecology):

Concerns raised that further emergent surveys are required to assess the nature and extent of the brown long-eared bat roost found in the northernmost traditional building which is to be retained and converted. Advises that the application should not be determined until these surveys have been carried out during May-June, at the earliest, and appropriate bat mitigation has been put in place.

Evidence of the presence of another protected species in the northern tree bund, which is proposed for removal as part of the scheme. Further clarity and discussions are required and if this is subsequently found to be active, it should be retained within the scheme. Pre-cautionary conditions should be attached to any future permission to protect nesting birds.

The proposed scheme also provides opportunities for additional biodiversity enhancements. These would include the provision of a wildflower meadow within the restored grassland area to the south of Plot 1 and the provision of features suitable for bat use within some of the buildings on the housing development. Whilst not specifically designed with wildlife in mind, the flood alleviation attenuation swale and reopened culvert will provide a beneficial habitat feature in its own right.

National Park Authority (Landscape): Acknowledge that the current industrial buildings and chimney dominate the landscape and are out of character in relation to Hartington due to their size, therefore their removal is welcomed. Submitted LVIA is fair but does not consider viewpoints from higher ground to the east of the development or from the road into Hartington from the south.

Overall the proposal provides significant improvements over the original application as visual landscape enhancements and improvements to the character of the area will be achieved. However, recognises some details are missing, (e.g. highways) and therefore suggest, if approved, a condition be attached requesting detailed landscape scheme.

Other detailed points included:

- Require a tree and woodland management programme for trees and woods outside and inside the application area. Deal immediately with dead trees south of the site, Ash die back and maintaining woods / trees for the future. Overhead power cables affecting trees at plot 26 need to be addressed.
- There should be a reduction in clump planting and greater emphasis on linear boundary planting. In particular new planting on the eastern boundary of the new green field area to the south of plot one.
- Assessment needs to be carried out to determine if vehicular access to barn conversions will have an impact upon existing trees in the paddock along the eastern side of the barns. Compensation planting needs to be carried out if appropriate.
- No details have been provided for the proposed upper stream attenuation area. Suggest it should be cut and grazed but consideration should be given to its future management and by improving the diversity of the sward by seeding and management regime.

- Large isolated building on the edge of the western field, (plot 1) does not relate well to the other proposed housing or development within Hartington and the wider area. Size and location of the building has adverse impact on the character of the area and therefore it should be omitted from the development.
- Plot 1 clearly visible in landscape from No.7 Staffordshire footpath 30 resulting in adverse impact from this viewpoint. Therefore suggest the dwelling in reduced in size and scale, in particular height, if the dwelling is retained. Simplifying the design will allow it to reflect an isolated traditional farm building.
- Curtilage to plot 1 made smaller to reduce its westward extent.
- Post and rail fencing replaced with stock proof fencing
- Acknowledges varied street scene reflects traditional parks of Hartington, however, concerned about potential footpaths required by Highway Authority.

In respect of the revised plans, comments that the building on Plot 1 still looks very large and out of character with the area. There has been some progress to make it look like a farm building but the proportions are still incorrect. The boundary of this plot also need to be defined by a drystone wall and should be smaller than shown. How this links into the adjoin field is important.

The road leading to Plot 1 which runs north-south requires the planting of three trees along the western boundary at uneven spacing to help break up the outline of the proposed buildings.

The existing tree to the north of the converted barn is still retained despite engineering works taking place under the canopy.

Other concerns relating to management of existing trees within and outside of the application site have not been resolved.

The indicative relocated flood attenuation measures (open watercourse) although not part of this application need to be tied into with a section 106 agreement. Initial comments are that as shown on the indicative drawing, the slopes are too steep as shown on the proposed sections.

National Park Authority (Ranger Service): Advise the applicant approach the Highway Authority with a view to assessing the need for a temporary closure of the Right of Way through the site for the duration of any works to protect public safety.

National Park Authority (Tree Officer): Any planted screening should be maintained and managed appropriately. Able to discuss long term management plan is the application proceeds to enable a suitable living green infrastructure to ensure it is a valuable part of the new development.

Representations

Due to the large number of representations received from outside of the National Park as well as from local residents, the representations have been analysed in two separate categories – one from residents likely to be directly affected by the development, and one from those who may be affected by virtue of connections to the village or tourism interests.

58 representations had been received from local residents by Friday 14 November, the consultation deadline. A further letter was received just after the consultation deadline. All are letters of objection apart from one letter of support.

36 specifically refer to the fact that they feel the size and scale of the proposed development is inappropriate for Hartington, 28 consider the development will provide executive homes creating an housing estate, 45 think that the affordable housing provision is inadequate and 20 consider there is no justification for the large house located at the western end of the site and the proposal should only be built on the footprint of the factory only.

20 consider that the development would harm the character and feel to the village and 10 think the scheme would result in adverse landscape and visual impact which will also fail to conserve wildlife and cultural characteristics. 16 also deem that major development should only occur in exceptional circumstance and one unfortunate development should not be replaced with another.

Other common issues raised include the fact that there are no village facilities are proposed as part of the development and no employment will be created as a result of this. New houses will also be occupied by commuters who will travel unsustainably and will not contribute to supporting village services.

Other comments are as follows:

- The proposals are contrary to national and local planning policy
- The developer's viability assessment is inaccurate as quoted build costs are near double the quotes in previous outline application
- The proposed flood attenuation scheme would result in adverse impact on the green field as it is understood to be an ancient ridge and furrow field
-
- Presumption against major development in National Park
- The proposal does not satisfactorily address all the criticism in the Inspector's appeal decision letter
- Scheme does not represent an organic expansion of the village creating an unimaginative housing estate
- The only benefit will be for the developer
- No improvement over the last scheme
- Development will be an imposition on the nearby farm
- The dwellings will become second homes or holiday lets
- No provision for elderly people such as single storey dwellings
- In favour of the provision of starter homes and community facilities
- In favour of the site's redevelopment but at an appropriate scale
- The developer has failed to take account of the village's views as expressed in the pre – application questionnaire
- Would support a smaller scheme, 15 houses was specified in a number of letters
- Even though the scheme has been reduced, still too many dwelling on the site
- Houses will sit empty and not be occupied
- The proposed dwellings are too expensive and out of price range for younger families in particular
- Local residents will not be able to afford the dwellings
- Concern regarding parking and access to the site is inadequate
- It is the wrong type of development for the site
- Workspace has been removed from the scheme. No provision for additional employment
- Number of dwellings reduced but their size increased
- Concern large farm vehicles will not achieve access at all times
- Land should not be developed west of the track
- Inadequate number of affordable dwellings
- Insufficient local infrastructure to support the increased traffic
- Ratio of smaller properties to open market is out of proportion
- Different style, character and size of dwelling compared to those in the village

- Socially imbalanced development
- Factory should remain until a more appropriate development is proposed
- Only benefit to local community is 4 smaller dwellings
- Unsympathetic to the wishes of the villagers
- Existing factory should be removed and site returned to greenfield
- Dwelling will be occupied by commuters
- The green field where the attenuation system is proposed should remain
- Site should remain as greenfield
- School may not benefit from the scheme
- The school and doctors surgery shouldn't be crowded for residents.
- Siting next to a farm access is likely to cause conflict at times
- Size of development will assist with the sustainability and growth of the village
- Increase in people will aid existing business within Hartington

In addition to this 8 letters of representation were also received stating objection but specified no reasons for this view.

63 representations were received from tourists, visitors to the village and people with a previous or existing connection to the village (e.g. family or land ownership). (54 objections, 8 letters of support).

29 specifically refer to the size and scale of the development being inappropriate and 28 are concerned that the affordable housing allocation is inadequate. 16 are concerned the development will provide executive homes and 6 consider any development should be confined to the original factory footprint.

20 consider that the development would harm the character of the village and 19 think the scheme would result in adverse landscape and visual impact. A further 9 consider one poor existing development should not be replaced with another.

These representations also raise the following issues:

- The size of the development is disproportionate to the village
- There are not enough affordable homes proposed
- Development is not sufficient enough to help young people in the village
- Unaffordable dwellings will be holiday cottages
- Development has the appearance of a modern housing estate
- Proposed large dwelling will appear out of context with the remainder of the estate.
- No benefit to the residents
- Not opposed to a smaller scale development on the site
- Potential of larger dwellings to become second homes
- Recognise opportunity to remove factory but a more sensitive development required
- Development not tailored to the needs of a working village
- Development should remain on original factory footprint
- The development will provide landscape and visual impact
- Not enough facilities in the village to support additional dwellings
- Site not integrated into the village
- Single dwelling to the west of the development dominates the appearance of the proposal
- Site could easily be returned to green field.
- Loss of site for community facilities is disappointing

The following responses supported the application:

- The proposal will support the vitality and viability of the village and its facilities
- There is an open market requirement within the National Park

- More housing is required to support rural enterprises
- Positive scheme as removes the unsightly factory
- Good design
- Proposal will assist with the sustainability and growth within Hartington
- A more acceptable and modest proposal in comparison to the previous scheme
- Ease pressure on the remaining housing stock within the village

Main Policies

National Policy

As the current application seeks permission for more than ten units of housing, the proposals are considered to comprise 'major development'. GSP1 (D) in the Authority's Core Strategy says that in securing National Park purposes major development should not take place within the Peak District National Park. Major development will only be permitted following rigorous consideration of the criteria in national policy.

Paragraph 116 of the National Planning Policy Framework says that planning permission should be refused for major developments in National Parks except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Paragraph 115 states that 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. The conservation of wildlife and cultural heritage are important.

The NPPF recognises the value and importance of pre-application engagement. It also recognises that planning obligations may be required to make a development acceptable but they should only be sought where necessary, directly related to the development and fairly and reasonably related in scale and kind of development.

In rural areas, the NPPF states that one of its objectives is to raise the quality of life and the environment in rural areas by promoting thriving, inclusive and locally distinctive rural economies. Affordable housing provision should be a major consideration and consideration should be given as to whether allowing some open market housing would facilitate the provision of significant additional affordable housing to meet local needs. Housing should not be in places distant from local services. The planning system should ensure access to open spaces and recreation facilities that promote the health and well-being of the community. Heritage assets should be conserved in a manner appropriate to their significance.

Developments should ensure that travel arrangements support reductions in greenhouse gas emissions and congestion, and promote accessibility through planning for the location and mix of development. Proposals for development should demonstrate that opportunities for sustainable transport modes have been taken up depending upon the nature and location of the site, and safe and suitable access to the site can be achieved.

Local Policy

Core Strategy

Hartington is a named settlement under policy DS1 of the Core Strategy. In broad terms this means that the principle of development may be acceptable in or on the edge of the settlement. The policy also states that 80 to 90% of new homes will be directed to Bakewell and other named settlements.

Policy GSP1 relates back to the Park's statutory purposes and states that applications for major development within the National Park will only be permitted following rigorous consideration of the criteria in national policy. Where a proposal for major development can demonstrate a significant net benefit, every effort to mitigate potential localised harm and compensate for any residual harm would be expected to be secured. Policy GSP2 builds upon this by stating that opportunities should be taken to enhance the valued characteristics of the National Park and, (in part D) specific opportunities should be taken to remove undesirable features or buildings. This is expanded in policy L1 which relates directly to enhancement of landscape character, and policy L3 relating to the conservation and enhancement of features of archaeological, architectural, artistic or historic significance.

Policy GSP3 refers to development management principles. In this case, the application is made in outline with all matters reserved. Relevant criteria listed in this policy relate to appropriate scale of development in relation to the character and appearance of the National Park, impact on access and traffic, and impact on living conditions of communities. Policy GSP4 recommends the use of conditions and legal agreements to ensure that benefits and enhancement are achieved.

The supporting text to policy HC1 clearly sets out at paragraph 12.18 that new housing in the National Park is not required to meet open market demand. However, paragraph 12.19 goes on to acknowledge that the provision of open market housing is often the best way to achieve conservation and enhancement or the treatment of a despoiled site and makes specific reference to the redevelopment of employment sites (this is followed through in E1D).

Policy HC1 itself states that provision will not be made solely to meet open market demand, but exceptionally new housing can be accepted where it meets A) local needs, B) provides for key workers, or is Cii) required in order to achieve conservation or enhancement of non-conforming uses in settlements listed in policy DS1. Compliance with this policy also depends upon compliance with policy GSP2. A further caveat is that the development must also meet identified local need if more than one open market unit is to be created. However C (iv) recognises that this affordable provision must be financially viable, although the intention is still to maximise the proportion of affordable housing within any viability constraints.

Policy E1 relates to economic development in towns and villages. Proposals for business developments are acceptable in DS1 settlements as long as they are of an appropriate scale and reuse existing traditional buildings. Crucially, policy E1D states that where the Authority consider an employment site to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses.

Other relevant policies include policy CC1 relating to environmental management measures, CC5 relating to flood risk and the presumption against development which increases flood risk, policy HC5 which allows for the provision of community services and facilities in DS1 settlements, and policy T1 which aims to reduce the need to travel by unsustainable means.

Saved Local Plan Policies

Policy LC5 of the Local Plan refers to developments which are within, or have the potential to affect the setting of, Conservation Areas. Important considerations relevant to an outline application include the scale, height and form of the development.

Policies LC16, LC17 and LC18 refer to the protection of archaeological features; site features or species of wildlife, geological or geomorphological importance; and safeguarding nature conservation interests respectively. All seek to avoid unnecessary damage and to ensure enhancement where possible.

As affordable housing is proposed in this development, policies LH1 and LH2 are relevant as they set out the requirements in terms of the occupancy of affordable housing units. LH1 relates to the circumstances in which a person can occupy an affordable housing unit. They must be in housing need, with that need unable to be met by the existing housing stock. It requires that a potential occupant meets local occupancy requirements as set out in policy LH2 and that the units are of a size and type likely to stay affordable in perpetuity.

Transport policy LT11 refers to minimising the impact of car parking associated with residential development.

Other Relevant Documents

Affordable Housing SPG

The Housing SPG sets out in more details the criteria that both affordable housing units and the occupants of affordable houses should meet. The SPG requires the input of a Registered Social Landlord for developments of more than three units. Units of more than 87 square metres are not considered to be affordable.

The SPG introduces the concept of controlling occupancy by S106 obligations and refers to a cascade system to prevent affordable housing units potentially sitting empty for long periods of time. Under this cascade system, housing units are first marketed to someone who meets the local occupancy criteria within the Parish or adjoining Parishes. If a suitable occupant has not been found within 3 months, the property can be advertised to those who meet the occupancy criteria in contiguous parishes or those who have 5 years occupancy in the parish or adjoining parishes. If after a further 3 months no suitable occupant is found, then the property can be advertised to those who live within all parishes lying within or partly within the National Park.

Employment Land Review

The Employment Land Review was written at a time when it was assumed the Hartington cheese factory would stay in production. It gives little detail, therefore, on the future viability of the site. Overall, the review concludes that the most viable employment sites in the National Park are located in Bakewell and the Hope Valley rather than in outlying villages with access constraints and communications difficulties. It also states that there is a general over supply of employment land in the sub-region and that there may be scope to lose existing employment sites.

Landscape Strategy

Hartington lies within the South West Peak. This is characterised by a diverse range of landscapes from unenclosed moorlands and settled uplands to river corridors in the lower valleys. The cheese factory site fits within the definition of Riverside Meadows where the priority is to protect the diversity of the river corridor landscape and manage the landscape to provide flood water storage, helping prevent flooding elsewhere along the river corridor.

Assessment

Issue 1 - Whether, having regard to local and national policy, the material considerations in this case would amount to the exceptional circumstances necessary to justify major

development in the Peak District National Park, with particular reference to: the effect on the character of both the landscape of the National Park and Hartington including the setting of Hartington Conservation Area; the provision of community benefits; and, the economic viability of the development proposals.

Principle of Development

The proposed redevelopment site is brownfield land on the edge of a settlement identified in Core Strategy policy DS1. Development is therefore acceptable in principle subject to compliance with other national and local policy considerations. Under Core Strategy policy E1D it must first be established whether or not the site is still required for employment uses. As this is a major development in a protected landscape, the acceptability of the principle must also consider the tests set out in the National Planning Policy Framework.

Loss of Employment Space & Impact on the Local Economy

The cheese factory site was not designated as employment land by the Local Plan. Core Strategy policy E1D allows for the reuse of employment sites for other uses where they are no longer appropriate. It states that in these circumstances, opportunities for enhancement will be sought which may include redevelopment to provide affordable housing or community uses. The first step is therefore to identify whether or not the continued use of the site for employment purposes is still appropriate and valued, particularly as the Framework prioritises sustainable economic growth.

The Peak Sub-region Employment Land Review identifies an over-supply of employment land in the sub-region and suggests that the amount of existing employment land could be reduced significantly. The study recommends that the future viability of employment sites should be assessed against factors such as ease of access, conflict with neighbouring uses and remote location.

The cheese factory was never a planned industrial site and the employment uses evolved by chance and circumstance over a period of over 100 years; as such, it is a 'non-conforming use' in terms of the surrounding development and its setting. As the site has an established B2 use, the existing buildings could be reused for a variety of employment purposes, including heavy industrial uses, without the need for planning permission. This would not necessarily be of direct benefit to either the local community or the National Park.

As with the previous proposal in 2012, Officers consider that it is highly unlikely that an employment use would reoccupy the existing factory buildings and bring them back into productive use due to the site constraints that now exist in terms of access to the road network and lack of reliable telecommunications infrastructure (e.g. broadband and reliable mobile phone reception). It is accepted that the site was marketed for sale once production at the factory ceased, and that no interest was expressed by any party who intended to reuse the site for employment purposes. No evidence has been provided to the contrary. In this respect, the principle of a reuse for affordable housing or community uses is acceptable under policy E1D.

It should also be noted that when the cheese factory was operational, it is stated via a statutory declaration in the application documents (made by the previous site owners), that only 5% of the workforce resided in Hartington.

In terms of national policy guidance in the Framework and Core Strategy policy E1, there is support for the reuse of traditional buildings in rural areas for employment purposes. In this respect, the proposal to reuse the stone buildings on the site for employment purposes as proposed under the previous 2012 application was considered to be a more proportionate and sustainable offer than seeking to find a general industrial end-user to revive industrial processes

at the whole site. The current scheme, however, proposes to convert these buildings to open-market dwellings. Given the proximity of the buildings to the proposed residential development, officers now consider that the loss of this employment space element from the scheme is not significant enough to warrant refusal of the scheme on these grounds.

An increased residential population if the site is redeveloped has the potential to bring benefits to the local economy as new residents would be likely to access and support local shops, pubs and other community facilities within the village.

Officers therefore conclude that the redevelopment of the cheese factory site would be consistent with Core Strategy policy E1D, and reuse of the whole factory site for industrial purposes would not necessarily be desirable in any event. The increased population has the potential to support and benefit the local economy consistent with the first test for major development in PPS7.

Need

National Planning Policy Framework states that major developments in National Parks should only be considered in exceptional circumstances and only then if there is a demonstrable need for the development (including national need), if the development could not be accommodated elsewhere, and if there are no significant effects on the environment, landscape, and recreational opportunities resulting from the development.

Firstly, there is no pressing national need for this development as would be the case with a strategic infrastructure or defence project, for example. However, the National Park is a national asset and the protection of the landscape is the Park's first statutory purpose. In that sense, there may be national benefits to redeveloping the site.

Officers consider that, in landscape terms, there is a need to remove the existing factory buildings because of the detrimental effect they have on the landscape in this area of the National Park. The factory buildings are clearly visible from both long and close range vantage points, particularly because of the massing of the factory buildings and the tall chimney. Although some people may accept the buildings in their setting, it is clear that they do not preserve or enhance the setting of the Hartington Conservation Area or the landscape of the National Park. This view was endorsed by the Planning Inspector at the appeal.

The proposed development has the potential to offer significant landscape enhancement over and above the existing situation. This is consistent with policy E1D of the Core Strategy. The numbers and massing of the buildings and area of land-take as now amended will be significantly reduced from that previously proposed in 2012. The current scheme (as amended) now omits the 8 dwellings and car parking area for the business units proposed in the field to the east of the main complex, reduces significantly the incursion of the dwellings and associated garden areas into the field to the north, and returns a significant part of the site at the western end to green field. Additionally, there are no recreational facilities proposed in the field to the south of Stonewell Lane. Whilst it is now proposed to use this field to provide the relocated flood attenuation measures, this will appear as an open brook in the field, which subject to being designed sensitively would not detract from the landscape character of the area. Officers consider that the proposed scheme addresses the concerns raised by the Planning Inspector in respect of the previous scheme that this part of the village would lose its present agrarian character and become too suburban in nature.

Rather than deterring tourism as is suggested by some representations, the beneficial landscape effect proposed by the current scheme is more likely to increase the attractiveness of the area for recreational opportunities, improving the sustainability of the local tourist economy.

In terms of the 'need' for the development, therefore, the proposals in principle accord with the National Park's first statutory purpose and offer the opportunity to significantly enhance the landscape of the National Park. In this respect, the proposals accord with national policy guidance in the Framework, and Core Strategy policies GSP1, GSP2, L1, L3, E1D and Local Plan policy LC5.

Second, it must also be considered that the great majority of the proposed development site is located on previously developed or 'brownfield' land and the parameters of the proposed built development are directly related to the boundary of that brownfield land. In national policy terms, the reuse of this land for development is prioritised. The scale of the development is felt to be appropriate because it efficiently reuses land that has been despoiled by previous uses (the issue of encroachment into greenfield areas is discussed in detail below). The development of this site potentially protects undeveloped land elsewhere in the National Park. In this respect, there is no need to assess whether or not it would best be provided outside of the Park. This is a windfall site, the development of which accords with the thrust of national policy and has the potential to enhance the landscape of the National Park.

In strict terms, previous national guidance under PPS3, suggested that a site of this size (circa 4.5 ha) should accommodate somewhere in the region of 135 units rather than the 26 units proposed. However, due to its location in the National Park and to ensure that the proposals blend with the existing form of development in Hartington, it is felt that the proposals offer a more appropriate scale of built development.

In terms of the third 'test' in the Framework, the potential impacts of the development on the environment are considered in later sections of this report.

Development of Greenfield Land

The majority of the proposed development site is now located on brownfield land that has previously been used in association with cheese production. This brownfield land is not restricted to the footprint of the buildings but also includes former car parks, the sewage treatment plant and storage areas. However, officers acknowledge a small part of the development, i.e. the flood attenuation swale, is now proposed on greenfield land which has a lower priority for development.

As originally submitted the current proposal omitted the proposed residential development of the present field to the east of the DDS factory complex, but still proposed the remodelling of this field to accommodate flood attenuation measures. These measures proposed the creation of a dry basin designed to collect and regulate the flows of water run-off from the village during adverse rainfall events, thereby protecting existing properties in the locality and the proposed new residential development. These flood attenuation measures would have adversely changed the character and form of the present field, which has a well-used public footpath running along its western edge. Representations have been received about the changes to the field, particularly as there are known to be some archaeological remains on the site in the form of ridge and furrow earthworks. The flood attenuation measures for the current scheme have now been amended, omitting any changes to this field and thereby preserving the enjoyment of users of the public footpath that runs through the field.

Therefore, the current scheme as amended now excludes any greenfield land, save for the flood attenuation measures now proposed in the field to the south of Stonewell Lane. However, these comprise the formation of an open brook in this field, which if designed and implemented sympathetically would not 'read' as part of or an extension of the residential development proposed on the brownfield site of the DDS complex on the other side of Stonewell Lane.

Officers acknowledge that the current scheme still occupies brownfield land that was not occupied by factory buildings, but nevertheless this land is still classified as brownfield land. It should also be acknowledged that significant parts of the present brownfield land to the north and south-western corner of the brownfield land, previously proposed for dwellings and gardens in the 2012 scheme are now to be returned to green fields.

On balance, and given the Planning Inspector's views together with subsequent representations received in respect of the development of the field to the east of, officers now consider it appropriate to concentrate the residential development within the extent of the brownfield factory site. The development would then 'read' as a closely associated outlying cluster of properties separated by the existing field, thus minimising the impact on the setting of the main village and the Conservation Area and avoiding the previously stated concerns that its physical connection to the village would create an anomalous limb to the western edge of the village. This approach would also reflect similar situations in other villages elsewhere in the National Park, which have the main body of the village, but with nearby clusters of residential development that are physically and visually separated, but are close enough to be socially related to the main village.

The established tree planting alongside the western edge of this field would also serve to mitigate the impact of the residential development beyond to the west, when seen from the closest viewpoint from the section of Stonewell Lane from the village proper and along the existing public footpath through the field.

National planning policy does not preclude the development of greenfield land where it can be justified but it does sequentially prioritise the redevelopment of brownfield land. In this case, it is considered that the successful redevelopment of the brownfield site depends upon a small greenfield incursion into the field to the south of Stonewell Lane in order to provide appropriate flood mitigation measures, and that this element of the proposal is therefore justified. It is also notable that the Authority's archaeologists have no specific objection to the development of this site subject to archaeological monitoring which can be controlled by condition. In this respect, the proposals accord with PPS5, Core Strategy policy L3 and Local Plan policy LC16.

Moreover, it is considered that this relatively minor change to the character of the green field to the south of Stonewell Lane this should be balanced against the improvement to the character of the wider area and therefore the 'visitor experience' as a whole.

On balance, officers consider that there are significant benefits to be gained by developing the greenfield area as shown on the indicative plan. This development is justified in social, functional and design terms and is therefore compliant with policies in the Framework and Core Strategy policies GSP1, GSP2, GSP3, L1 and L3.

Conclusion Relating to the Principle of Development

The foregoing assessment has demonstrated that the principle of the redevelopment of this site is acceptable, accepting that it is 'major' development. There is a clear need to improve the landscape character of the local area, the site is previously developed, the use of a small section greenfield land can be justified, the reuse of the entire site for employment uses is no longer appropriate, and there are unlikely to be significantly negative economic impacts as a result of allowing the proposed redevelopment. It is therefore necessary to consider whether the proposed number of units and the ratio of affordable housing provision can be justified under policy HC1 of the Core Strategy.

Viability

Policy HC1 of the Core Strategy states that new housing may be allowed in exceptional circumstances where it is required in order to achieve the conservation and/or enhancement of

non-conforming uses in settlements listed in policy DS1. It has already been established that Hartington is a DS1 settlement, that the current factory represents a non-conforming use and that the proposed scheme would, in principle, offer significant landscape enhancement.

There is, however, an expectation under policy HC1 that, if greater than one unit, the development must also address identified local need and be affordable and policy E1D requires former employment sites to be redeveloped for community benefits such as affordable housing.

In the case of Hartington, a housing needs survey carried out by the District Council's Rural Housing Enabler in April 2014 identified 19 households in need of affordable housing across the parishes of Hartington Town Quarter, Hartington Nether Quarter and Hartington Middle Quarter. Therefore, the expectation that the developer provide affordable houses on the cheese factory site is justified by identified local need as well as by the requirements of policy E1D.

The use of open market units to cross-subsidise the provision of affordable housing is suggested by the Core Strategy and the Framework, i.e. using open market houses as 'enabling development'. Policy HC1 makes it clear that if open market housing is to be allowed, the corresponding level of affordable housing provision must be fully justified by a viability assessment (Development Appraisal).

As there is a strong presumption against the development of open market housing in the National Park, there is an assumption that the level of any open market 'enabling development' permitted will be sufficient to fund the provision of affordable housing and any other benefits, and achieve an acceptable level of profit for the developer only. The developer must be allowed to make some profit in order to incentivise the provision of community benefits, to enable a high standard of design and materials, and ensure that the proposals have a reasonable chance of being brought forward. However, the developer's profit must not be out of proportion to the facilities being provided and must recognise the policy concessions being made by allowing development in the National Park.

In the previous scheme in 2012, it was considered that the balance between the social, community and landscape benefits and the level of profit for the developer was disproportionate in favour of the developer and this view was endorsed by the Inspector at the subsequent appeal. In discussions with the Authority's officers it has been agreed with the developer that the maximum yield he should expect from the development should not exceed 15%. This return is considerably below what would be expected by a developer approaching the project for the first time, which is expected to be in the range of 20% to 25% measured against sales yield). Given the omission of the community recreation facilities proposed under the previous proposal, a return of 15% is considered to be an appropriate level of return for the present scheme, which still includes provision for four affordable local needs housing units, albeit this represents a reduction of two local need units as previously proposed.

A Development Appraisal and summary of the development costs accompanies this proposal. This has been submitted openly with the application documents to demonstrate, from the applicant's perspective, that the number of open market houses proposed is directly proportionate to the costs of providing 4 affordable housing units, associated site infrastructure as well as the costs incurred by removing the existing factory structures and remediating site conditions. This Development Appraisal has been assessed by the Authority's officers without reference to any outside financial consultants, but is assessed with reference to the findings of the independent financial consultant employed by the Authority on a recent proposal in Bakewell.

Unlike the previous 2012 proposal, this current scheme is a full application and therefore more accurate assumptions can be made in respect of the total build costs, given that the size of the dwelling and building materials are known.

The submitted summary of development costs show that the total cost of the development including the site acquisition costs/construction costs/professional fees/planning consultant fees/planning and building regulation fees/estate agent and marketing @1.25%/legal fees @ 0.25%/marketing/interest ~ 2 years @8%, is £7,923,145.

The expected income from the sale of the houses is £9,071,400, which achieves an overall yield of £1,148,255 or 14.5%. Representations from the Parish Council and other third party representations have disputed these costings, particularly in respect of the building construction costs, which they have doubled from the figures given in the development appraisal which accompanied the previous proposal.

The average build cost for the houses on the current scheme amounts to around £1491.00m². Whilst the build costs in the current application are around double those quoted in the previous 2012 proposal, these reflect current market values, which are in the region of £1350m². The applicant has confirmed that this higher build cost figure reflects the high standard of construction and materials and also has a contingency of around 5% built into these costs

Given that in most schemes of this type a yield of 20%-25% is considered to be appropriate in relation to the risks involved in proceeding with such development, officers consider that the scheme, which is projected to give a 15% yield is of an appropriate scale and the minimum that is required to ensure that the development would be able to proceed.

The proposed development will also provide four affordable local needs units and the applicant has confirmed that there is no viability barrier to the inclusion of the four local needs units within the scheme. Given the proposed siting of the local need units within the middle of the development, however, it may prove difficult to ensure that these are constructed in phase one of the development, as was envisaged with the previous 2012 scheme. Consequently, the provision of the local needs housing needs to be carefully controlled to ensure that they are provided before the bulk of the open-market housing is occupied. It is considered essential that this requirement for the timing/phasing of the building of the local needs housing is incorporated into the Section 106 legal agreement.

Whilst concerns have been raised in respect of the small proportion of local needs housing in relation to the number of open-market dwellings proposed, the submitted development appraisal demonstrates that the viability of the scheme involves tight financial margins. Additionally, the DDDC rural housing enabler has confirmed that four units is an appropriate number for Hartington Town Quarter, with the possibility of further local need dwellings being provided in Hartington Nether Quarter parish at Biggin.

In conclusion, the submitted development appraisal is considered to be acceptable and, given the normal expected yields on development such as this, has demonstrated that a development of this scale is required in order to enable the redevelopment of the site. As submitted, the proposed development shows viability, albeit marginal, when compared to normal expected yield. Consequently, the proposed ratio of local needs housing to open market units is therefore justified and to reduce the level of open market housing or increase the ratio of local needs housing would probably render the scheme unviable. The local needs housing will be provided before the completion of the whole development and their provision can be controlled by S106 agreement. The application therefore complies with Core Strategy policy HC1.

Occupancy of Affordable Housing Units

The affordable housing units would be occupied by people who have a local qualification. The policy section of this report sets out the restrictions on occupancy imposed by policies LH1 and LH2 of the Local Plan and the Affordable Housing SPG. These restrictions are translated into legal (S106 obligations) which the eventual site owner (in this case a Registered Social Landlord)

will be bound by. This means that the units will always be occupied by individuals in housing need from within parishes that fall within the National Park's boundary. As there is an identified local need within the Hartington Town Quarter backed up by current 'Home Options' information from the District Housing Authority, it is more likely that the final occupants will be from either the parish or adjoining parishes. In the unlikely event that there was any occupancy in breach of these obligations, it would be unlawful and would be enforced against.

Whilst it is acknowledged that the open-market dwellings are of a size and type that would not be within easy reach of young local residents in particular, the proposed local needs housing element will address this issue by providing four modest-sized housing units whose purchase price will be reduced by around 25%-30% in relation to equivalent open-market values in the locality, and will be controlled in perpetuity through the Section 106 legal agreement.

Time Limit for Development

Detailed applications generally allow a three year period for the implementation of the consent. For proposals that involve the erection of local needs housing, this period is reduced to two years to ensure that the local need housing is provided on the basis of the current expressed need for local housing. In this case, because the acceptability of the scheme is based on meeting a current need for affordable housing and a viability assessment undertaken in current market conditions, officers recommend that this timescale should be reduced to a period of two years in this instance. This will ensure that the proposals continue to meet identified need and current policy considerations at the time they are implemented.

Potential Environmental Impacts

Although the application does not require a full Environmental Impact Assessment, the application is accompanied by a comprehensive package reports assessing the potential environmental impacts of the development. The findings of these accompanying assessments have been reviewed by statutory consultees.

Traffic and Transport

The submitted Traffic and Transport Assessment has been revised to accommodate the reduced scale of the scheme now proposed, which the omission of the community recreational facilities on the south side of Stonewell Lane and the proposed public car park. This demonstrates that as with the previous proposal in 2012, there will be no significant increase in peak time movements from the site when compared to its former use as a factory. The impact of the development on local traffic issues is not therefore considered to be significant.

The executive summary in the Transport Assessment also refers to the fact that highway matters did not form part of the Authority's case in respect of the Public Inquiry on the previous application and that, given the reduced scale of the present scheme and the omission of the community facilities, it concludes that any highway impacts would be reduced as a consequence.

The Highway Authority has responded to this by accepting the general conclusions relating to vehicle movements, but has raised several concerns about the detailed layout of the estate roads, particularly in respect of visibility sightlines and the provision of appropriate swept paths vehicle at junctions and bends in the estate road, the provision of appropriate visibility sightlines from individual accesses and also the need to restrict road widths to provide traffic calming measures within the estate. Further discussions have taken place with the Highway Authority and amended plans have been submitted by the agent in order to address these issues. The Highway Authority has given initial comments that these amended proposals appear to meet their concerns, subject to some slight setting back of the dwellings on plots 9, 10, 12, 15, 20 and 24. Most of these set-backs would be in the region of 1.0m – 1.5m. It is considered that these

matters can be dealt with by the attaching of appropriate highway conditions.

They have also asked that the applicant consider the future maintenance of road surfaces should they be in 'non-standard' materials, and the provision of a sum of money to install pedestrian safety features post-development should it be found that they are necessary. They also recommend liaison with the local refuse collection services and a change in priority at one of the proposed road junctions. These matters can be dealt with by condition.

In respect of the previous proposal in 2012 the issue of a £10,000 contribution to the Highway Authority to allow for pedestrian safety works to be implemented (should they be found to be necessary) was suggested by the Highway Authority and they have re-iterated this request in the current proposal. At the Public Inquiry in respect of the 2012 application, the Planning Inspector did not consider that a financial contribution was required given that the Highway Authority raised no objections and were unable to determine the need and scope of such works.

Whilst the Highway Authority acknowledges that this is a reduced scheme with fewer likely pedestrian movements because of the omission of the community recreational facilities and the public car park, they still maintain that the proposal would be likely to result in an increase in pedestrian activity along lengths of Stonewell Lane without any segregated pedestrian facilities. In respect of pedestrian safety. The Highway Authority therefore still recommends the funding of £10,000 be secured under a S.106 for a monitoring period of up to 5 years post full occupation of the development. This would enable any issues to be identified and mitigation works to be investigated and implemented should these be deemed necessary. Given these circumstances, officers consider, on balance, that it would be appropriate to require a financial contribution from the applicant in respect of this current scheme.

In terms of traffic and transport, many objectors have raised the issue of likely future occupants being commuters, travelling to and from work by private car. As there is only a limited range of local employment opportunities, this is likely to be the case. Public transport links through the village are poor and would not be a viable option for commuters. In this sense, an increase in the population of the site as a result of its redevelopment would not be compliant with the Framework which seeks to reduce carbon emissions, or Core Strategy policy T1 which encourages more sustainable forms of transport.

This lack of compliance with national and local policy in terms of travel and transport must, however, be balanced against the fact that the site could be reused for B2 uses which would experience similar unsustainable transport issues, and the scheme's more general compliance with the thrust of other national and local policy considerations.

Objectors have referred to the impact that the site's redevelopment may have upon the existing farm access to the west of the application site. The indicative plans show that a right of way across the site will be retained as a part of its redevelopment. Any issues concerning private rights of access are a civil matter and do not fall under the control of the planning process.

Ecology

The ecological assessment as originally submitted consist of a Bat Survey Report and a Badger Survey Report undertaken in August 2014, together with reference to previous survey reports and desk studies and surveys carried out in 2011. These reports focussed on a review of the habitat potential of the dairy site, the stone barns, the woodland buffer and the agricultural fields and existing drainage ditch. The potential for bats, breeding birds, another protected species and water vole was assessed in particular. The report concluded that there was the potential for bats, birds, another protected species, and water voles to be present on the site due to the existence of some suitable habitat; however the likelihood of this was assessed as being low.

The updated 2014 bat survey found that there is direct evidence of brown long-eared bats in the northernmost traditional barn (B3), which is considered likely to be a summer roost. There was also evidence of some bat activity in the southernmost barn (B4), however, this was considered to be transient rather than a regular roosting site. No evidence of roosting bats was discovered in any other building, although the stone building adjacent to Stonewell Lane was considered to be suitable for brown long-eared bats or *Myotis sp.* bat species.

The conversion of the northernmost barn was, therefore, considered to present potential ecological impacts, which would be an offence under the Conservation of Habitats and Species Regulations 2010 (as amended). These potential impacts include, disturbance of bats within a roost, destruction of a bat roost and causing harm to individual bats. Additionally these impacts may also apply to the other buildings in the traditional barn complex, the stone building adjacent Stonewell Lane and two mature trees along the field boundary to the south of the factory complex.

Although no evidence of nesting birds during the 2014 season was observed, there was evidence to suggest that birds had nested at the site before and these had been identified in the 2011 survey. It is therefore considered that birds have nested at the site in previous years and may therefore use it for nesting again in future seasons.

The bat survey report recommends that further dusk and/or dawn surveys are required for these buildings in order to better inform the nature and scale of the mitigation/compensation measures that may be required. In respect of mitigation the bat survey recommends the provision of alternative roost provision for brown long-eared bats for that which would be lost by the potential brown long-eared bat roost in the roof void of the northern most traditional stone building (B3).

Other mitigation measures include the careful stripping of roof tiles during the construction works to avoid any risk of causing harm to bats, and the scheduling of such works for early spring or late summer/early autumn, when bats are least likely to be present. A range of ecological enhancement measures are also suggested which include provision of bat-friendly soft landscaping, installation of bat roost features on new buildings (bat boxes, raised ridge tiles, and bird boxes). The recommendations in relation to birds consist of the undertaking of works outside the main bird nesting season. To this end, demolition and vegetation removal should be undertaken between September and February inclusive. If such works do occur during the bird nesting season, initial checks should be undertaken by an ecologist to check for the presence of any active nests.

In respect of another protected species, evidence of this was discovered within the bunded woodland area to the north-west of the building complex, which is proposed for removal as part of the proposed development. There was, however, very little evidence of recent activity. Based on the survey results, the site is considered to be within the territory of this protected species. The report concludes that this does not pose any constraint to the works, however it should be noted that this protected species may re-occupy the site at any time. If this was subsequently found to be active then it should be retained and protected during the construction works. The Authority's ecologist recommends that further clarity and discussions on this issue are required.

Consequently, the report recommends the following measures:

- A pre-construction survey for other protected species to be carried out prior to the commencement of the works.
- Any new mammal holes that are discovered at that stage or subsequently during the works, then work in that area to cease and the ecological consultants contacted for advice to ensure that no offences in relation to protected species are committed.
- In the event that the protected species is found to be present at the time that works need to be carried out the provision of exclusion zones would be necessary.

- Any additional constraints deemed necessary following the findings of the pre-construction survey.

The Authority's Ecologist acknowledges the recommendations in the submitted bat report, particularly in respect of the need to undertake further bat activity surveys in order to assess the nature and extent of the brown long-eared bat roost.

Natural England have been consulted on the development proposal, which is in close proximity to the Hamps and Manifold Valleys and the Long Dale Hartington Sites of Special Scientific Interest (SSSI). These SSSI's form part of the Peak District Dales Special Area of Conservation (SAC). They have confirmed that they are not likely to have any significant effect on the interest features for which the SSSI's SAC have been classified. Consequently, Natural England have advised that the Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

Natural England also comment that the application may provide opportunities for biodiversity enhancements in accordance with Paragraph 118 of the National Planning Policy Framework, together with opportunities to enhance the character and local distinctiveness of the surrounding built and natural environment.

In respect of the impacts of the proposed development on protected species, Natural England refer to their Standing Advice and the advice from the Authority's ecologist. The Authority's ecologist acknowledges the recommendations in the submitted bat report, particularly in respect of the need to undertake further bat activity surveys in order to assess the nature and extent of the brown long-eared bat roost. The information from these surveys can then inform any detailed mitigation/compensation strategy that will be required. The Authority's ecologist states that these surveys are required before the planning application is determined. Based on this survey work, appropriate consideration needs to be given to the surrounding design proposals such as the retention of trees, new planting and consideration given to lighting impacts. Two trees were also identified as having high potential for roosting bats. If works are required to these trees then further survey should be carried out to confirm the presence or likely absence of roosting bats. These survey works cannot be carried out until May to June.

A pre-cautionary condition is also recommended to protect nesting birds.

It is therefore considered that insufficient information and survey work has been provided to demonstrate that any potential threat to protected species as a result of the site's redevelopment would not present a risk to locally or regionally significant populations of protected species. In the absence of the emergent surveys, therefore, it is not possible to conclude at this time that appropriate mitigation has been proposed where any potential impact may be likely. Officers therefore recommend the addition of conditions such that detailed protected species surveys should be undertaken prior to the commencement of the development and that any necessary mitigation can then be designed into the scheme and subsequently carried out on the site.

The Authority's ecologist also states that this scheme provides an opportunity to provide significant biodiversity enhancements as encouraged in the National Planning Policy Framework and Core Strategy policies GSP2 and L2.

Whilst not specifically designed with wildlife in mind, the flood attenuation swale and re-opened culvert will provide a beneficial habitat feature in its own right. Moreover, there is great scope for wildlife enhancement than has currently been explored and proposed in the current scheme. For example, the Authority's ecologist recommends that the reinstated grassland area on the former car park (south of Plot 1) could be conditioned to be managed as a hay meadow.

There is also scope for inclusion of features suitable for bat use in some of the building beyond that which is required for mitigation of existing use, and inclusion of bird boxes, such as communal nest boxes for house sparrow.

It is considered that these additional biodiversity enhancements could be achieved through the attaching of appropriate planning conditions.

Ground Contamination

The applicants have submitted a Phase 1 Preliminary Risk assessment prepared by Cathelco Group (dated 2011), which was prepared in connection with the previous application in 2012. The report is a desk study covering the past uses of the site and the surrounding land.

This identifies that storage of fuels and other chemicals has taken place on the site in the past. This could have led to local contamination around storage locations. In particular, there is evidence of hydrocarbons being stored on the site in bunds and there is staining around these bunds. There may also be localised areas of contamination which may not be visible at the surface.

Overall, risks to human health for future users of the site are considered high in areas where contaminants have been observed. Risks to groundwater and surface in the vicinity of the site are considered to be moderate and moderate/low respectively. It is recommended that further intrusive investigations and surveys are carried out to fully identify the extent of contamination prior to development of the site. This work will be secured by way of planning conditions. Relevant conditions have been suggested by the District Council's Environmental Health team.

If further investigations are carried out, it is concluded that the proposed development will not result in the spread of any contamination. The redevelopment is likely to have a positive impact on the site and surrounding area as contaminants will be removed and/or treated. The proposals are therefore consistent with guidance in paragraph 121 of the Framework.

Trees

This application is accompanied by the detailed arboricultural survey dated February 2011, which was submitted in connection with the previous proposal, but with an addendum dated August 2014, which confirms that with a few minor exceptions there were no significant changes in tree cover or conditions of the trees since the 2011 survey, other than the increase in tree sizes appropriate to the three-year time span that has elapsed between the two surveys. The arboricultural survey identifies approximately 12 trees on the site greater than 40 years old. There are about 60 younger individual trees and about 0.5ha of woodland belts.

Belts of trees were planted to the west, north and east of the factory about 25 years ago, together with some individual trees close to field boundaries to the north and south. The tree belts planted 25 years ago include some belts 200m further north, at the northern edge of two fields, which are under the same ownership. The planting in these belts appears to have varied slightly from one area to another, but is based on a mixture of native tree and shrub species including alder, ash and sycamore, with a few Scots pine, larch, lime and beech, with field maple, hazel, hawthorn and blackthorn at the edges

The arboricultural survey, which accompanied the 2012 proposal initially recommended that most of the trees could be retained on site and that the woodland belts around the factory site could be thinned and retained if properly managed. It is believed that the woodland has been unmanaged since being planted 25 years ago. A detailed programme of management over a ten year period was recommended for the woodland to the west with continued management on a five year cycle after the initial ten years. 30% of the woodland to the north was proposed for removal to allow

the development to blend with the surrounding landscape more effectively.

This report then refers to changes to this tree retention and management strategy and a change in the proposals, which involved the removal of the western bundled planting, with some new planting of individual trees in its place, together with the complete removal of the bundled northern tree planting belt. The tree planting on the eastern side was to be retained.

The current scheme proposes the complete removal of the northern and western bundled tree belts, but the retention of the eastern tree belt, although this may require some supplementary replacement planting to strengthen the existing tree planting belt. The northern and western tree bundled belts were designed specifically to mitigate against the adverse impacts of the factory building complex and the associated infrastructure, such as the sewage works and parking areas at the western end of the site. These existing tree belts are now up 16m in height in some places and have not been thinned since planting. Consequently, the majority of these trees are poor individual specimens and have a spindly appearance. No effective management of these tree belts has been undertaken since they were planted. The 2014 re-survey identified trees which had now outgrown their original tree protection boxes, which was now restricting their growth and damaging the trees.

Given that the proposed scheme intends to assimilate significant areas of the land to the north and west of the site back into the adjacent farmland, the complete removal of the incongruous tree bunding is considered to be appropriate. The submitted scheme proposes new areas of tree planting within and around the perimeter of the housing development, but with appreciable gaps to allow views both into and out of the site. Whilst this is considered to be an acceptable approach, it is considered that additional tree planting is required, particularly along the western side of the western section of the estate road, where a single row of trees would serve to soften the edge of the built development.

The existing tree planting on the eastern side of the site is to be retained along with other substantial areas of tree planting further to the east, north and south along Stonewell Lane. Whilst these areas of tree planting are within the applicant's ownership, some of them are situated outside the current red line application site boundary. These retention and future management of these adjacent tree belts and planting, particularly the trees along the southern side of Stonewell Lane are considered to be essential in helping to assimilate and mitigate the proposed housing development into the surrounding landscape. As they lie outside the application site boundary, it is considered that their subsequent retention and future management should be controlled through the adoption of a landscape management plan to be secured via a Section 106 legal agreement.

Archaeology

The site has been the subject of detailed pre-application archaeological evaluation in relation to the previous application for the development of the site. This involved desk-based assessment and walk-over survey, geophysical survey and trial trenching of the geophysical anomalies. The assessment concluded that there is low probability that the remains of the original dairy buildings have survived beneath the more modern factory structures. However, if they do remain, they will be of regional/local significance.

The ridge and furrow earthworks identified within the site boundary are of medium local significance. The initial survey recommended further, detailed survey work to establish the significance of certain features.

The proposals were recognised as having the potential to impact upon the setting of six listed buildings. However, the impact was considered to be negligible when compared with the existing factory site.

The later 'Geo-Physics and Site Investigation Report' was reviewed by the Authority's archaeologist who was satisfied with its findings at that stage, which collaborated the findings of the desk based assessment. Conditions were recommended should planning permission be granted, to ensure that the development complied the then with PPS5, Core Strategy policy L3 and Local Plan policy LC16.

The trenching associated with the previous archaeological evaluation was largely undertaken in areas of land, which are largely outside the area of the current application, but within farmland on the southern side of Stonewell Lane in which it is proposed to create the relocated flood alleviation swale (open watercourse), which is to be the subject of a separate planning application.

Results from these investigations/trenching works, included the identification of sub-surface evidence of ridge and furrow ploughing, boundary ditches and drains, a possible pond feature and a wide spread of clay, which is indicative of the land being waterlogged in the past. Most of the remains found, reflect past agricultural management, medieval field systems and subsequent enclosure. A find of a piece of worked flint indicated the potential for the presence of prehistoric settlement within the vicinity of the site.

As this detailed archaeological assessment is already provided, the Authority's Archaeologist does not require any further pre-application determination archaeological works to be undertaken in connection with the current application.

Should the development proceed, however, the Authority's Archaeologist would have the following requirements, which would be accommodated by the attaching of planning conditions covering the following:

- Archaeological monitoring of any soil stripping and ground preparation within the current application site area.
- The field to the east of the development site not to be used for storage of materials, spoil or for builders compounds. This land has slight remains of ridge and furrow earthworks, which could be damage or destroyed by any such use.
- The cheese factory itself to be the subject of a detailed photographic survey. Its origins were in the 1870's and in the 19th century it was owned by one of the most famous producers of stilton cheese. In more recent times, the site was key to the production of stilton on an international scale, including local varieties such as Dovedale and Buxton Blue. The site is therefore of historical significance to Hartington village. It is also important that a full record be made of the factory buildings, surviving machinery and fittings, before any development takes place. This is so that the record can contribute to a full understanding of the technology of the operations that took place here, and how they fit into the history of the development of creameries in this country.
- No demolition or development to take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to, and approved by, the Authority in writing.

It is considered, therefore, that the archaeological impacts of the proposed development as far as they affect the current application site, have been satisfactorily addressed, subject to the attaching of appropriate archaeological conditions to ensure that the development complies the then with the National Planning Policy Framework, Core Strategy policy L3 and Local Plan policy LC16.

Flood Risk

As with the previous application in 2012, the submitted Flood Risk Assessment provides evidence that the redevelopment site actually lies within Environment Agency Flood Risk Zone 1

(low risk of flooding), rather than its original categorisation as Zone 3 (high risk of flooding). The Environment Agency has accepted this conclusion. With adequate mitigation (including the provision of a swale), the site will be at low risk of flooding.

In the previous application this flood alleviation/mitigation was addressed through the provision of a swale, an open watercourse, within the field to the south of Stonewell Lane designed to control and deflect surface water run-off from the village along Stonewell Lane towards the application site, thereby eliminating any possibility of the housing development being flooded. This approach was accepted by the Environment Agency and was acknowledged by the Planning Inspector at the subsequent appeal that the provision of the swale would result in the betterment of upstream flows within and through Hartington, in accordance with the aims of CS policy CC5 and LP policy LC22.

In respect of the current scheme, however, the FRA as originally submitted, proposed the relocation of the swale into the field to the east of the factory complex. This would require the remodelling of the contours of the field to create a shallow basin, which would be used to capture and regulate the surface-water run-off from the village in adverse weather conditions.

Following consultation with the Environment Agency, however, they objected to this method of providing the required flood alleviation measures. Further discussions have since taken place between the applicant's flood risk consultants and the Environment Agency and the applicant has now decided to revert back to the originally proposed scheme to locate the swale in the field to the south of Stonewell Lane. This has the appearance of an open watercourse which flows in an east-west direction towards the northern side of the field, before returning to the existing laneside stream and culvert at the western end of the application site.

The Environment Agency has been reconsulted on this revised scheme and has indicated that this will be acceptable; however, a formal response is awaited.

The relocation of the swale back to its originally intended position is considered to be acceptable and is beneficial to the proposed scheme in three respects. Firstly, it avoids the remodelling of the existing field to the east of the complex, thereby retaining its character and appearance, which is important to the setting of the village and also provides a popular route for users of the public footpaths up to the hills to the west. Secondly, it retains features of archaeological interest that may be present within the field. Thirdly, the character and appearance of the open watercourse within the field to the south of Stonewell Lane will, if sympathetically designed, appear as a natural watercourse feature that will be appropriate in landscape terms.

However, as the proposed relocated swale lies outside the red line application site boundary of the current application it cannot be determined as part of the current application. Given that this flood alleviation measure was considered to be acceptable to the Authority, the Environment Agency and the Planning Inspector when considering the previous application, it is considered that should the application be approved, a planning condition should be imposed requiring that no development shall take place until a planning application has been submitted and subsequently approved for the swale. Officers consider that this form of condition, commonly referred to as a Grampian or negative condition, would enable consideration of the present proposal without the need for a deferral or resubmission of the whole application.

Subject to the attaching of this condition, it is concluded that the redevelopment will not lead to a net loss in floodplain storage, will not impede water flows, and will not increase flood risk elsewhere. As such the development is compliant with the National Planning Policy Framework and Core Strategy policies CC1 and CC5. The Environment Agency has recommended conditions to ensure that the recommendations within the flood risk assessment are carried out.

Issue 2 - The landscape impact of the proposed development.

Visual Impact

A comprehensive landscape and visual assessment accompanies the proposed scheme. This identifies the existing factory as a discordant feature in the landscape, at odds with the surrounding meadows. The capacity of the site to absorb development was judged to be high as it contains few distinctive landscape features characteristic of the surrounding landscape.

The visual appraisal demonstrates that the existing factory chimney can be seen from 1km away and the factory's form appears discordant with the appearance of Hartington and the Conservation Area.

The site sits in a valley surrounded by gently undulating landform and areas of high, undulating, in places steeply sloping hills typical of the limestone scenery of the Peak District. The land cover is primarily agricultural and pastoral, with frequent hedgerows, mature trees and linear woodland associated with the river course and property boundaries. Scattered trees along hedgerows, around settlements and aligned to streams creates a well vegetated and structured character to the landscape.

The hub at the village centre comprises the village church, village green, larger houses and school etc. Larger farm buildings are typically located to the edge of the village with other uses, such as the DDS site to the west, the Youth Hostel to the east and large farm north and east.

The DDS site area is 25,605m² in size and is currently occupied by the large disused factory cheese factory buildings and some smaller vernacular stone buildings located on the eastern side. The factory buildings have associated hardstandings and low concrete tanks to the western side of the site. The buildings occupy an area of 8,581m² and the tanks 979m². Grassland is located to the east of the site whilst the hardstanding to the north is regenerating to grassland. A public footpath runs north-south through the field to the east of the DDS complex before turning in a north-westerly direction towards the much higher ground to 600m to the north-west from where distant views of the DDS site and its relationship to Hartington village can be achieved.

There is some intervisibility from surrounding countryside south of the site, which is partially screened by a single row of mature tree planting lining Stonewell Lane. There is some intervisibility between areas of Hartington south and south-west of the site into the grassland and eastern part of the site.

The northern section of the site is hard landscape regenerating to grassland. The built form and screen planting creates a high level of containment and enclosure on three sides and contrasts with the open context of the surrounding farmland. Whilst the site is heavily developed, the character and function of the surrounding landscape is tranquil. Views of the central part of the site are predominantly enclosed by a combination of built structures and dense belts of vegetation to the west, south and north. Filtered views to the south are possible from the access road and Stonewell Lane, through a line of trees following south of the road.

In view of the above baseline assessment, a judgement can be made as to the overall sensitivity of the landscape to the specific changes posed by the proposed housing development, within the Upland Valley Pastures landscape character.

This landscape is currently settled with dispersed farmsteads and loose clusters of dwellings and is characterised by scattered trees and vegetation around settlements. There is scope for a development of a similar scale, pattern and vernacular style to be successfully assimilated with the lower valley landscape with limited adverse effects on the landscape character.

In terms of planning context, whilst the National Park generally has a high inherent sensitivity to new housing development, Hartington has been identified as a settlement to accommodate some small scale development. It is considered, therefore, that the Upland Valleys Pasture is considered to have a medium inherent sensitivity to a small scale housing development.

The development as proposed, albeit significantly reduced in numbers and building footprint from the previous scheme, still represents a significant medium scale housing development, in relation to the normal scale of housing developments associated with villages such as Hartington. Officers consider, therefore that the proposed development represents a medium-high inherent sensitivity in landscape impact terms.

The area contained within the red line boundary of the application site amounts to 25,605m². The existing developed footprint within the application site boundary amounts to 8,581.93m² (Buildings) and 979.72m² (Tanks), giving a total of 9561.65m², which equates to 33% of the redline application site boundary.

The total floor area/footprints of the new housing, including the buildings being retained and converted, amounts to 2962.94m², or 11% of the site.

In respect of the changes in the landscape character of the site itself, these comprise the following:

- 71m of existing drystone walls retained, 91m being removed and 712m of new drystone walling being constructed.
- 0.52 hectares of existing factory footprint being returned to greenfield.
- The design of the proposed housing and layout being informed directly by observation of the character and materials of the area .
- Planting schemes to be consistent with local landscape characteristics and their setting. Two of the small traditional stone office buildings will be retained to the eastern part of the site.
- Retention of the grassland to the eastern part of the site is intended to maintain a buffer to Hartington Conservation Area and safeguard the characteristic of the agricultural setting to the village. The land south of Stonewell Lane remains undeveloped, except for the relocated swale now proposed.
- Restoration of pasture land to the south-east and northern parts of the site designed to minimise the encroachment of the development into the landscape.
- Boundary edges of the site are to be drystone-walled and new specimen planting to reflect the pattern of the village as currently seen from its approaches.
- The existing earth bunds and incongruous belts of trees to the west and north boundaries to be removed and replaced with informal groups of native trees that is in a more consistent pattern with the local landscape character.
- The proposed development proposal seeks to follow the same guiding principles of road pattern and character. Road and pedestrian surfaces are predominantly shared surfaces to reflect the village character. Grass verges will be introduced that are typical of the village character.
- Streetlighting to be kept to a minimum.
- Car parking to be provided within the dwelling curtilages in order to minimise adverse impacts of parked cars on the character of the site.

Following an assessment of the landscape and visual impact assessment officers, including the Authority's Landscape Architect comments on the key landscape impacts are as follows:

The main landscape impacts of the development when viewed from surrounding vantage points are considered to be the views from the public footpath to the east of the site, particularly when it turns in a north-westerly direction towards the much higher ground to the west. The views from

this footpath, which cuts diagonally across the field will be of the housing on the northern side of the development. Whilst a significant area of the factory footprint will be returned to field and the northern boundary of the housing development will be bounded by a drystone wall and some tree planting, there will be clear views into the estate from this vantage point, particularly whilst any new tree planting becomes established. The present views are of the bunded tree planting belt with glimpses of the factory building behind. This is considered to be the key close viewpoint where the presence of the estate can be clearly seen.

Another key vantage point is from the footpath as it reaches the higher ground to the west and north-west of the site. From this vantage point, due to the significant difference in ground levels, the position of the existing factory complex and its relationship to Hartington village can easily be appreciated. Due to the foreshortening of the perspective from such a distance, however, the separation of the factory from the main village is hardly discernible; however, this accentuates the incongruous scale and nature of the present complex. Whilst the proposed new housing estate will clearly be seen from such a viewpoint, the scale and massing of the housing units, together with the new tree planting (once established) will to some extent mitigate the inevitable landscape impact. Moreover, from such a distance the separation of the site from the village, that is more evident from close quarters along Stonewell Lane will not be perceived and it will read as an extension to the village. The main adverse impact from such vantage points is considered to be the proposed large house on the western edge of the proposed housing layout. Whilst an amended scheme for this house has now been submitted, it is still considered that its footprint is too large and the over-wide gable widths exacerbate its overall height and massing in comparison to the housing on the remainder of the estate.

Whilst it would be preferable to omit this housing plot, the applicant maintains that it is essential to ensure the viability of the scheme. This proposed housing plot has been the subject of strong representations from the Parish Council and third party representations. The Authority's Conservation Architect and Landscape Architect also consider this to be inappropriate and if the intention is to create a farmhouse with attached farm buildings, it needs to be scaled back to more reasonable proportions. Planning Officers consider that, on balance, the retention of this dwelling plot is acceptable in landscape terms, subject to a revised design for the dwelling reducing its footprint and height, and the provision of additional tree planting along the boundary. It should also be noted that the proposed dwelling site is on brownfield land that is presently occupied by the sewage treatment plant and that the remainder of the adjacent the brownfield land, formerly used for car parking, to the south of this proposed dwelling plot is to be returned to green field. The Authority's Landscape Architect has also suggested that further tree planting should be introduced along the western edge of the main housing estate in order to partially screen this side of the estate and also to provide a more distinct boundary between the housing estate and the restored farmland to the west.

Whilst the westernmost dwelling plot will be visible from the viewpoints from the higher ground, from this viewpoint it will be closely associated and in seen in context with the remainder the estate. Furthermore, its impact in viewpoints from the village or footpaths on the lower ground levels will be mitigated by the remainder of the housing estate, the new tree planting and the intervening existing tree planting.

The estate will be visible from the relatively short section of Stonewell Lane, when approaching the site from the village, however, these views are mitigated by existing the tree planting along the eastern boundary of the factory complex and the tree planting along Stonewell Lane. Further distant viewpoints to the south from Mill Lane and the intervening footpath will be mitigated by the existing planting along Stonewell Lane. The topography of the land between Mill Lane and the site also restricts full-height views of the site; however, glimpses of the housing will be achieved through the gaps in the trees alongside Stonewell Lane. It is not considered that there will be a significant adverse impact on the landscape from these viewpoints.

Views from the centre of the main village will also be largely screened by the existing properties and the intervening tree planting. Views will be more evident from the upper floors of existing properties, particularly those on the north-western edge of the village, and on the higher ground on the eastern side of the village, however, these will be mitigated by the retained intervening belts of tree planting on the eastern side of the site and along Stonewell Lane.

In the previous submission the development of the field on the eastern side of the village for housing was considered by officers to be appropriate in order to assimilate the proposed development in to the village, so that it could be 'read' as an organic extension of the village. On reflection, however, and following consideration of the Planning Inspector's comments and previous and current third party objections, officers now consider that the retention of this field and the concentration of the housing development solely on the brownfield land of the factory complex has some merit in landscape and townscape terms.

The development as now currently proposed would then 'read' as a closely associated outlying cluster of properties separated by the existing field, thus minimising the impact on the setting of the main village and the Conservation Area and avoiding the previously stated concerns that its physical connection to the village would create an anomalous limb to the western edge of the village. This approach would also reflect similar situations in other villages elsewhere in the National Park, which have the main body of the village, but with nearby clusters of residential development that are physically and visually separated, but are close enough to be socially related to the main village.

In landscape terms, this physical separation is only readily apparent when approaching the site along the relatively short section of Stonewell Lane. It is considered that the retention of this field will, therefore, preserve the existing agricultural setting of the main village and consequently, minimise the impact of the proposed housing development on the character and setting of the main village and the Conservation Area.

Moreover, the relocation of the proposed swale from this field will retain its existing character and appearance and preserve any features of archaeological interest that may be contained in the field. Furthermore, in order to strengthen and reinforce the existing tree screening on the western boundary of the field, it is considered that supplementary tree planting would be appropriate, to ensure that a permanent tree screen is retained.

In conclusion, therefore, it is acknowledged that there will be some adverse landscape impact, particularly when the housing is newly built and before any of the proposed replacement tree planting becomes established. Given the fairly limited impacts on the character and setting of the main village, except when viewed from Stonewell Lane, a section of the public footpath to the north and the more distant views to the west, it is considered that the reduced area covered by the housing development is of an appropriate scale that will bring about an overall significant enhancement in the landscape, given the significant adverse impact of the present factory complex.

Issue 3 - Detailed Layout and Design Issues.

Housing Layout

The proposed layout broadly follows the same guiding principles of road pattern and character as the previous scheme, but it reduces the overall development footprint by omitting the previously proposed housing on the intervening field to the east and on the former car parking area on the western edge of the complex. The extent of the housing and associated gardens is also reduced on the northern side of the site, allowing a significant part of the brownfield land covered by the factory complex to be returned back to field. The road layout itself comprises the main estate road, which cuts diagonally across the site with a short section of private drive serving the

retained traditional stone buildings to the north-east of the site and retention of the existing section of road on the western edge of the site, which connect into Stonewell Lane.

The proposed road layout follows discussions with officers on alternative road layouts, which had more regimented patterns and which were not considered to be as 'organic' and representative of the more informal pattern within Hartington village itself. The road layout also retains existing rights of access to farmers with land and farm holdings beyond the site to the west and north-west. Concerns have been raised that the road layout will hamper access to these outlying farms, however, the width of the roads are sufficient to accommodate the widest of farm vehicles. The Highway Authority has advised that they are now generally satisfied with the road layout, subject to some minor changes that would not fundamentally change the road layout as now amended.

The design approach for the housing layout for the smaller social housing to be grouped within the centre of the development with the larger open-market housing with a greater area of garden spread less densely away to the northern and western outer reaches of the site. The largest house is situated at the north-western corner and is now the only property that is to be located beyond the main body of the housing development on the western side of the estate road.

This housing plot (Plot SP1) has been the subject of particular concerns from the Parish Council, third party representations and also the Authority's Conservation Officer and Landscape Architect. These concerns are that this plot will be intrusive in the landscape and extends on to land that was not formerly occupied by buildings and that due to the loss of the bunded tree planting that currently encloses the north and west sides of the present factory complex, this particular plot will become a more significant intrusion in the landscape. Concerns were also raised at the size and massing of the three-storey 'manor house' scale and appearance of the proposed dwelling, which would further exacerbate its intrusion into the landscape. Amended plans have now been submitted following discussions with officers. The amended design is intended to represent the massing and form of a traditional farmhouse with lower 'barn-like' building attached with a traditional 'L-Plan' form and footprint. Whilst this design approach is considered generally to be an improvement, the size, scale and massing of the proposed dwelling is still considered to be excessive. It is considered, however, that these issues can be resolved by attaching a planning condition requiring the submission of amended design for the dwelling of a reduced size, height and massing.

The Authority's Conservation Architect recommends refusal of the housing scheme as submitted and considers that it is an inappropriate development in both townscape and architectural terms, due to its lack of connection and cohesion with the existing built form of the village. He considers that the new development would appear as a separate enclave quarantined from the village. He would prefer to see no gap between the existing and proposed housing and ideally be erected on both sides of Stonewell Lane. The density of the development needs to be reduced. He also considers that Plot 1 is unacceptable as it is a pastiche of C17 Derbyshire Hall which devalues the originals in the National Park. Only a few of the proposed dwellings have vernacular proportions (gable width and eaves height). Detailing throughout the entire scheme represents C18.

No objections are raised in respect of the conversion scheme for the existing traditional buildings on the eastern edge of the site.

The Authority's Conservation Officer considers that overall, the scheme resembles an estate of executive houses rather than a natural extension to Hartington which will be clearly visible in the landscape.

Notwithstanding these comments, Planning officers consider that a reasonable balance has to be struck between the ideal scale and density of the development and that which is required to

enable the site to be developed in manner that would be financially viable, within acceptable parameters that would not significantly or adversely impact on the village, the landscape character of the area and the National Park. In Issue 1 of this report, officers conclude that this scale and density of development is required to achieve and enable the redevelopment of this inappropriate factory complex.

Moreover, the submitted layout reflects the previous concerns expressed by the Parish Council, third party representations and the Planning Inspector in relation to the 2012 proposal, in that it is now restricted to the brownfield land; it retains the agricultural setting of the village thereby minimising any impacts upon the character and setting of the Conservation Area; retains the agricultural character of the field on the southern side of Stonewell Lane and returns a significant proportion of the existing brownfield land back to field.

Consequently, it is considered that the housing layout as now proposed is of an acceptable form and scale, with the exception of the submission of an amended design for the largest dwelling, proposed on plot SP1, subject to the attaching of appropriate conditions to reflect the outstanding comments expressed by the highway authority.

Individual House Designs and Materials

The proposed house types are as follows:

- A : 5-Bed (6 no.)
- B : 4-Bed (6 no.)
- D : 3-Bed (3 no.)
- E (Affordable) : 2-Bed (2 no.)
- F (Affordable) : 3-Bed (1 no.)
- G (Affordable Bungalow) : 2-Bed (1 no.)
- SP1 : 6-Bed (1 no.)
- SP2 : 5-Bed (1 no.)
- SP3 : 5-Bed (1 no.)
- SP4 : 4-Bed (2 no.)
- Barn Conversions : 2-Bed (2 no.)

Concerns have been raised at the ratio of smaller properties in relation to the excessive number of larger properties. As can be seen from the above table, the scheme proposes six 2-3 bedroomed properties, whilst the remaining 20 properties having 4-6 bedrooms. The applicant states that this is required in order to make the scheme viable and if smaller dwellings were proposed, this would increase the number of dwellings required to make the development viable. On balance, officers consider that the number of dwellings now proposed is appropriate. The availability of the larger dwellings, may also help to free up the availability some of the existing smaller 2-3 bedroomed dwellings in the village

The housing types are mixed amongst the estate with generally the semi-detached/linked housing at the eastern end and northern sides of the main spine road and the larger detached dwellings on the western side and along Stonewell Lane, save for the affordable housing units, which are situated within the centre of the housing development, between the southern side of the spine road and Stonewell Lane. The positioning of the affordable housing was specifically chosen following pre-application consultation that the social housing should be incorporated within the estate design rather than being separated and located on the edge of the development.

Generally, officers consider that the general disposition and layout of the housing, particularly the linked housing either side of the spine road and the creation of a wider central section in the centre, together with shared vehicle/pedestrian surfaces, drystone boundary walling and tree planting/landscaping, will create a pleasant streetscene, that reflects the character of parts of the

existing village, especially when the landscaping and tree planting becomes established.

The house styles vary in form and height with the with gable widths , except for the largest house on plot 1, varying from 5.35m – 8.0m and the ridge heights from 5.5m – 9.0m. The largest house on plot 1 has a gable width of 9.9m and a ridge height of 10.5m. The majority of the gable widths, excluding plot 1, are in the range of 7.75m – 8.0m, which apply to 15 of the 26 houses. The remaining 10 houses have varying gable widths between 5.5m – 7.5m. Concerns have been raised in respect of the size of the gable widths and the overall ridge heights, the majority of which, excluding plot 1 range between 8.15m – 9.0m and applies to 15 of the house. The ridge heights of the remaining houses 10 range between 5.5- 8.0m. Most of the houses have steep roof pitches of around 42°. The accompanying design and access statement states that the form and massing of the houses is based on the 18th century housing in the village centre and it acknowledged that many of the existing properties have wide gables and steep roof pitches.

Given the location of the proposed housing development, however, it is considered that the impact of the housing could be further minimised by reducing the roof pitches to 35°, which in some cases could reduce the overall ridge heights by between 0.5 and 0.75 of a metre, without unduly affecting the character and form of the houses. It is therefore considered that a planning condition be attached securing the reduction in roof pitches.

Subject to the reduction in ridge heights, it is considered that there is sufficient variety in the gable forms of the proposed housing and whilst concerns have been raised that the ridge heights either match or are greater than those of some of the buildings in the factory complex, the form and massing of the roofs of the existing factory building have a significantly greater impact. The proposed housing is therefore considered to be of an appropriate size, massing and detailing, subject to the reduction in the roof pitches

Officers have discussed the design and size of the largest house on plot 1 with the applicant's architect. The amended design, whilst reflecting a more appropriate farmhouse design, is still considered to be too large in respect of its overall footprint size and the excessive gable width (9.9m) and resultant ridge height (10.5), which remains at odds with remainder of the housing development. It is recommended that a condition be imposed requiring the submission of an amended scheme that reduces the gable width significantly and reduces the footprint size by raising the eaves height of the subsidiary wing building to create usable habitable floor space on the first floor of the building.

In respect of materials, the proposed walling of the dwellings is predominantly natural random-coursed limestone, with the use of render to some elevations. A mix of roof coverings is proposed, generally roofs will be clad with Staffordshire Blue natural plain clay tiles, but interspersed with some red natural plain clay tiles and natural blue slate, to reflect the diversity of natural roof coverings in the existing village and to afford some variety to the street scene.

The detailing of the dwellings incorporates many interesting traditional features, including coped gables, quoinwork, full surrounds. These features are used on some houses and others are treated more simply to give variety and interest to the streetscene as would be appreciated in a traditional village setting. The cohesion of the housing development is also reinforced by the provision of significant sections of drystone walling and tree planting.

It is considered, therefore that the housing layout and dwelling designs are appropriate and reflect the character of Hartington village. This is subject to the attaching of appropriate design conditions, including the reduction in the roof pitches and a more restrained design for the largest house on the westernmost plot.

Environmental Management Measures

No specific environmental management measures accompany the application, but it is considered that such issues can be resolved through the attaching of a planning condition requiring the submission and implementation of appropriate management measure to meet the terms of Core strategy CC1. Conditions are therefore proposed such that the development will seek to achieve Code for Sustainable Homes and that a scheme for the utilisation of appropriate renewable energy technologies shall be agreed before development commences and subsequently implemented. A scheme for sustainable drainage will also be required by condition.

Conclusion

Despite a significant amount of local objection to the submitted scheme, which officers have fully considered, the applicant has demonstrated that these detailed proposals comply with planning policy at a national, regional and local level. Hartington is a settlement identified by policy DS1 of the Core Strategy where development may be considered acceptable subject to other policy considerations.

Officers consider that the reuse of the factory site for employment purposes is unviable and may actually be undesirable in terms of protecting residential amenity in the village. The existing factory site has a damaging impact on the landscape of the National Park and its continued disuse will not contribute to a vibrant local economy. Under Core Strategy E1D, therefore, the principle of the site's redevelopment is acceptable.

Under policies E1D and HC1, the site should be redeveloped for community facilities (including affordable housing) unless this is shown to be unviable. By submitting a full development appraisal, the applicant has demonstrated that a level of 'enabling development' is required in the form of open market houses. In compliance with Core Strategy HC1, the applicant has also demonstrated that the level of open market housing provision is proportionate to the cost of providing four affordable housing units. The provision of these benefits can be controlled by S106 agreement so that they are brought forward at defined stages of the development process. In this way, the community benefits can be 'front loaded' onto the scheme.

However, as this is a major development in a National Park the benefits of redevelopment must outweigh any potential harm. Under the National Planning Policy Framework, the proposed development must meet the three tests relating to need, ability to provide the development elsewhere, and environmental impacts. In this case, the need is derived from the need to improve the landscape of this area of the National Park and the potential benefits that can be brought to the local economy. These benefits would not be achieved if the development were to be directed elsewhere.

The whole of the site to be developed with housing is now on brownfield land. Its redevelopment therefore complies with national policy prioritising the reuse of previously developed land. It is also considered that the reduced scale of the development, the restoration of significant areas of brownfield land back to field, the omission of any developments on the south side of Stonewell Lane, other than the open watercourse, and the preservation of the character and setting of the main village and the Conservation Area satisfactorily address the concern raised by the Planning Inspector in the previous scheme.

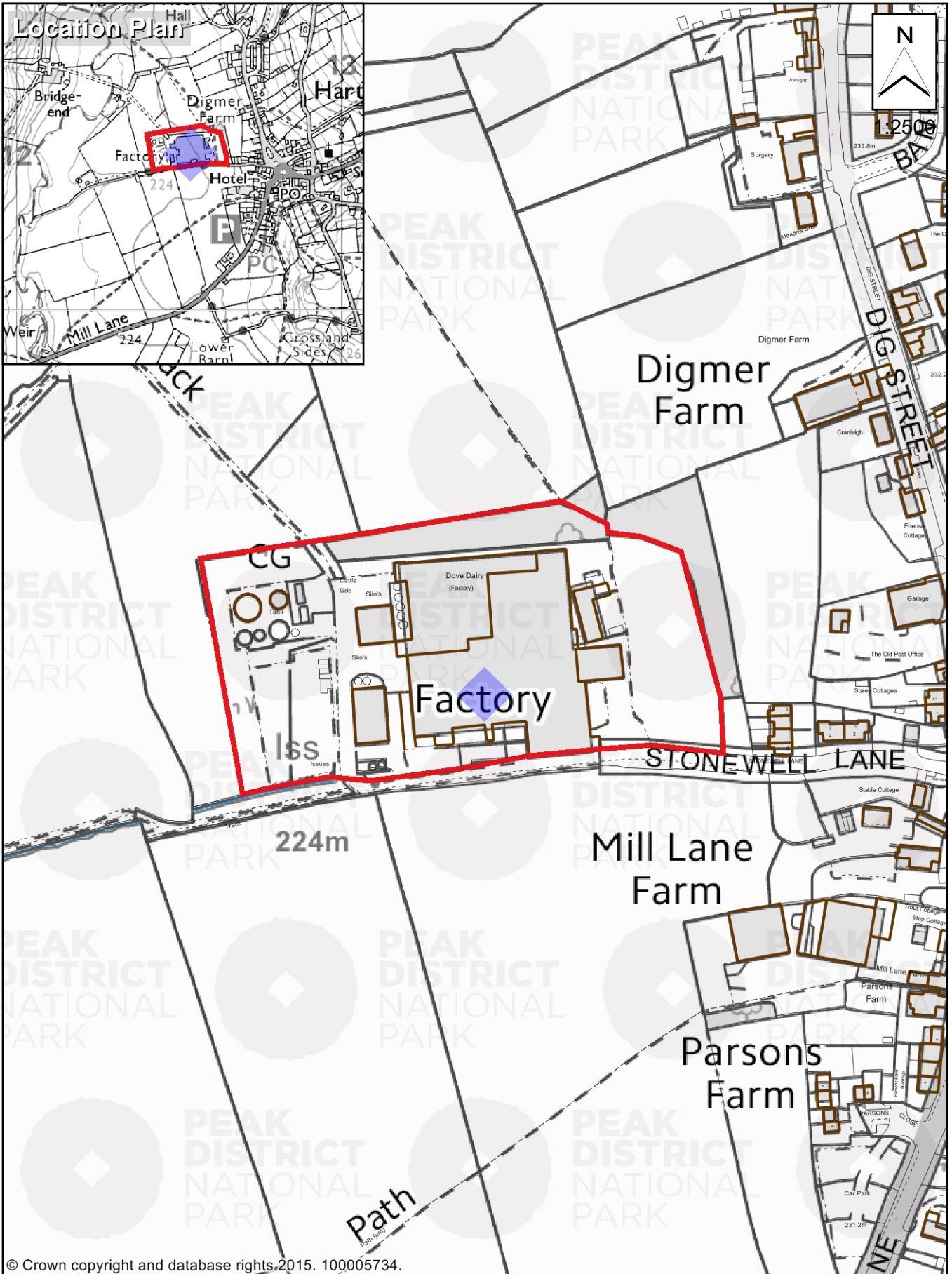
Human Rights

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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Committee Date:	13/02/2015	Title: Dove Dairy, Stonewell Lane, Hartington	 PEAK DISTRICT NATIONAL PARK
Item Number:	13		
Application No:	NP/DDD/1014/1045		
Grid Reference:	412534 360474		

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14. APPLICATION TO REMOVE/VARY CONDITIONS ON APPLICATION NP/DDD/0212/0153 (CONVERSION OF CHURCH TO TWO DWELLINGS WITH ACCESS AND PARKING) – VARIATION OF APPROVED ROOFLIGHT SIZES AND POSITIONS, AND ADDITION OF ROOFLIGHT TO FACILITATE ADDITION OF 4TH BEDROOM - FORMER URC CHURCH, PARKE ROAD, TIDESWELL. (NP/DDD/0115/0005, P.9262, 6/1/15, 415078/375698, MN).

APPLICANT: MR ROBIN BROWN

Site and Surroundings

The former URC Church site is bounded by Parke Road to the south, Sherwood Road to the west and a private road to the north, which serves Sherwood Copse, a small estate of private dwellings. The site is located to the west of the main village centre and is set within approximately 0.46 hectares. It comprises the former URC church building and associated pedestrian entrance frontage onto Parke Road, situated in the eastern half of the site, and the former Church Hall building, also known as the School House, situated to the south-west of the Church which has frontages directly onto Parke Road and Sherwood Road. In 2013 the URC church received planning permission to be converted to two market dwellings, with the Church Hall receiving permission for conversion to a single market dwelling. Attached to the eastern end of the School House is the Caretaker's Cottage, which is used as a separate dwelling.

The URC Church is an attractive and imposing building situated on a higher ground level than Parke Road. It has a simple rectangular form, but has an imposing wide gable, which faces Parke Road with a large impressive steep-pitched roof form. The building is constructed of natural coursed gritstone under a blue slate roof and has attractive arched detailing, buttressing, leaded windows and coped gables. There is a formal pedestrian entrance and a frontage boundary comprising a combination of coped walling with iron railings. The building is not listed, but it does make a significant contribution to the character and appearance of the Conservation Area.

Vehicular access is via a single vehicle width access in the north-west corner of the site onto Sherwood Road. This access also serves a separate property to the east (The Manse). The Sherwood Road frontage (western boundary) is enclosed by a 2.5m high (approximately) rubble limestone wall. The northern boundary is enclosed by a 1.6m high (church side) rubble limestone wall.

Proposal

This application seeks to vary conditions of permission NP/DDD/0212/0153, which permitted the conversion of the former URC Church to two open market dwellings with associated parking area and access road. It essentially seeks permission for the same alterations in the previous item but with the addition of one further roof light to facilitate the addition of a 4th bedroom in the northern unit. In addition to that new roof light it therefore also seeks permission to lower the height and adjust the size of 2 previously approved rooflights, and to resize and reposition 4 previously approved rooflights in the west facing roof slope of the church. These have already been fitted and the application therefore seeks retrospective consent to regularise them.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1 Standard time limit.**
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with submitted plans**

- 3 Maintenance of storage of plant area throughout works.
- 4 Maintain access visibility and sightlines.
- 5 Agree details of lowered section of walling to the north of the access track.
- 6 Nest boxes to be installed as previously approved.
- 7 The ridge tile access points for bats and their positioning to be installed as previously approved.
- 8 Two bat boxes shall be mounted internally within the roof void of the southern half of the building.
- 9 Vehicular access, access road and car parking/manoeuvring facilities to be completed.
- 10 Two car parking spaces to be permanently maintained for each dwelling and car parking spaces and associated manoeuvring areas shall remain unobstructed for use at all times.
- 11 Drainage and surfacing materials for the access road and car parking/manoeuvring areas to be installed as previously approved.
- 12 Environmental Management measures shall be undertaken as previously approved.
- 13 Ground levels of the access road and car parking/manoeuvring areas to be established and permanently maintained as previously approved.
- 14 External lighting shall be installed as previously approved.
- 15 Matching materials new for timber and stonework.
- 16 New door frame to be recessed from the external face of the wall the same depth as the adjacent window frames.
- 17 Doors shall be vertically boarded timber with no external framing or glazing.
- 18 Rooflights to the west facing roof slope to be fitted flush with the roof slope.
- 19 All pipework to be completely internal within the building.
- 20 No additional or replacement guttering or downpipes to be installed without the prior approval of the Authority.
- 21 The design and positioning of external meter boxes shall be as previously approved.
- 22 Remove permitted development rights.
- 23 The northern boundary wall to be maintained at its present height, subject to the reduction in height required by Condition 5.
- 24 The external appearance of the louvred openings in both gable ends of the church to be retained.
- 25 Access for birds and bats to the roof void in the southern half of the building via the existing

louvred opening in the southern gable end to be retained.

26 Maintain internal layout as approved.

Key Issues

The permission to convert the former church to a dwelling has been implemented. The site therefore has an extant permission for use as a two market dwellings, and the main issues are as follows:

1. The impact of the additional rooflight and of the alteration of the size and position of the previously approved rooflights on the character and appearance of the building.
2. The impact of the additional rooflight and of the alteration of the size and position of the previously approved rooflights on the character and appearance of the Conservation Area.
3. The impact of the addition of a 4th bedroom on highway safety and access.
4. The impact of the additional rooflight and of the alteration of the size and position of the previously approved rooflights on neighbouring amenity.
5. The impact of the addition of the 4th bedroom on the ecological enhancement provided by the scheme.

History

2013 – Conversion of the former URC Church to two dwellings and creation of new access road and parking – Planning permission granted

2014 – Non-material amendment for replacement of windows, creation of new internal door opening, fitting of aluminium guttering, replacement of glass in internal ground floor screens, provision of disabled access ramps, and adjustment to width of an external door in the west elevation – Amendment permitted

2014 – Discharge of conditions relating to the 2013 planning permission for conversion to two dwellings

2014 – Two applications received for the development subject of the current application. Both withdrawn on grounds of procedural inaccuracies and inaccurate plans.

Consultations

Derbyshire County Council – Highways – Whilst the proposals will also result in an additional bedroom this Authority would not wish to raise objections as parking has already been maximised on the site.

Derbyshire Dales District Council – No response at time of writing.

Tideswell Parish Council – No response at time of writing.

Representations

5 letters of representation have been received, all objecting to the proposal. They raise the following concerns:

- Over-development of the site.
- The previous consent required four rooflights to be omitted and this was an indication that further roof lights would not be acceptable.
- The impact of the addition of a further rooflight is compounded by the increased size of the approved rooflights.
- The new and adjusted rooflights would increase the prospect of neighbouring properties being overlooked, and would harm the character of the conservation area.
- Lowering the level of the rooflights would not provide a means of escape, as they would open on to a steep roof with a long drop below.
- The rooflights approved on the adjacent Sunday School development are smaller and flush fitting, and common standards should be applied within the same conservation area.
- The highway is narrow and heavily parked and further intensification in the use of the site without additional parking spaces would result in an adverse impact on nearby properties and be detrimental to highway safety.
- There is not an additional parking place as required by Derbyshire Car Parking Standards.
- The development of the site is becoming materially different from the scheme originally approved, and each amendment application is being considered in isolation.
- The addition of the further bedroom will compromise the ecological mitigation measures previously conditioned.
- The intensification of the use of the site and the addition of further roof lights is not a matter that can procedurally be dealt with through a Section 73 application.

Main Policies

Core strategy

Relevant Core Strategy policies: GSP1, GSP3, GSP4, DS1, L3, T1

Local Plan

LC4, LC5, LT11, LT18

Policy GSP1 requires all new development in the National Park to respect and reflect the conservation purpose of the National Park's statutory designation and promotes sustainable development; L3 requires that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings and, other than in exceptional circumstances, not cause harm to cultural heritage assets;

LC5 sets out the approach for assessing development in a Conservation Area, such proposals should demonstrate how the existing appearance and character of the Conservation Area will be preserved and, where possible, enhanced; LC4 and GSP3 set out further criteria to assess the acceptability of all new development in the National Park; T1, LT11 and LT18 require that transport infrastructure and access arrangements are safe and conserve the National Park's valued characteristics. The design and number of parking spaces associated with residential development, including any communal residential parking, must respect the valued characteristics of the area, particularly in Conservation Areas.

National Planning Policy Framework

In this case, it is considered that relevant Development Plan policies are in accordance with the more recently drafted NPPF. The two documents seek a high standard of design which conserves or enhances the character and amenity of the area and heritage assets including the designated Tideswell Conservation Area.

Assessment

Introduction

The permission to convert the former church to two dwellings has been implemented. The site therefore has an extant permission for use as market dwellings and consequently the policy principle and other material considerations relating to the change of use to a dwelling are not revisited within this report. The report instead focuses on the differences between the approved scheme and the current proposal.

Alteration of position and size of rooflights to east roof slope (retrospective)

Visual impact

Four rooflights were approved to the east roof slope under the original conversion consent in 2012. Four rooflights have been installed, but they are larger than those approved, in slightly different positions, and have not been fitted flush with the roof slope as the original approved plans and imposed conditions required. The applicant is therefore seeking to regularise the rooflights as fitted as part of this application. The approved windows were approximately square, subdivided into three panes by glazing bars. The rooflights fitted are 340mm taller and 300mm wider. They are also subdivided into three by vertical glazing bars. This increase in size and the fact that they have been fitted raised from the roof slope rather than flush is unfortunate. However, the size discrepancy relative to the size of the roof is very small, and whilst they were more traditionally proportioned as previously approved, the vertical subdivision retains some verticality to their appearance. Objectors have drawn attention to the smaller rooflights approved on the neighbouring Sunday School, and consider that those on the church should be in line with those for the sake of consistency and to minimise the impact of the rooflights. However, each proposal must be considered on its own merits, and the roof planes of the church are significantly larger than those of the Sunday School, affecting the proportional relationship of the rooflights to the roof area. Taking account of these factors, on balance, the fitted rooflights are not considered to detract from the character and appearance of the building, or those of the conservation area, and are in accordance with policies L3, LC4 and LC5 in this regard. It is noted that annotation on the plans suggests that these rooflights are to be lowered to provide a means of escape. This is an error; the rooflights are fitted as described above, and in accordance with the positions shown

on the plans. For the sake of clarity it is considered that were permission to be granted a condition should be added to the notice requiring that notwithstanding the annotations, the rooflights are installed in the positions shown.

Amenity

The bottom edge of the rooflights, as fitted, above finished floor level is approximately 2.3m. There is therefore no likelihood of overlooking or loss of privacy to the neighbouring properties. This is in accordance with policy LC4, which requires development to conserve the amenity and privacy of nearby properties.

Alteration of position and size of rooflights to west roof slope

In order to meet building regulations, the applicant is seeking to move the two approved rooflights in the west roof slope further down the roof in order that they can act as escape windows. They would also be widened by approximately 200mm. These would not allow access to the ground in case of a fire, but would be such a height above internal finished floor level as to allow people to reach them and be rescued from the open windows by fire services. These windows have not yet been installed.

Visual impact

The impact of resizing and moving the rooflights down the roof slope is low and considered acceptable as it improves the appearance by bringing them closer to the roof edge, reducing their disruption of the roofs mass.

Amenity

The rooflights would be serving bedrooms and would be at a height above finished floor level that would afford views out of the property. The windows would face away from the closest neighbouring houses however, which are to the north. The closest properties opposite the window would be over 50m away, and so their amenity and privacy would not be affected. As the window would be of an opening type due to being an escape window it would be possible for it to be looked out of towards the north when fully opened. However, these views would be at an obtuse angle from the window, and would be very unlikely to take place with any degree of regularity. In addition, the distances to the closest neighbouring properties in this direction are approximately 20m and 33m from the nearer of the two windows. For these reasons it is considered that their amenity or privacy would be protected, in accordance with policy LC4.

Addition of further rooflight to west roof slope to facilitate addition of 4th bedroom

This rooflight has not yet been installed. It is proposed to be sited to the north end of the west facing roof slope, with its top edge around 1.5m below the height of the roof ridge.

Visual impact

The visual impact of a single further rooflight has been discussed by Officers with the Authority's conservation Officers, who raised no objection to its addition, providing it is no larger than those already approved, of conservation type, and does not set a precedent for doubling up all the way along the roof. Your Officers agree with this assessment; a sustained run of rooflights would have a harmful impact on the roof by virtue of being prominent and disrupting the solid appearance of the roof slope. In fact, such a proposed arrangement was required to be altered by condition when the application was originally granted permission in 2012. It is not considered that the addition of a further single rooflight, at a different height to the other rooflights, would have such an effect, either taken on its own or viewed cumulatively with the previously approved

rooflights. Whilst the siting is not ideal close to the ridge as opposed to the eaves its impact is considered to be low and acceptable, and it is therefore considered to be in accordance with policies L3, LC4, and LC5.

In terms of the impact of adding further a bedroom to the building, this addition would have no external impact beyond that of the rooflight as it would be entirely contained within the existing shell. This is subject to the retention of the louvre window in the north gable, which is a traditional feature of the building. The external appearance of this window could be retained by condition were permission to be granted. It would also be necessary for it to be blocked internally to prevent possible overlooking of properties in this direction, which could also be controlled by condition.

As this elevation is more prominent than the west in close public views it is considered that this rooflight should be installed flush with the roof slope to minimise its impact.

Parking

The addition of a further bedroom does increase the potential for a need for additional parking on the site. The Authority's Local Plan guidance notes for car parking standards advise that properties of 4 bedrooms have a maximum of 3 parking spaces, whereas 3 bedroom properties have a recommendation of a maximum of 2 parking spaces. These are maximum standards, not minimum requirements. Highways Officers have stated that they do not object to the proposal because parking on the site has already been maximised. Your Officers share this view. It would not be practical to incorporate further parking in to the site due to the layout and space available. Whilst local residents might not wish to see further on-road parking in the area, it is not considered that the likelihood or potential impact of this occurrence would cause harm to the safety or amenity of highway users. The application is also considered to accord with policies T1, LT11, and LT18 as it would not have transport impacts beyond those of the previous approval that would adversely affect the character or appearance of the National Park.

Amenity

The additional bedroom would be situated to the north end of the building, by creating a second floor above the approved first floor level. The rooflight serving the room would be at a height above finished floor level that would afford views out of the property. The window would face away from the closest neighbouring houses however, which are to the north. The closest properties opposite the window would be over 50m away, and so their amenity and privacy would not be affected. As the window would be of an opening type due to being an escape window it would be possible for it to be looked out of towards the north when fully opened. However, these views would be at an obtuse angle from the window, and would be very unlikely to take place with any degree of regularity. In addition, the distances to the closest neighbouring properties in this direction are approximately 17m and 30m from the nearer of the two windows. For these reasons it is not considered that their amenity or privacy would be adversely affected, and that this requirement of policy LC4 is therefore met by the development.

Other matters

Protected species

The bird and bat mitigation measures approved under the previous approval required the installation of bat access ridge tiles, external bird boxes, and the installation of internal bat boxes. In addition, it required the louvered openings to each gable to be retained for bird and bat access. The current proposal would involve blocking up the louvered access at the northern end of the building, preventing access to the roof void at this end of the building. However, the ecological survey carried out in support of the original application found no bats to be active

within the building. Evidence of previous bird activity within the buildings roof space was found, but no evidence of protected species activity or any current avian activity was observed either. Your Officers have discussed the current proposal with the Authority's ecology Officer. Given the current lack of use of the building by both bats and birds, their view is that were the bat box previously conditioned to be in the northern part of the roof void to be relocated in the southern gable void (so there would be two boxes in this void that remain accessible via the southern louvered access), in addition to the other ecological measures secured previously, then the development would still represent an enhancement in habitat for both birds and bats. Subject to such a condition, the application therefore complies with the Authority's policies.

The condition requiring a check for nesting birds prior to the commencement of works that was applied to the original permission would no longer be required as both external and internal works have already been started.

Procedural

In terms of procedural matters, more than one objector has raised that they do not consider the application can be considered under the Section 73 provision of the Town and Country Planning Act (1990) because the use of the building as a four bedroom dwelling was not considered as part of the original application, and also because part of the proposal is retrospective which is covered by Section 73a of the Act rather than 73. The original permission allowed for the conversion of the building to two open market dwellings. The alterations proposed within this application remain within the scope of that description, are to the fabric of the building, add no further structures to the site, and would be within the confines of the original site area. The fact that the application was originally determined on the basis of providing two 3 bedroom houses does make this application to add a further bedroom materially different to the original application, as it has the potential to raise further planning matters. Section 73 of the Act permits applications for material amendments to previously granted permissions and 73a permits amendments of the same nature but covers retrospective works. The applicant has made an application for removal or variation of conditions following granting of planning permission, the application has been advertised as such, and Officers have made an assessment of the development under the terms of both Section 73 and 73A of the Act where appropriate. The manner in which the application has been considered is therefore considered procedurally correct.

Conclusion

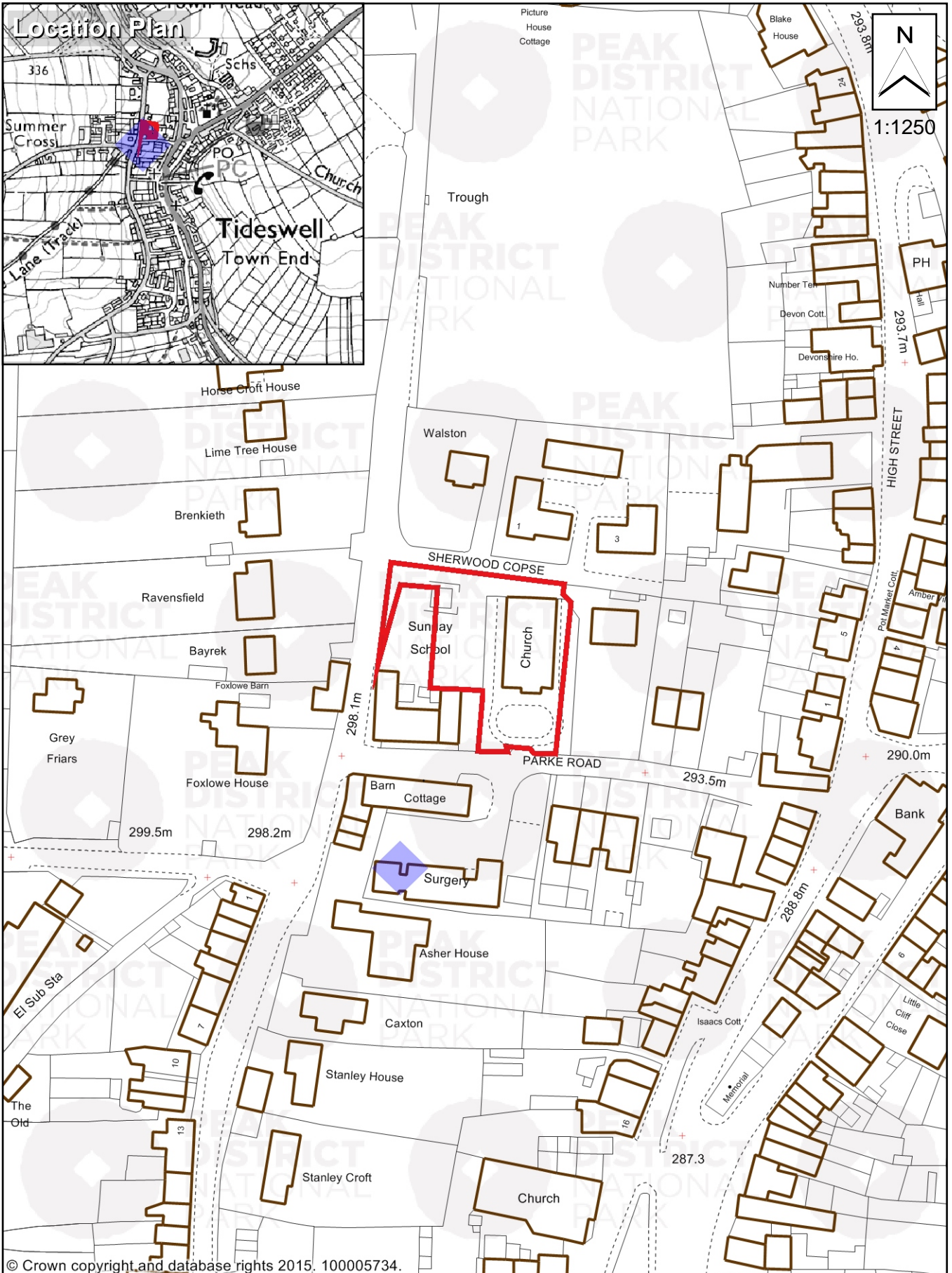
Overall, the development is considered to conserve the character and appearance of the former church, to conserve neighbouring amenity, and to not have an adverse impact on highway safety. As a result, the development complies with both national and local planning policy and is recommended for approval subject to conditions, including the imposition of those conditions that remain relevant from the previous permission that granted permission for the conversion of the building.

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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Committee Date:	13/02/2015	Title: Former URC Church, Parke Road, Tideswell	 PEAK DISTRICT NATIONAL PARK
Item Number:	14		
Application No:	NP/DDD/0115/0005		
Grid Reference:	415078 375698		

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15. APPLICATION TO REMOVE/VARY CONDITIONS ON APPLICATION NP/DDD/0212/0153 (CONVERSION OF CHURCH TO TWO DWELLINGS WITH ACCESS AND PARKING) – VARIATION OF APPROVED ROOFLIGHT SIZES AND POSITIONS - FORMER URC CHURCH, PARKE ROAD, TIDESWELL. (NP/DDD/0115/0004, P.9262, 6/1/15, 415078/375698, MN)

APPLICANT: MR ROBIN BROWN

Site and Surroundings

The former URC Church site is bounded by Parke Road to the south, Sherwood Road to the west and a private road to the north, which serves Sherwood Copse, a small estate of private dwellings. The site is located to the west of the main village centre and is set within approximately 0.46 hectares. It comprises the former URC church building and associated pedestrian entrance frontage onto Parke Road, situated in the eastern half of the site, and the former Church Hall building, also known as the School House, situated to the south-west of the Church which has frontages directly onto Parke Road and Sherwood Road. Attached to the eastern end of the School House is the Caretaker's Cottage, which is used as a separate dwelling. In 2013 the URC church received planning permission to be converted to two market dwellings, with the Church Hall receiving permission for conversion to a single market dwelling.

The URC Church is an attractive and imposing building situated on a higher ground level than Parke Road. It has a simple rectangular form, but has an imposing wide gable facing Parke Road with a large impressive steep-pitched roof form. The building is constructed of natural coursed gritstone under a blue slate roof and has attractive arched detailing, buttressing, leaded windows and coped gables. There is a formal pedestrian entrance and a frontage boundary to Parke Road comprising a combination of coped walling with iron railings. The building is not listed, but it is a non-designated heritage asset that makes a significant contribution to the character and appearance of the Conservation Area.

Vehicular access is via a single vehicle width access in the north-west corner of the site off Sherwood Road. This access also extends past the church building to serve a separate property to the east (The Manse). The Sherwood Road frontage (western boundary) is enclosed by a 2.5m high (approximately) rubble limestone wall. The northern boundary is enclosed by a 1.6m high (church side) rubble limestone wall.

Proposal

This application seeks to vary conditions of permission NP/DDD/0212/0153, which permitted the conversion of the former URC Church to two open market dwellings with associated parking area and access road. The application seeks to lower the height and adjust the size of 2 previously approved rooflights, and to resize and reposition 4 previously approved rooflights in the west facing roof slope of the church. These have already been fitted and the application therefore seeks retrospective consent to regularise them.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1 Standard time limit.**
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with submitted plans**

- 3 Maintenance of storage of plant area throughout works.
- 4 Maintain access visibility and sightlines.
- 5 Agree details of lowered section of walling to the north of the access track.
- 6 Nest boxes to be installed as previously approved.
- 7 The ridge tile access points for bats and their positioning to be installed as previously approved.
- 8 Two bat boxes shall be mounted internally within each gable end of the building.
- 9 Vehicular access, access road and car parking/manoeuvring facilities to be completed.
- 10 Two car parking spaces to be permanently maintained for each dwelling and car parking spaces and associated manoeuvring areas shall remain unobstructed for use at all times.
- 11 Drainage and surfacing materials for the access road and car parking/manoeuvring areas to be installed as previously approved.
- 12 Environmental Management measures shall be undertaken as previously approved.
- 13 Ground levels of the access road and car parking/manoeuvring areas to be established and permanently maintained as previously approved.
- 14 External lighting shall be installed as previously approved.
- 15 Matching materials new for timber and stonework.
- 16 New door frame to be recessed from the external face of the wall the same depth as the adjacent window frames.
- 17 Doors shall be vertically boarded timber with no external framing or glazing.
- 18 Rooflights to the west facing roof slope to be fitted flush with the roof slope.
- 19 All pipework to be completely internal within the building.
- 20 No additional or replacement guttering or downpipes to be installed without the prior approval of the Authority.
- 21 The design and positioning of external meter boxes shall be as previously approved.
- 22 Remove permitted development rights.
- 23 The northern boundary wall to be maintained at its present height, subject to the reduction in height required by Condition 5.
- 24 Access for birds and bats via the existing louvred openings in the gable ends of the church shall be permanently retained.
- 25 Maintain internal layout as approved.

Key Issues

The permission to convert the former church to a dwelling has been implemented. The site therefore has an extant permission for use as a two market dwellings and the main issues are as follows:

1. The impact of the alteration of the size and position of the previously approved rooflights on the character and appearance of the building.
2. The impact of the alteration of the size and position of the previously approved rooflights on the character and appearance of the Conservation Area.
3. The impact of the alteration of the size and position of the previously approved rooflights on neighbouring amenity.

History

2013 – Approval for Conversion of the former URC Church to two dwellings and creation of new access road and parking.

2014 – Non-material amendment permitted for replacement of windows, creation of new internal door opening, fitting of aluminium guttering, replacement of glass in internal ground floor screens, provision of disabled access ramps, and adjustment to width of an external door in the west elevation.

2014 – Discharge of conditions relating to the 2013 planning permission for conversion to two dwellings

2014 – Two applications received for the development described in the current application. Both withdrawn on grounds of procedural inaccuracies and inaccurate plans.

Consultations

Derbyshire County Council – Highways – No objections

Derbyshire Dales District Council – No response at time of writing.

Tideswell Parish Council – No response at time of writing.

Representations

5 letters of representation have been received, all objecting to the proposal. They raise the following concerns:

- Over-development of the site.
- The adjusted rooflights would increase the prospect of neighbouring properties being overlooked, and would harm the character of the building and the conservation area.
- Lowering the level of the rooflights would not provide a means of escape, as they would open on to a steep roof with a long drop below.
- The rooflights approved on the adjacent Sunday School development are smaller and flush fitting, and common standards should be applied within the same conservation area.
- The development of the site is becoming materially different from the scheme originally approved, and each amendment application is being considered in isolation.

Main Policies

Core strategy

Relevant Core Strategy policies: GSP1, GSP3, GSP4, DS1, L3

Local Plan

LC4, LC5

Policy GSP1 requires all new development in the National Park to respect and reflect the conservation purpose of the National Park's statutory designation and promotes sustainable development; L3 requires that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings and, other than in exceptional circumstances, not cause harm to cultural heritage assets;

LC5 sets out the approach for assessing development in a Conservation Area, such proposals should demonstrate how the existing appearance and character of the Conservation Area will be preserved and, where possible, enhanced; LC4 and GSP3 set out further criteria to assess the acceptability of all new development in the National Park.

National Planning Policy Framework

In this case, it is considered that relevant Development Plan policies are in accordance with the more recently drafted NPPF. The two documents seek a high standard of design which conserves or enhances the character and amenity of the area and heritage assets including the designated Tideswell Conservation Area.

Assessment

Introduction

The permission to convert the former church to two dwellings has been implemented. The site therefore has an extant permission for use as market dwellings and consequently the policy principle and other material considerations relating to the change of use to a dwelling are not revisited within this report. The report instead focuses on the differences between the approved scheme and the current proposal.

Alteration of position and size of rooflights to east roof slope (retrospective)

Visual impact

Four rooflights were approved to the east roof slope under the original conversion consent in 2012. Four rooflights have been installed (1340mm wide x 1400mm tall), but they are 340mm wider and 300mm taller than those approved (1000mm wide x 1100mm tall), in slightly different positions, and have not been fitted flush with the roof slope as the original approved plans and conditions required. The applicant is therefore seeking to regularise the rooflights as fitted as part of this application. The approved windows were approximately square, subdivided into three panes by glazing bars. The installed rooflights are also subdivided into three by vertical glazing bars. The size difference and the fact that they have been fitted raised from the roof slope rather than flush are unfortunate. However, the size difference relative to the size of the roof is very small, and whilst they were more traditionally proportioned as previously approved, the vertical subdivision retains some verticality to their appearance. Objectors have drawn attention to the smaller rooflights approved on the neighbouring Sunday School, and consider that those on the

church should be in line with those for the sake of consistency and to minimise the impact of the rooflights. However, each proposal must be considered on its own merits, and the roof planes of the church are significantly larger than those of the Sunday School, affecting the proportional relationship of the rooflights to the roof area. Taking account of these factors, on balance, the fitted rooflights are not considered to detract from the character and appearance of the building, or those of the conservation area, and are in accordance with policies L3, LC4 and LC5 in this regard.

Officers have noted that annotation on the plans suggests that these rooflights are to be lowered to provide a means of escape. This is an error; the rooflights are fitted as described above, and in accordance with the positions shown on the plans. For the sake of clarity it is considered that were permission to be granted a condition should be added to the notice requiring that notwithstanding the annotations, the rooflights are installed in the positions shown.

Amenity

The bottom edge of the fitted rooflights above the finished floor level is approximately 2.3m. There is therefore no likelihood of overlooking or loss of privacy to the neighbouring properties. This is in accordance with policy LC4, which requires development to conserve the amenity and privacy of nearby properties.

Alteration of position and size of rooflights to west roof slope

In order to meet building regulations the applicant is seeking to move the two approved rooflights in the west roof slope further down the roof in order that they can act as escape windows. They would also be widened by approximately 200mm. These would not allow access to the ground in case of a fire, but would be such a height above internal finished floor level as to allow people to reach them and be rescued from the open windows by fire services. These windows have not yet been installed.

Visual impact

The impact of resizing and moving the rooflights down the roof slope is low and acceptable as it improves the appearance by bringing them closer to the roof edge, reducing their disruption of the roofs mass.

Amenity

The rooflights would be serving bedrooms and would be at a height above finished floor level that would afford views out of the property. The windows would face away from the closest neighbouring houses however, which are to the north. The closest properties opposite the window would be over 50m away, so their amenity and privacy are not considered to be affected. As the windows would be of an opening type due to being an escape window it would be possible for it to be looked out of towards the north when fully opened. However, these views would be at an obtuse angle from the window, and would be very unlikely to take place with any degree of regularity. In addition, the distances to the closest neighbouring properties in this direction are approximately 20m and 33m from the nearer of the two windows. For these reasons it is considered that their amenity or privacy would be protected, in accordance with policy LC4.

Conclusion

Overall, the development is considered to conserve the character and appearance of the former church, to conserve neighbouring amenity, and to not have an adverse impact on highway safety. As a result, the development complies with both national and local planning policy and is

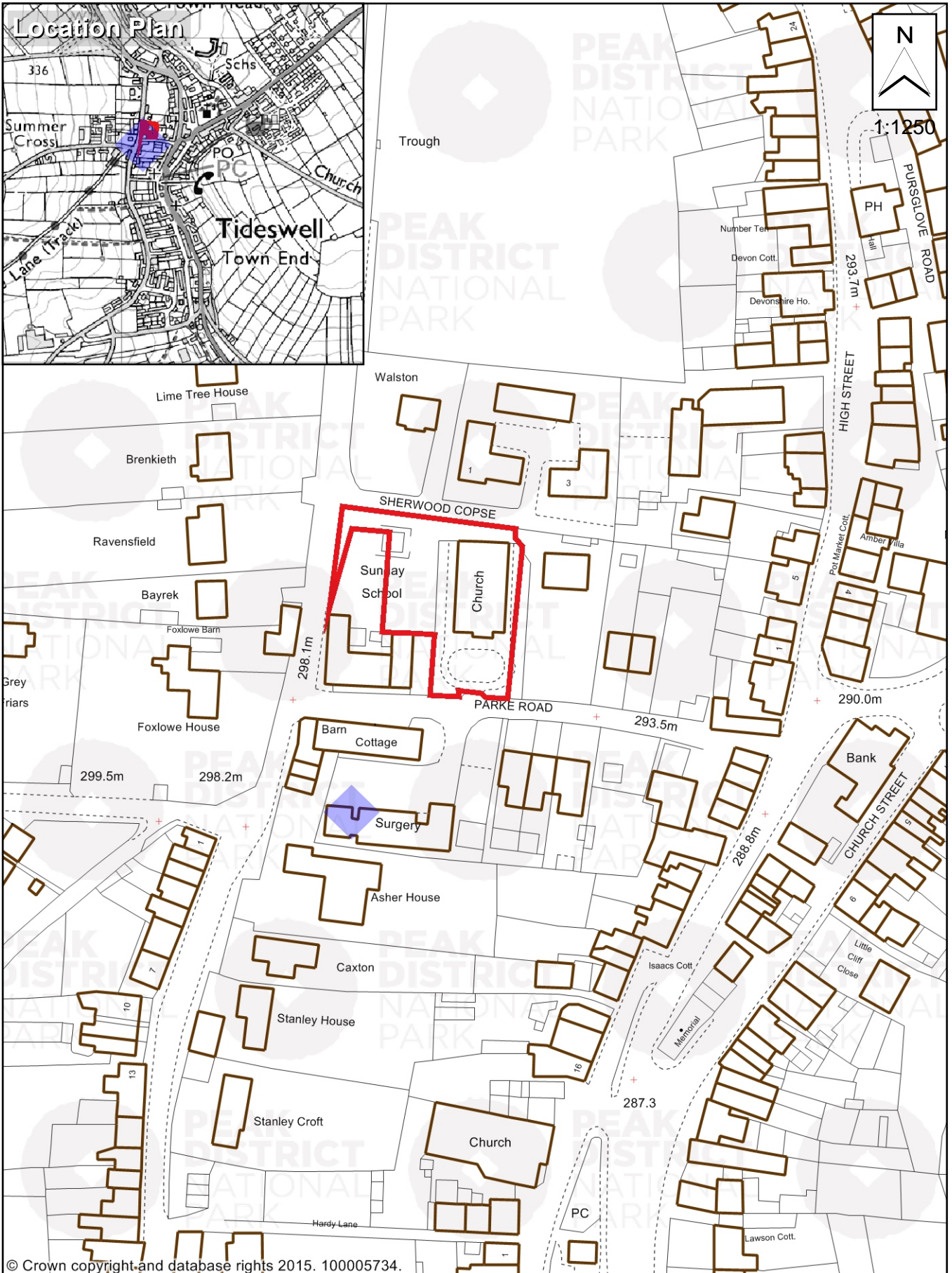
recommended for approval subject to conditions, including the imposition of those conditions that remain relevant from the previous permission that granted permission for the conversion of the building.

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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Committee Date: 13/02/2015
 Item Number: 15
 Application No: NP/DDD/0115/0004
 Grid Reference: 415078 375698

Title: Former URC Church, Parke Road, Tideswell



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16. DESIGNATION OF HOLME VALLEY NEIGHBOURHOOD AREA (AM)

Purpose of the report

1. To designate that part of Holme Valley parish that is within the National Park as part of the Holme Valley Neighbourhood Area, under the Localism Act 2011 Schedule 9.

Key issue

2. Under Schedule 9, section 61-I of the Localism Act, the power to designate an area as a neighbourhood area is exercisable by 2 or more local planning authorities if the area falls within the area of those authorities. Holme Valley parish council is a qualifying body for the purpose of designating a neighbourhood area, and has applied to the Authority and to Kirklees Council.

3. Recommendation

1. **Members designate that part of the Holme Valley parish that is within the National Park as part of the Holme Valley Neighbourhood Area (the shaded area within the parish boundary on the map in Appendix 1), under the Localism Act 2011 Schedule 9, section 61G.**

How does this contribute to our policies and legal obligations?

4. This is a legal obligation under the Localism Act.

This proposal contributes to corporate objectives 3 and 5.

3: Provide a high quality planning service to the community of the National Park that achieves national park purposes and that is responsive to and contributes to the debate on planning reform nationally and locally.

5: Work with others in an integrated way to support local people to develop community facilities, local needs housing and services in ways that are sustainable and contribute to national park purposes.

A measure of success for this objective is working with communities/ parishes/villages to support their plans, including neighbourhood plans. If adopted, a neighbourhood plan forms part of the Local Development Plan for the National Park.

Background

5. The Authority Meeting on 5 October 2012 approved procedures for processing notifications under the Localism Act 2011. For notifications to designate neighbourhood areas it was resolved that these be determined by Planning Committee (Minute 72/12).

6. On 13 October 2014, Holme Valley Parish Council applied to the Authority and to Kirklees Council to designate the whole of Holme Valley parish as a neighbourhood area. The letter of application (see Appendix 2) meets the statutory requirements that it must contain:

- a map which identifies the area to which the area application relates;
- a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
- a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.

Designation of a neighbourhood area is necessary for parish councils wishing to undertake neighbourhood development plans or orders.

7. In accordance with the Neighbourhood Planning Regulations, the application was published for a period of 6 weeks from 10 November – 19 December 2014. Most of this was undertaken by Kirklees Council and is detailed in the cabinet report of 27 January 2015. (See Appendix 3). In summary:

- Copies of the documentation and details of how and when to make representations were placed on both authorities' websites and hard copies of the documentation made available at Kirklees Council Planning Reception Civic Centre 3.
- The application was available to view at Holmfirth Library and Information Centre and Honley Library and Information Centre.
- An advert was placed in the Huddersfield Examiner which provided details on how to make a representation and where information could be viewed.
- Letters to adjoining local authorities and parish councils
- E-mail to Kirklees ward members
- E-mail to the 80 community organisations on Kirlees Council's Area Neighbourhood Action Team (ANAT) for the Holme Valley.
- Information on Kirklees Rural Facebook page/ Twitter Account
- Information on the ANAT twitter account
- Request to community networks such as Holme Valley Vision and Holmfirth Community Forum to circulate to their membership, forward to contacts and put on their websites
- Posters displayed at Holme village

Eight representations were received by Kirklees Council from:

- Cllr Julie Stewart-Turner on behalf of Newsome Ward Community Forum
- Coal Authority
- Denby Dale Parish Council
- English Heritage
- Homes and Communities Agency
- Kirkburton Parish Council
- Natural England
- Wakefield District Council

There were no concerns or comments raised about the area designation. More detailed comments were raised by the Coal Authority, Natural England and English Heritage that will be taken into account at later stages of the neighbourhood planning process.

Proposal

8. In determining the application the Authority must have regard to the 1990 Town and Country Planning Act 61G(4)(7) and H(1), and consider the following issues:

(1) The desirability of designating the whole of the area of a parish council.

In the letter of application, the Parish Council states "The whole of the Holme Valley Civil Parish is to be designated the area for the Holme Valley Neighbourhood Area. It is considered appropriate that this should be the boundary for the Holme Valley Neighbourhood Area as it covers the two main areas of Holmfirth (Central) and Honley (Central & East, South and West), but also the villages and communities within the Parish Council's area, i.e. Brockholes, Fulstone, Hepworth, Netherthong, Scholes, the Upper Holme Valley (including Holme), Upperrthong and Wooldale. All of these areas

are known and perceived to be the Civil Parish of Holme Valley, and need to be considered with regards to plans for development, conservation etc that may form part of the Holme Valley Neighbourhood Plan.”

There are no reasons why the whole of the parish should not be designated.

(2) The desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas, and ensuring areas do not overlap.

The proposed neighbourhood area does not overlap with neighbourhood areas in the Kirklees area, and there are no other adjacent neighbourhood designations in the National Park area .

(3) Consideration of whether the area should be designated as a business area.

Designation of a business area would only apply if the area is wholly or predominantly business in nature. This is not the case.

Are there any corporate implications members should be concerned about?

Financial

9. There are costs incurred by local planning authorities in advertising the statutory consultation to designate a neighbourhood planning area. DCLG grant of £5k is available on designation of a neighbourhood area and this would be shared between the Authority and Kirklees Council.

Risk Management:

10. The steps that the Authority is taking, as described, to respond to the Localism Act, means that the risk around failing to meet government standards or legal obligations is low.

Sustainability:

11.
 - Environmental Management – there is no impact at this stage. These matters will be considered as part of the Authority’s assessment of the plan itself.
 - Equalities – all work on community planning takes into account equalities issues.

Background papers (not previously published)

12. None.

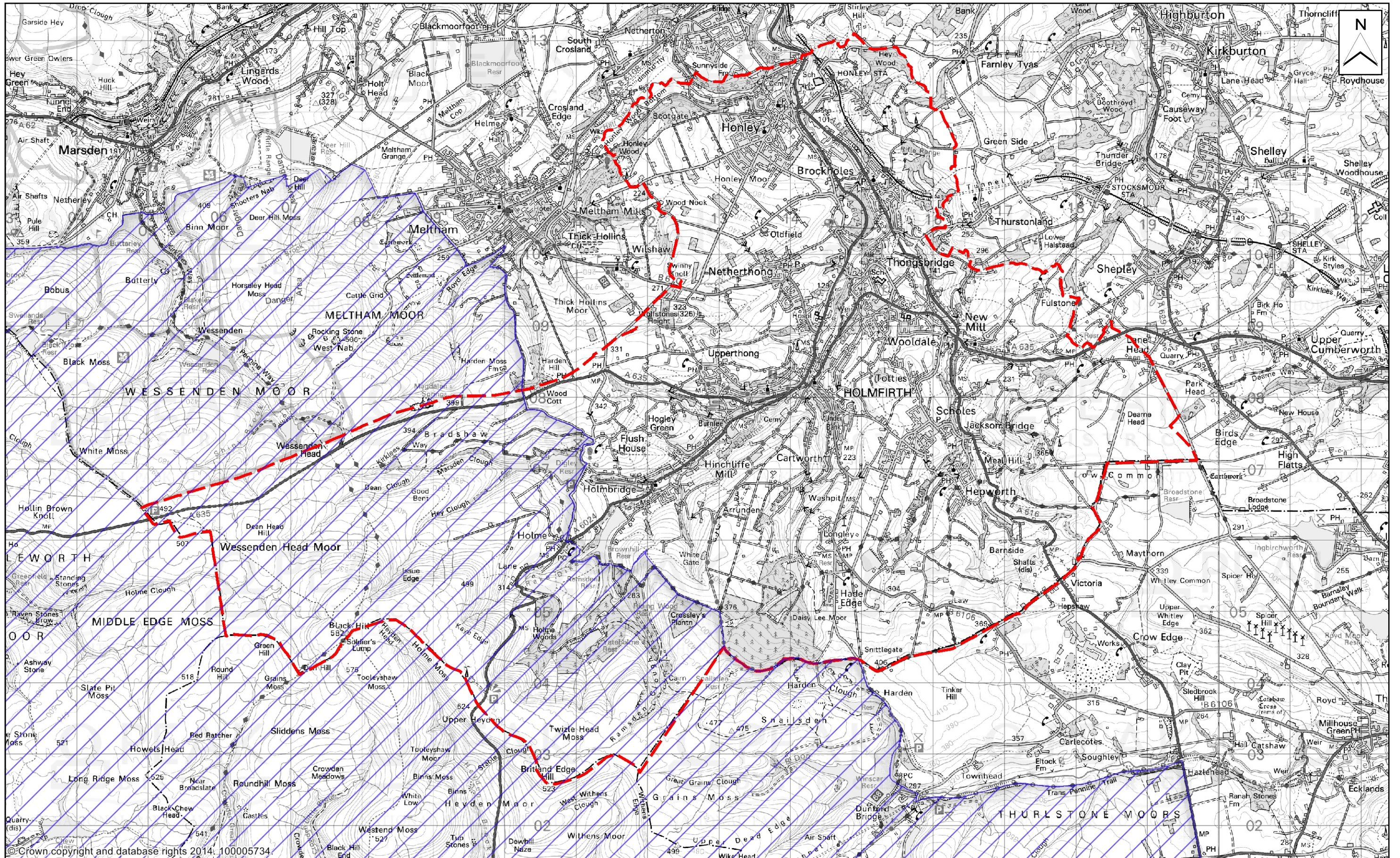
Appendices

Appendix 1: Map of proposed Holme Valley Neighbourhood Area
Appendix 2: Letter of application
Appendix 3: Kirklees Council cabinet report



Report Author, Job Title and Publication Date

Adele Metcalfe, Villages and Communities Officer, 5 February 2015

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 Holme Valley parish boundary and neighbourhood area
 Peak District National Park

Holme Valley parish boundary and neighbourhood area (1:50,000)



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HOLME VALLEY PARISH COUNCIL

Council Chamber, Council Offices
Huddersfield Road
HOLMFIRTH HD9 3JP

Clerk to the Council: Mrs Sally S Barber

Tel No: 01484 222462

E-mail: clerk@holmevalleyparishcouncil.gov.uk

Our ref: SSB

13 October 2014

Mrs Adele Metcalfe
Communities and Villages Officer
Peak District National Park Authority
Aldern House, Baslow Road
Bakewell DE45 1AE

Dear Mrs Metcalfe

Formal Application To Have Parish Designated As A Neighbourhood Area

Holme Valley Parish Council has authorised me to write to you, to submit the Council's formal application to have the Civil Parish designated as a 'Neighbourhood Area'.

A similar application is being submitted in parallel to Kirklees Council regarding the majority of the area to be designated. However, as the area of Holme village lies within the Peak District National Park Authority (PDNPA), it is understood that a separate application must be submitted to the PDNPA to designate the Neighbourhood area specifically relating to the area of Holme. The map attached, provided by Kirklees Council, is appropriate to both applications.

Neighbourhood Area

The whole of the Holme Valley Civil Parish is to be designated the area for the Holme Valley Neighbourhood Area. The map enclosed indicates the Holme Valley Civil Parish boundary.

It is considered appropriate that this should be the boundary for the Holme Valley Neighbourhood Area as it covers the two main areas of Holmfirth (Central) and Honley (Central & East, South and West), but also the villages and communities within the Parish Council's area, i.e. Brockholes, Fulstone, Hepworth, Netherthong, Scholes, the Upper Holme Valley (including Holme), Upperrthong and Wooldale. All of these areas are known and perceived to be the Civil Parish of Holme Valley, and need to be considered with regards to plans for development, conservation etc that may form part of the Holme Valley Neighbourhood Plan.

Statement of Relevant Body

Holme Valley Parish Council is the relevant body as stated in section 61G of the Town & Country Planning Act which specifically includes Parish Councils.

The Council looks forward to receiving confirmation of the designation in due course, but if you require any further information please do not hesitate to contact me.

Yours sincerely

Sally S Barber
SALLY S BARBER (Mrs)
Clerk to the Council

Enc – Map of area to be designated

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Name of meeting: Cabinet

Date: 27th January 2014

Title of report: Holme Valley Parish Council Neighbourhood Area Applications

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Is it in the Council's Forward Plan ?	Not applicable
Is it eligible for "call in" by Scrutiny ?	Yes
Date signed off by <u>Director</u> & name Is it signed off by the Director of Resources? Is it signed off by the Acting Assistant Director - Legal & Governance?	
Cabinet member portfolio	Place (Investment and Housing)

Electoral [wards](#) affected: All

Ward councillors consulted: Yes

Public or private: Public

1. Purpose of report

- 1.1. The purpose of this report is to inform the Cabinet of the comments received in response to the six week publicity on Holme Valley Parish Council's application for its proposed neighbourhood planning area. Following consideration of the comments received, Cabinet is requested to consider approval of the neighbourhood area as required by Part 6 Chapter 3 and Schedule 9 of the Localism Act 2011 and National Planning Practice Guidance.
- 1.2. It should be noted that as a parish council exists for the Holme Valley, it is regarded as the "appropriate body" for the purposes of neighbourhood planning and no other organisation or body may be designated for the Neighbourhood area. There is therefore, no requirement to submit an application for designation as an appropriate body.

2. Key points

2.1 Background

Neighbourhood Area

2.1.1 Holme Valley Parish Council has submitted an application for a Neighbourhood Plan Area designation based on the whole of the parish boundary. This covers part of the Peak District National Park. The Parish Council was therefore, required to submit an application to both Kirklees Council and to the Peak District National Park Authority.

2.2.2 Regulation 5 of the Neighbourhood Planning Regulations requires the following:

- a. a map which identifies the area to which the area application relates;
- b. a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
- c. a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.

2.2.3 The application is attached at Appendix 1.

2.2 Publicity

2.2.1 In accordance with the Neighbourhood Planning Regulations, the application was published for a period of 6 weeks from 10th November – 19th December 2014.

2.2.2 Copies of the documentation and details of how and when to make representations were placed on the council's website and hard copies of the documentation made available at Planning Reception Civic Centre 3.

2.2.3 The application was also available to view at: Holmfirth Library and Information Centre and Honley Library and Information Centre.

2.2.4 An advert was placed in the Huddersfield Examiner which provided details on how to make a representation and where information could be viewed.

2.2.5 Additional publicity included:

1. Letters to statutory consultees (this included adjoining local authorities and parish councils)
2. E-mail to ward Members
3. E-mail to the 80 community organisations on the council's Area Neighbourhood Action Team (ANAT) group for the Holme Valley.
4. Info on Kirklees Rural Facebook page/ Twitter Account
5. Info on the ANAT twitter account
6. Request to community networks such as Holme Valley Vision and Holmfirth Community Forum to circulate to their membership/ forward on to contacts and put on their websites

2.2.6 The Peak District National Park also placed the application on its website and undertook publicity in its area.

Comments received in response to the publicity

2.2.7 A total of eight representations were received, 7 from statutory consultees in relation to the neighbourhood area and 1 representation from Cllr Julie Stewart-Turner on behalf of Newsome Ward Community Forum supporting that Holme Valley be approved as a Neighbourhood Planning Forum. However, as outlined at paragraph 1.2 of the report, Holme Valley Parish Council does not need to make an additional application to undertake the neighbourhood plan as it is considered the “appropriate body” by statute. No representations were received by Peak Park Authority.

Coal Authority:

The west and south-west of Holme Valley parish lies within a defined coalfield. As the consultation only relates to the proposed designation of the neighbourhood plan area, the Coal Authority has no specific comments to make at this stage. However, the following points were highlighted as considerations to progress a neighbourhood plan: “According to the Coal Authority Development High Risk Area Plans for Kirklees, there are 234 recorded mine entries within the proposed Neighbourhood Area. In addition 15 coal mining hazards, such as a ground collapse have been reported to The Coal Authority. The proposed Neighbourhood Area includes other mining legacy features including recorded shallow coal workings, unrecorded probable historic shallow coal workings, thick coal outcrops and past surface mining. All of these mining legacy features pose a potential risk to ground stability and public safety. These mining legacy features collectively make up the defined Development High Risk Area. This is predominantly located in the west and south-west of the plan area; it does include a number of existing settlements within it. If the Neighbourhood Plan allocates sites for future development in these areas then consideration as to the development will need to respond to these risks to surface stability in accordance with the National Planning Policy Framework and the Planning Practice Guidance”.

Denby Dale Parish Council: The Plans Scrutiny Committee has no objection to the application.

English Heritage: No objection to the proposed boundary. The area identified by the Holme Valley Parish Council for the Neighbourhood Plan includes a number of important designated heritage assets, including Grade II* Listed Totties Hall, 35-39 Totties Lane, 4 Scheduled Monuments, 499 Grade II Listed Buildings and 13 Conservation Areas, most of which do not have Conservation Area Appraisals and Management Plans.

Attention is drawn to the absence of Conservation Area Appraisals and Management Plans, as the Holme Valley Neighbourhood Plan could introduce policies which are specifically focussed on these areas.

Homes and Communities Agency: No comments to make at this time.

Kirkburton Parish Council: No comments to make at this time.

Natural England:

No specific comments made on the boundary. Advice is provided on protected landscape and the need to consult with the Peak District National Park Authority, protected species, local wildlife sites, best and most versatile land and opportunities for enhancing the natural environment.

Wakefield District Council: No comments to make at this stage.

Each of the above has provided general advice to the Parish Council including links to sources of useful information and contact details for further advice and formal consultation as the neighbourhood plan progresses.

2.3 Implications

- 2.3.1 Following approval of a neighbourhood area, the Parish Council can produce a neighbourhood development plan or order (as applied for) which relates to the development and use of land. A Neighbourhood Plan will be part of the statutory development plan for the area, if it is successful at referendum.
- 2.3.2 In preparing the plan, the Parish Council must ensure that they meet basic conditions which will be tested through independent examination and checked by the Local Planning Authority prior to proceeding to a referendum on the plan.
- 2.3.3 Basic conditions for Neighbourhood Plans and Orders are:
- they must have appropriate regard to national policy;
 - they must contribute to the achievement of sustainable development;
 - they must be in general conformity with the strategic policies in the development plan for the local area;
 - must be compatible with EU obligations, including human rights requirements.
- 2.3.4 To meet these basic conditions, the Parish Council will need to work with Council officers. The current development plan for the area is the Kirklees Unitary Development Plan (UDP) adopted March 1999, revised September 2007. However, the council is in the early stages of preparing a new local plan. It is therefore likely that if a Neighbourhood Development Plan was to meet the basic conditions set out above, it will require close alignment to local plan work including Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA).
- 2.3.5 If the plan meets the basic conditions, the examiner will recommend that the plan proceeds to the referendum stage. The neighbourhood plan needs to secure more than 50% of those voting in the referendum to vote 'yes' for the Council to bring the plan into legal force. If this is not achieved, the neighbourhood forum and the Council would need to consider the implications of this and how to move forward. The referendum is for residents entitled to vote in the area.

2.4 Officer comments

Neighbourhood Area

- 2.4.1 The boundary encompasses the whole of the parish boundary which includes part of the Peak National Park.
- 2.4.2 No changes to proposed neighbourhood area have been identified through the publicity period undertaken by Kirklees Council and Peak Park National Park Authority.

2.5 Plan preparation costs

- 2.5 The costs in preparing a neighbourhood development plan for the relevant planning body are dependant on the scale and content. Average costs are estimated at £17,000 to £63,000 per plan. Grants ranging from £500 - £7000 are available from Locality to support groups as a contribution to costs incurred by the group in preparing a neighbourhood plan. Direct support is also available and advice is tailored to meet the needs of the group. Groups need to apply directly to Locality for their grants and direct support.

3. Implications for the Council

Benefit

Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. There is an opportunity for the neighbourhood plan to feed into the emerging Local Plan.

Risk

It is a statutory requirement to support the preparation of neighbourhood plans and for the council to adopt, or 'make' them, if supported by the referendum. Failure to support Holme Valley Parish Council to prepare a neighbourhood plan would result in legal challenge.

Costs

The Local Planning Authority can claim £5,000 from DCLG following designation of a neighbourhood area. This money is for the Local Authority in recognition of officer time to support and advise the community in taking forward a neighbourhood development plan.

The Local Planning Authority has to fund the examination and referendum. Local Planning Authorities can claim £5,000 from DCLG as a contribution to costs of the examination. A further £20,000 can be claimed on successful completion of the Neighbourhood Planning Examination to cover further examination costs and other steps that are needed to bring the plan into legal force including the referendum. This is unlikely to cover the costs of officer time, the examination and referendum. The council will need to meet the balance of these costs.

Neighbourhood Planning Guidance Note 4 – Council support for Neighbourhood Plans agreed by Neighbourhoods Committee on 6th August 2013 sets out inter alia the level of officer support available for groups undertaking neighbourhood development plans.

4. Consultees and their opinions

4.1 Comments from statutory consultees have been included within the report.

5. Next steps

- 5.1 Following approval of Holme Valley Parish Council neighbourhood area, the council is required to publicise the decision on its website, advertise in a relevant local paper and place a copy of the advert in Holmfirth Library and Information Centre and Honley Library and Information Centre. The decision will also be communicated through area and neighbourhood communication channels.
- 5.2 The Council will meet with Holme Valley Parish Council to form a working partnership and agree the level of officer support to be provided through a service level agreement in line with Neighbourhood Planning Guidance Note 4.

6. Officer recommendations and reasons

- 6.1 That Cabinet approves Holme Valley Parish Council Neighbourhood Plan Area as outlined in appendix 1.

7. Cabinet portfolio holder recommendation

8. Contact officer and relevant papers

Richard Hollinson
Policy Group Leader
01484 221000
richard.hollinson@kirklees.gov.uk

Jo Scrutton
Principal Planning Officer
01484 221000
johanna.scrutton@kirklees.gov.uk

9. Assistant director responsible

Paul Kemp
Assistant Director (Acting)
Place - Investment and Regeneration
01484 221000
paul.kemp@kirklees.gov.uk

17. PLANNING APPEALS (A.1536/AMC)

1. APPEALS LODGED

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/DDD/1014/1051 2229724	Ground floor extension and first floor extension to the Sycamores, Main Street, Winster, DE4 2DJ	Householder Appeal	Delegated
NP/DDD/0914/0997 3001876	Proposed 6 one bedroomed flats at Endcliffe Court, Ashford Road, Bakewell, DE45 1GT	Written Representations	Committee

2. APPEALS WITHDRAWN

There has been one appeal withdrawn during this month.

2225113 ENF 12/0042	Erection of a building and use as a dwelling house at Sheffield Pet Crematorium, Hollow Meadows, Sheffield, S6 6GL	Enforcement	Delegated
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3. APPEALS DECIDED

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/0314/0277 2228735	Conversion of the Old Smithy to holiday accommodation at The Old Smithy, Commercial Road, Tideswell, Derbyshire, SK17 8NU	Written Representations	Dismissed	Delegated

The Inspector felt that proximity to properties to the east, the increased height of the roof and introduction of side facing windows would be harmful to the living conditions of neighbouring residents through a loss of outlook and privacy. Consequently, the proposal conflicts with Core Strategy policy GSP3 and Local Plan Policy LC4 which, amongst others, are concerned with the impact of development on the living conditions of communities and the amenity and privacy of nearby properties. For the same reasons it is also contrary to one of the Core Planning Principles of the Framework which seeks to secure a good standard of amenity for both existing and future occupants of land and buildings. The Inspector also took into account comments that the extension and alteration of the appeal property is required to make the project viable, and that the scheme would provide holiday accommodation in a popular tourist area, however, none of these factors justified granting planning permission given the harm, so the appeal was therefore dismissed by the Inspector.

NP/K/0214/0165 22266533	Change of Use of an Existing Barn from Agricultural to Residential, in Addition to Alterations and Extension to an Existing Farmhouse at Royd Farm, Royd Road, Meltham, Holmfirth, HD9 4BG	Written Representations	Dismissed	Delegated
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The Inspector dismissed the Appeal on the grounds that the development would detract unacceptably from the valued characteristics of the site, undermining the manner in which it sits in its surroundings, and so failing to conserve the landscape and cultural heritage of the National Park. It would also conflict with Policy GSP3 in the Core Strategy, Local Plan Policies LC4, LH4 and LH6, and the Framework and as such would lead to an erosion of the rural character of the traditional farmstead and that part of the Park.

NP/DDD/0314/0272 2226601 (Listed Building)	Removal of existing window and replacement by a breakfast bar at The Nook, King Street, Bakewell DE45 1DZ	Written Representations	Allowed	Committee
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The main issue in this case, was whether the works that had been completed preserved the special architectural/historic interest in the Grade II Listed Building. The Inspector concluded that the works did not harm its significance as a heritage asset and were not contrary to the Framework, so therefore allowed the Appeal

4. **RECOMMENDATION:**

That the report be received.