

# Public Document Pack

**Peak District National Park Authority**

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



Our Ref: A.1142/1342

Date: 7 May 2015



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 15 May 2015**

Time: **10.00 am**

Venue: **Board Room, Aldern House, Baslow Road, Bakewell**

SARAH FOWLER  
CHIEF EXECUTIVE

## AGENDA

1. **Apologies for Absence**
2. **Minutes of previous meeting 17 April 2015 (Pages 1 - 12)**
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. **Outline Permission: Proposed Commercial/Retail-Led Development mixed use Development, Associated Works and Demolition of Existing Buildings at Riverside Business Park, Buxton Road, Bakewell (NP/DDD/0415/0340 P.4822 421111/369121 1/5/2015/CF) (Pages 13 - 34)**  
Site Plan
7. **Full Application - Demolition of Existing Industrial and Office Buildings and Construction of New Food Store, Car Park, Access Roads and Paths and Associated Drainage Works and Landscaping At Former Cintride Site, Buxton Road, Bakewell, (NP/DDD/0115/0043, P7628, 420997/369004, 20/01/2015/ALN) (Pages 35 - 60)**  
Site Plan

8. **Full Application - Change of use of Agricultural Building to Storage Area For Mobile Toilets and use of Storage Tank for the Storage of the Waste From The Toilets - Application for Permanent Consent Following Temporary Consent as Granted at Appeal on 6 May 2014, Planning Application Ref: 0813/0716 at White House Farm, Wardlow (NP/DDD/0315/0184 - 10/03/2015, P2892, 418126/374950, JK). (Pages 61 - 74)**  
Site Plan
9. **Full Application - Erection of 2 Agricultural Buildings, Cliffe House Farm, Bradfield (NP/S/1214/1273, P.1252, 427668 / 391738, 09/02/2015/JK) (Pages 75 - 88)**  
Site Plan
10. **Full Application - Demolition of Existing Bungalow and Erection of Replacement Dwelling at Mill Field, Dunlow Lane, Eyam (NP/DDD/0115/0068, P.4917, 421233 / 376449, 27/04/2015/AM) (Pages 89 - 98)**  
Site Plan
11. **Full Application - Erection of New House and Garage Incorporating Changes to Approval given for similar on the site (Ref Np/Ddd/0311/0196) At Former Glen Cottage, Riddings Lane, Curbar (NP/DDD/0415/0283, P.5601, 424735 / 375345, 29/04/2015/AM) (Pages 99 - 108)**  
Site Plan
12. **Full Application - Alteration and Extensions to Dwelling to Include Side Extension, Detached Double Garage and Separate Independent Relative Accommodation at Lea Side, New Road, Bradfield. (NP/S/0215/0120, P5416, 426873 / 391338/SC (Pages 109 - 116)**  
Site Plan
13. **Full Application - Demolition of Farmhouse and Erection of Replacement Dwelling; Conversion of Farm Building to Dwelling and Erection of Separate Double Garage, Pineapple House Farm, Baslow Road, Bakewell (NP/DDD/1114/1205, P.4827, 422017 369876, 24/11/2014/KW) (Pages 117 - 132)**  
Site Plan
14. **Full Application: Conversion of 3 Agricultural Buildings to 2 Self-Catering Holiday Units and Garages/Games Room Ancillary to Dwelling, Ivy House Farm, Uppertown, Birchover (NP/DDD/0315/0244, P.9270, 414217 361642, 30/04/2015/CF) (Pages 133 - 144)**  
Site Plan
15. **Full Application: Change of use of 'Croft' to Domestic Curtilage, Erection of Gritstone Clad Retaining Wall and Associated Ground Works at The Former Goldcrest Engineering Site, Main Road, Stanton In Peak (NP/DDD/0215/0074 P.2530 424040/364384 01/02/2015/CF) (Pages 145 - 154)**  
Site Plan
16. **Annual Report on Planning Appeals 2014/15 (A.1536/AM/JRS/KH) (Pages 155 - 160)**
17. **Planning Appeals (A.1536/AMC) (Pages 161 - 162)**

### **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](http://www.peakdistrict.gov.uk) .

### **Background Papers**

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](mailto:democraticservices@peakdistrict.gov.uk).

### **Public Participation and Other Representations from third parties**

Anyone wishing to participate at the meeting under the Authority's Public Participation Scheme is required to give notice to the Director of Corporate Resources to be received not later than 12.00 noon on the Wednesday preceding the Friday meeting. The Scheme is available on the website [www.peakdistrict.gov.uk](http://www.peakdistrict.gov.uk) or on request from Democratic Services 01629 816362, email address: [democraticservices@peakdistrict.gov.uk](mailto:democraticservices@peakdistrict.gov.uk), fax number: 01629 816310.

### **Written Representations**

Other written representations on items on the agenda, except those from formal consultees, will not be reported to the meeting if received after 12noon on the Wednesday preceding the Friday meeting.

### **Recording of Meetings**

In accordance with the Local Audit and Accountability Act 2014 members of the public may record and report on our open meetings using sound, video, film, photograph or any other means this includes blogging or tweeting, posts on social media sites or publishing on video sharing sites. If you intend to record or report on one of our meetings you are asked to contact the Democratic and Legal Support Team in advance of the meeting so we can make sure it will not disrupt the meeting and is carried out in accordance with any published protocols and guidance.

The Authority uses an audio sound system to make it easier to hear public speakers and discussions during the meeting and to make a digital sound recording available after the meeting. The recordings will usually be retained only until the minutes of this meeting have been confirmed.

### **General Information for Members of the Public Attending Meetings**

Aldern House is situated on the A619 Bakewell to Baslow Road, the entrance to the drive is opposite the Ambulance Station. Car parking is available. Local Bus Services from Bakewell centre and from Chesterfield and Sheffield pick up and set down near Aldern House. Further information on Public transport from surrounding areas can be obtained from Traveline on 0871 200 2233 or on the Traveline website at [www.travelineeastmidlands.co.uk](http://www.travelineeastmidlands.co.uk).

Please note that there is no catering provision for members of the public during meal breaks. However, there are cafes, pubs and shops in Bakewell town centre, approximately 15 minutes walk away.

**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 P Harrison     |
| Cllr Mrs N Hawkins | Cllr H Laws         |
| Cllr A McCloy      | Ms S McGuire        |
| 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



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



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## MINUTES

Meeting: **Planning Committee**

Date: Friday 17 April 2015 at 10.00 am

Venue: Board Room, Aldern House, Baslow Road, Bakewell

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr P Brady, Cllr C Carr, Cllr D Chapman, Cllr A R Favell, Cllr P Harrison, 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: Cllr Mrs H Gaddum

### 31/15 MINUTES OF PREVIOUS MEETING

The minutes of the last meeting of the Planning Committee held on 13 March 2014 were approved as a correct record.

The Director of Planning gave an update on Minute 20/15. In response to a Member query he confirmed that scheduling would take precedent over listing and that this would apply in this instance. He reported that Derbyshire Dales District Council had approved an application to have the property listed as an asset of community value. This followed on from new legislation which came into force from 6 April 2015. Permitted development rights don't apply to assets of community value, so the applicant would now need to apply for permission to change the use to a shop. The applicant had been advised that the best way forward would be for the current application to be withdrawn and resubmitted. No response had yet been received.

The Director stated that the Parish Council were aware of this issue.

### 32/15 MEMBERS DECLARATIONS OF INTEREST

Item 6

Cllr D Williams declared a personal interest as a member of the YHA.

Cllr H Laws declared a personal interest as a member of English Heritage.

It was noted that all Members had received an email from Jackie Nally regarding this application.

Item 7

Cllr D Williams declared a personal interest as a member of the YHA.

Cllr H Laws declared a personal interest as a member of English Heritage.

Cllr A R Favell declared that he had received a number of approaches regarding this application but that he had an open mind.

Item 9

Cllr P Brady declared a personal interest as he knew the objector.

Cllr C Carr declared he had received an email from John Youatt..

Cllr A McCloy declared he had received an email from John Youatt.

Item 12

Cllr A McCloy declared a personal interest as he knew the applicant.

### **33/15 PUBLIC PARTICIPATION**

The Chair reported that 11 members of the public had given notice to speak under the public participation at meetings scheme.

### **34/15 FULL APPLICATION - REPAIR AND ALTERATIONS TO CASTLETON HALL. DEMOLITION OF 1970'S BUNGALOW, VICTORIAN GAMES ROOM AND 1970'S DINING ROOM EXTENSION TO REAR OF PROPERTY. CONSTRUCTION OF NEW DOUBLE AND SINGLE GARAGE AND NEW SUN ROOM. SEPARATE CASTLETON HALL INTO TWO DOMESTIC PROPERTIES. INTERNAL ALTERATIONS TO REMOVE ALTERATIONS CARRIED OUT TO CONVERT THE BUILDING TO A YOUTH HOSTEL AND WORKS TO REINSTATE THE ORIGINAL BUILDING AESTHETIC AND BETTER SERVE THE BUILDING FOR DOMESTIC PURPOSES AT CASTLETON HALL, CASTLE STREET, CASTLETON**

A supplementary update report had been tabled which gave details of further representations received from the objector with accompanying documents. The Director of Planning introduced all reports and advised the Committee that two decisions were required, one in respect of the planning application and another for listed building works. He and the report emphasised that special regard and considerable weight had to be given to preserving the listed building and enhancing or conserving the conservation area. The optimum use is as a single dwelling. Where there is harm to a listed building, a presumption of refusal arises as an aspect of statutory duty.

The following spoke on both this report and the listed building report under the public participation at meetings scheme:

- Mr P Milner, Objector
- Mr R Chaudhry, Objector
- Ms S Marsh, Applicant

The recommendation for approval of the planning application, subject to conditions as detailed in the report, was moved and seconded. In response to Members' queries the Director stated that management of the front garden space could be controlled by a

condition or in a Section 106 agreement as part of management of the site. It was agreed that there would be harm to the dwelling from a two dwelling scheme albeit very much less than substantial. Members then debated the issue of two dwellings versus a single dwelling.

The Chair summed up why Members felt the single dwelling scheme would not happen. He stated that it was very unusual for somebody to take on something of this nature, which carried a whole series of substantial financial risks, and would make it not liable to happen. There was an individual with a particular desire to do something (a single dwelling scheme) but there was not a general feeling that there was a whole host of people willing to undertake that type of exercise and take on the financial risk. Members didn't doubt the intention but achieving the single dwelling, particularly given its size, was very unlikely. In the meantime, the building will deteriorate and cause harm to the Conservation Area with serious harm to matters of acknowledged importance.

If the building was separated into two dwellings then any harm would be extremely limited. The harm would be limited with regard to the features and character of the listed building and the subdivision would be easily achieved. Subdivision of the larger surrounding site had occurred soon after disposal by the YHA. The rear garden has no particular characteristics of historic garden or parkland. The historical reference to its use by English Heritage had been taken at a single point in time which it considered optimum. There was no overall coherence to the site.

Members considered that the public benefits of the two dwelling scheme would be rapidly moving forward with a deteriorating building to a very high standard of conservation. They accepted that this could also be achieved by a single dwelling scheme but felt the two dwellings would also introduce other benefits to Castleton (2 dwellings) and improve the sense community. Members would like to move forward with a scheme that is implementable and achievable.

The recommendation for the planning application of approval subject to conditions was voted on and carried unanimously.

**RESOLVED:**

**That the application be APPROVED subject to a section 106 legal agreement to secure the phasing of the works and to ensure sympathetic long term management of the two dwellings and to conditions covering the following (summary of conditions only):**

- 1. The development hereby approved relates to the change of use of Castleton Hall and the retained Annex building to a single dwelling and the section of Castleton Hall referred to as the Tithe Barn to a single dwelling. There shall be no separate use of the Tithe Barn for paying bed and breakfast use.**
- 2. The development approved to be carried out in strict accordance with a timetable/programme of works which shall be submitted to and approved by the Authority.**
- 3. Ecology: Submit and agree detailed mitigation and monitoring strategy. All subsequent works shall then be carried out in accordance with any required scheme of mitigation.**
- 4. The demolition works shall be carried out in accordance with agreed timetable/programme of works prior to the occupation of the dwelling hereby approved.**
- 5. Samples of the replacement natural stonework, natural gritstone window door surrounds, natural lintels and sills, render treatments, railings, stonework**

- cleaning, cast iron rainwater goods shall be submitted to and agreed in writing by the Authority prior to carrying out the works requiring the samples. The scheme shall then be carried out in accordance with the agreed samples.
6. Detailed conditions relating to doors and windows, including details of the existing openings to be blocked up. Prior to the installation of any door/window frames or external timberwork, a scheme for the external finish of the timberwork to be submitted to and approved by the Authority. Once approved, development to be carried out in accordance with approved details.
  7. Prior to the installation of the window and door frames plans/details of the window/door reveals shall be submitted to and agreed in writing by the Authority. The scheme shall then be carried out in accordance with the agreed details.
  8. Existing rooflights in the south elevation of the Annex shall be removed and the roof made good with natural blue slate, to match the existing roof, in accordance with submitted plans. New rooflights shall be fitted flush with the roofslope.
  9. External face of the plinth walls of the detached greenhouse shall be clad with natural limestone.
  10. Detailed design conditions regarding external pipework, rainwater goods, external meter boxes.
  11. External walls of the new garage buildings hereby approved shall be clad with natural limestone, sample panel to be approved.
  12. Roof of the new garage buildings shall be clad with natural blue slate, sample to be approved
  13. Detailed design conditions regarding garage doors and openings. Retain garage for garaging and storage.
  14. Details of space within the site curtilage for the storage of plant and materials/site accommodation/loading and unloading of goods vehicles/parking and manoeuvring of site operatives and visitors vehicles to be submitted agreed and provided.
  15. All new boundary walling shall be erected in accordance with submitted plans and shall be constructed in natural limestone and capped with half-round natural limestone coping stones to match the existing boundary walling. Reduce width of opening from the Hall garden to Tithe Barn Garden.
  16. Carry out submitted landscaping and surfacing scheme, subject to additional hedging to car parking area in garden of the Hall.

**35/15 LISTED BUILDING CONSENT APPLICATION: REPAIR AND ALTERATIONS TO CASTLETON HALL. DEMOLITION OF 1970'S BUNGALOW, VICTORIAN GAMES ROOM AND 1970'S DINING ROOM EXTENSION TO REAR OF PROPERTY. CONSTRUCTION OF NEW DOUBLE AND SINGLE GARAGE AND NEW SUN ROOM. SEPARATE CASTLETON HALL INTO TWO DOMESTIC PROPERTIES. INTERNAL ALTERATIONS TO REMOVE ALTERATIONS CARRIED OUT TO CONVERT THE BUILDING TO A YOUTH HOSTEL AND WORKS TO REINSTATE THE ORIGINAL BUILDING AESTHETIC AND BETTER SERVE THE BUILDING FOR DOMESTIC PURPOSES AT CASTLETON HALL, CASTLE STREET, CASTLETON**

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

**RESOLVED:**

**That the application be APPROVED subject to a section 106 legal agreement to secure the phasing of the works and to ensure sympathetic long term management**

of the two dwellings and conditions covering the following (summary of conditions only):

1. The development hereby approved relates to the change of use of Castleton Hall and the retained Annex building to a single dwelling and the section of Castleton Hall referred to as the Tithe Barn to a single dwelling.
2. The development approved to be carried out in strict accordance with a timetable/programme of works which shall be submitted to and approved by the Authority.
3. Ecology: Submit and agree detailed mitigation and monitoring strategy. All subsequent works shall then be carried out in accordance with any required scheme of mitigation.
4. The demolition works shall be carried out in accordance with agreed timetable/programme of works prior to the occupation of the dwelling hereby approved.
5. Samples of the replacement natural stonework, natural gritstone window door surrounds, natural lintels and sills, render treatments, railings, stonework cleaning, cast iron rainwater goods shall be submitted to and agreed in writing by the Authority prior to carrying out the works requiring the samples. The scheme shall then be carried out in accordance with the agreed samples.
6. Detailed conditions relating to doors and windows, including details of the existing openings to be blocked up. Prior to the installation of any door/window frames or external timberwork, a scheme for the external finish of the timberwork to be submitted to and approved by the Authority. Once approved, development to be carried out in accordance with approved details.
7. Prior to the installation of the window and door frames plans/details of the window/door reveals shall be submitted to and agreed in writing by the Authority. The scheme shall then be carried out in accordance with the agreed details.
8. Existing rooflights in the south elevation of the Annex shall be removed and the roof made good with natural blue slate, to match the existing roof, in accordance with submitted plans. New rooflights shall be fitted flush with the roofslope.
9. External face of the plinth walls of the detached greenhouse shall be clad with natural limestone.
10. Detailed design conditions regarding external pipework, rainwater goods, external meter boxes.
11. External walls of the new garage buildings hereby approved shall be clad with natural limestone, sample panel to be approved.
12. Roof of the new garage buildings shall be clad with natural blue slate, sample to be approved.
13. Detailed design conditions regarding garage doors and openings.
14. All new boundary walling shall be erected in accordance with submitted plans and shall be constructed in natural limestone and capped with half-round natural limestone coping stones to match the existing boundary walling. Reduce width of opening from the Hall garden to Tithe Barn Garden.
15. Carry out submitted landscaping and surfacing scheme, subject to additional hedging to car parking area in garden of the Hall.

*The meeting was adjourned for a short break at 11.55am and reconvened at 12.00 noon.*

**36/15 FULL APPLICATION - CHANGE OF USE OF ALDERN HOUSE FROM LOCAL AUTHORITY OFFICES TO A MIXED USE OF LOCAL AUTHORITY OFFICES AND COMMERCIAL OFFICES IN A B1(A) USE, PEAK DISTRICT NATIONAL PARK AUTHORITY, ALDERN HOUSE, BASLOW ROAD, BAKEWELL**

The following spoke under the public participation at meetings scheme:

- Dr P Owens, objector.

The recommendation of approval subject to conditions was moved and seconded.

In response to Members' queries regarding car parking at the site the Planning officer stated that the Highway Authority had no objections to the proposal and that the Authority's Environmental Management Officer would be reviewing the car parking spaces and considering a green travel plan.

The motion for approval was voted on and carried.

**RESOLVED:**

**That, subject to no representations which raise material planning objections being received before the end of the consultation period, that the application be APPROVED subject to the following conditions or modifications.**

1. **Statutory three year time limit.**
2. **Development to be carried out in accordance with specified approved plans.**

**37/15 FULL APPLICATION - INSTALLATION OF 4 CAMPING PODS WITHIN THE EXISTING CAMPSITE AND ALTERATIONS TO EXISTING CAMPSITE BUILDING INCLUDING REPLACING EXISTING WINDOWS AND DOORS ON SOUTH ELEVATION WITH TWO SETS OF DOUBLE DOORS AND REPLACING EXISTING METAL WINDOWS WITH TIMBER TO MATCH THE EXISTING AT NORTH LEES CAMPSITE, HATHERSAGE**

Ms S McGuire declared a personal interest as a representative on the North Lees and Stanage Forum.

The following spoke under the public participation at meetings scheme:

- Mr J Summerlin, supporter
- Mr S Hardwick, Peak Park Watch, objector.

The recommendation for approval subject to conditions was moved and seconded. However Members were divided and concern was expressed about the size of the pods, electricity supply and prevention of additional facilities. In response the Planning officers stated that the size of the pods proposed was stated in the application and the electricity supply was to allow for lighting in the pods. The prevention of additional facilities would be by conditions. It was agreed to include an extra condition to submit and agree a scheme of lighting and use of the electricity supply.

The motion for approval, with the extra condition, was voted on. The vote was tied and the Chair used his casting vote for the motion.

**RESOLVED:**

**That the application be APPROVED subject to the following conditions or modifications.**

1. **Statutory three year time limit for implementation.**
2. **Development to be carried out in accordance with specified approved plans.**

3. The camping pods shall not be sited anywhere within the application site other than in accordance with the plots identified on the approved plans.
4. No camping pod shall be replaced with any other structure or caravan at any time.
5. Restrict occupancy of camping pods to short term holiday letting purposes (no more than 28 days occupancy by any individual per calendar year) ancillary to North Lees Campsite. The camping pods and the existing campsite shall be retained within a single planning unit.
6. The roof tiles and external finish of the pods shall be in accordance with the approved samples / specifications and permanently maintained throughout the lifetime of the development.
7. No trees shall be felled within the area proposed to site the four camping pods other than in accordance with a details scheme (to include details and timing of any tree to be felled and subsequent species, size and location of any new planting) which shall have first been submitted to and approved by the National Park Authority.
8. No alterations to the amenity building shall be carried out other than between the period between the 1 October and the 1 May in the following year.
9. The new windows and doors within the amenity building shall be timber which at the time of erection shall be finished to match the colour of the existing timber windows and doors.
10. Access paths to the Camping pods to be surfaced with crushed gritstone, not limestone.
11. No external lighting.
12. Underground electricity line.
13. Prior to installation, submit and agree a scheme for the use of electricity within the Pods.

In accordance with the Authority's Standing Orders, the Committee voted to continue the meeting beyond 1pm.

The committee broke for lunch at 1.25pm and reconvened at 1.55pm.

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr P Brady, Cllr C Carr, Cllr D Chapman, Cllr P Harrison, Cllr Mrs N Hawkins, 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.

### **38/15 FULL APPLICATION - ALTERATION AND CHANGE OF USE OF REDUNDANT STONE BARN, TO A THREE BED DWELLING AT NEW ELM TREE FARM, CHURCH LANE, PEAK FOREST**

The following spoke under the public participation at meetings scheme:

- Mr A Hollinrake, Applicant.

Members were supportive of the development if there was a need and it was tied to the farm but not as an open market development. A suggestion of deferral to allow for discussions with the applicant regarding a S.106 agreement was advised against by the Planning officer as negotiations had taken place with the applicant but had not progressed. It was noted that if the application was refused the applicant would be entitled to submit a revised application at no extra cost.

The recommendation for refusal was moved, seconded, voted on and carried.

**RESOLVED:**

**That the application be REFUSED for the following reasons:**

- 1. Contrary to Policy HC1C (I); the impetus of an open market housing is not required to achieve conservation and/or enhancement of a valued vernacular or listed building.**
- 2. Inadequate amenity for future occupiers of any conversion as a result of the close proximity to a working farmyard and access.**

**39/15 FULL APPLICATION - ERECTION OF 2 AGRICULTURAL BUILDINGS, CLIFFE HOUSE FARM, BRADFIELD**

The Planning officer reported that amended plans had been received and were satisfactory.

*2.38pm Cllr Mrs N Hawkins left the meeting.*

The following spoke under the public participation scheme:

- Ms B Wardley, Objector
- Ms A Wardley, Objector
- Mr B Bryan, Agent

A motion to defer the application for a site visit to consider the effect of the large buildings on the landscape and the concerns raised by the objectors was moved and seconded. This was then voted on and carried.

**RESOLVED:**

**That consideration of the application be DEFERRED pending a site visit to consider the impact of the development on the landscape.**

**40/15 FULL APPLICATION - ADDITIONAL USE (A3) TO SERVE HOT DRINKS IN EXISTING BOOKSHOP (A1) AT BAKEWELL BOOK AND GIFT SHOP, MATLOCK STREET, BAKEWELL**

The following spoke under the public participation at meetings scheme:

- Ms J Pheasey, Applicant

The recommendation for approval subject to conditions was moved and seconded. It was agreed to remove condition 4 regarding restriction of times of use, and to amend condition 3 as stated in the officer report. The motion as amended was then voted on and carried.

*3.10pm Cllr Mrs K Potter left the meeting. Cllr Mrs L Roberts re-joined the meeting.*

**RESOLVED:**

**That the application be APPROVED subject to the following conditions:**

- 1. The development hereby permitted shall begin not later than three years from the date of this decision.**



2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 1704-02 A.
3. The development hereby permitted shall not place other than on the ground floor of the premises and the sale of food and drink from the premises shall be limited to the sale of hot and cold drinks for consumption on the premises and pre-pared or pre-packaged light refreshments such as cakes and biscuits.
4. No deliveries, loading, unloading or other servicing activities shall take place at the premises other than between the hours of 08.00 – 18.00 hours Monday – Friday; 09-00 – 13.00 hours on Saturday; and at no times on Sundays or Bank Holidays.

**41/15 FULL APPLICATION - DEMOLITION OF EXISTING DORMER BUNGALOW AND REBUILDING 4 BEDROOM 2 STOREY HOUSE AT LEAHAY, MAIN STREET, ELTON**

In response to a Members' query regarding condition 7 of the recommendation the Planning officer stated the Authority was able to include this type of condition until September 2015 when it was anticipated national building standards would be adopted by the Government because the Authority has a current policy requiring development to be built to a minimum Code Level.

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

**RESOLVED:**

**That the application be APPROVED subject to the following conditions:**

1. 3 year implementation time limit.
2. Adopt amended plans.
3. Submit and agree final finished floor levels of dwelling in relation to surrounding land.
4. Existing bungalow, outbuildings and garage to be demolished and removed from the site prior to the occupation of the dwelling hereby approved.
5. Remove permitted development rights for extensions, alterations and outbuildings, porches, walls, fences and solar panels.
6. Submit and agree hard and soft landscaping scheme.
7. Development to be built to a minimum Code Level for Sustainable Homes required of RSLs.
8. Submit a copy of the summary score sheet and Post Construction Review Certificate verifying that the minimum code level will be achieved.
9. Stonework to be in natural gritstone – sample panel to be agreed.
10. Openings on north facing gable end to be reduced to a French window of no more than 1.7m wide with a double casement above to match the adjacent double casement window in terms of size. Details to be submitted and agreed in writing.
11. Each light of casement window frames and long window on south facing elevation to be subdivided with a single horizontal glazing bar. Details to be submitted and agreed.
12. Garage to remain available for the parking of private domestic vehicles in connection with Leahay.
13. Parking and manoeuvring spaces to be provided and maintained.
14. Minor Design Details.

**42/15 FULL APPLICATION - THE SITING OF A STATIC CARAVAN FOR USE AS HOLIDAY LET IN CONJUNCTION WITH USE BY FAMILY VISITORS ON OCCASIONS PLUS AN**

### **ADDITIONAL PITCH FOR A TOURING CARAVAN AT THE QUIET WOMAN INN, EARL STERNDALE**

Members were concerned about the untidy state of the site but were also aware of the importance of the property to the community. Therefore a motion for deferral of the application to allow for more details regarding landscaping of the site was moved and seconded. It was suggested that the Parish Council, local Members and other relevant bodies be involved in considerations.

The motion for deferral was then voted on and carried.

#### **RESOLVED:**

**That consideration of the application be DEFERRED to allow for more details regarding landscaping of the site.**

*3.38pm Cllrs A McCloy and S Wattam left the meeting.*

### **43/15 MONITORING & ENFORCEMENT QUARTERLY REVIEW - APRIL 2015**

The Director of Planning reported that the Monitoring & Enforcement Team Manager and himself had met with the Chief Executive on the previous day to discuss the Team's work and ideas for improvement were being considered.

The Director suggested that if cases of high priority were no longer considered high priority a report would be taken to Committee explaining the reasons and the current position. It was also noted that the Chief Executive had asked the Deputy Chair of the Authority, Cllr D Chapman, to act as an informal Member Champion for the Monitoring & Enforcement Team.

The Monitoring & Enforcement Team Manager gave the following update on a current high priority case:

6. Fernhill Cottage, Hollow Meadows – a meeting was being held with the owners new solicitors next week to see if a mutually agreeable solution could be found.

In response to a Member query he also gave a more detailed update on Midfield, Kettleshulme and confirmed that the residential caravan had been removed some time ago.

He also displayed some 'before and after' photos of enforcement cases that had been resolved.

#### **RESOLVED:**

**That the report be noted.**

### **44/15 BRADWELL NEIGHBOURHOOD PLAN EXAMINATION**

Members considered the report requesting them to agree actions necessary to undertake the Bradwell Neighbourhood Plan examination, including to support the preferred choice of independent examiner.

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

#### **RESOLVED:**

- 1. Members support the officer recommendation at paragraph 9 of the report that the preferred choice of Inspector to conduct the examination into Bradwell Neighbourhood Plan is Nigel McGurk;**
- 2. Delegated authority is granted to the Director of Planning in consultation with the Chair and Vice Chair of Planning Committee to agree any changes to this decision if necessary.**
- 3. Delegated authority is granted to the Director of Planning to undertake arrangements appropriate to the holding of the examination.**

#### **45/15 HEAD OF LAW REPORT**

Members considered and noted the report on planning appeals lodged and decided during the month.

#### **RESOLVED:**

**That the report be noted.**

The meeting ended at 4.08 pm

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**6. OUTLINE PERMISSION: PROPOSED COMMERCIAL/RETAIL-LED DEVELOPMENT MIXED USE DEVELOPMENT, ASSOCIATED WORKS AND DEMOLITION OF EXISTING BUILDINGS AT RIVERSIDE BUSINESS PARK, BUXTON ROAD, BAKEWELL (NP/DDD/0415/0340 P.4822 421111/369121 1/5/2015/CF)**

**APPLICANT: RIVERSIDE BUSINESS PARK LIMITED**

**Introduction**

This report has been prepared as a supplementary report at a very early stage in the determination period for this application and does not contain any formal recommendations for approval or refusal of planning permission. In particular, this report provides a preliminary assessment of the planning merits of the food store proposed at Riverside Business Park alongside discussion of the current application within the context of relevant policies and planning guidance.

It is considered this approach is appropriate because the relative planning merits of a food store at Riverside Business Park are highly relevant to the determination of the application for a food store on the adjacent Cintride site. In these respects, it should be noted that the available evidence indicates that there is only the need for one medium order/discount retailer in Bakewell, which would ideally be sited in or on the edge of Bakewell's town centre. Therefore, it could be considered to be highly unlikely that planning permission would be granted for a foodstore on both the Cintride site and Riverside Business Park, which are both considered to be out-of-centre sites but are also considered to be equally preferable in terms of the sequential test for out-of-centre retail development.

However, it is stated in this application that a foodstore on Riverside Business Park would serve to fund the installation of a new access bridge over the River Wye, which is required not only to provide a safe and suitable access to the proposed foodstore but also to facilitate further development of the remainder of the site for employment uses. The applicant for this application therefore considers an approval for the foodstore on the Cintride site would have a serious and adverse impact on the future viability of Riverside Business Park.

In these respects, it should be noted that members of the Authority's Planning Committee may feel pre-disposed towards either of the two foodstore proposals but must avoid pre-determining either application. However, whilst the need for more than one foodstore in Bakewell has not yet been demonstrated and any decision on the foodstore on the Cintride site would be a highly relevant consideration in the determination of this application; it does not follow that a decision on the Cintride site would automatically determine the outcome of this application. Moreover, consultation on this application has not yet been completed.

Therefore, the proposals for a foodstore on Riverside Business Park, and the overall acceptability of this application, will need to be considered on their individual planning merits when this application is returned to the Authority's Planning Committee for a final decision.

**Site and Surroundings**

Riverside Business Park lies on the north west side of Bakewell in the Wye valley approximately 0.8 km from the town centre. Land in ownership extends to 5ha north of the A6 Buxton Road and comprises a mixture of buildings used primarily for business (B1 use), general industrial (B2 use), and storage and distribution purposes (B8 use). There is also a gym on site (D2 use) and an unauthorised 'cash and carry' (A1 use/sui generis) operating from a recently constructed building at the rear of the site. Thornbridge Brewery and Pinelogs also have a substantial presence on the Business Park.

The buildings on the Business Park have been constructed at different times from the late eighteenth century onwards and include three listed stone-built buildings, modern stone buildings, modern industrial buildings of a variety of styles and finishes and states of repair and WW II blister hangers. There are also some notable historic features on the site including a riverside mill, adjacent river bridge and facings to the mill leat, which are grade II listed. The site was originally developed as a mill complex by Sir Richard Arkwright and the original water management system, including the mill leat, is a Scheduled Ancient Monument. By virtue of the site's proximity to the River Wye and the water management systems, the site is located within the Environment Agency Flood Zone 3.

The eastern part of the site lies within the Bakewell Conservation Area and the entire application site lies within the Local Plan Development Boundary for Bakewell. There is also a specific Local Plan policy (LB7) relevant to the Business Park. LB7 promotes the comprehensive redevelopment of the site, predominantly for industrial/business use (Use Classes B1 and B2). This policy also requires the provision of a new access bridge across the River Wye if further development on the site results in an increase in existing floorspace on the Business Park. The site is currently accessed from the A6 via a narrow stone bridge unsuitable for HGVs, and from the residential road 'Holme Lane'.

### **Proposal**

The current application seeks outline planning permission for a foodstore of 1579m<sup>2</sup> (GIA) alongside a terrace of commercial units with a floor area of up to 2627m<sup>2</sup> (GIA) for a flexible mix of uses including A1 retail, A3 café and restaurants, B1 business (including light industry, research and development, and offices), B2 general industry, B8 storage and distribution, and D2 assembly and leisure. Associated works include a car park that would provide 150 spaces, landscaping and demolition of existing buildings. It is intended that vehicular access would be via a new bridge access from the A6, which already has the benefit of planning permission and the permission has been implemented.

In this case, full approval is sought for access, layout, landscaping and the scale of the proposed development leaving the appearance of the development as a reserved matter, which means that the application is not supported with full elevational drawings of the proposed buildings. The indicative block plan shows the development proposed in this application would occupy broadly two-thirds of the 'eastern half' of Riverside Business Park delineated by the central position of the approved access bridge. The application does not propose any further development on the 'western half' of the site but the submitted indicative masterplan does suggest that additional industrial units would be built out on this part of the site in the future.

This application is also supported by the submission of a design and access statement; extended phase 1 habitat report; economic benefits assessment; flood risk assessment; heritage impact assessment; phase 1 geo-environmental site investigation; statement of community involvement; transport assessment; and a planning and retail statement incorporating a sequential assessment and retail impact assessment.

It should also be noted that a parallel application has been submitted for demolition of former mill buildings, associated structures and other buildings and full planning permission for Class C1 (Hotel) development incorporating ground floor floorspace with flexibility to be used for Class A3 and Class D2 uses, improvements to existing site access, parking, landscaping and other associated works at Riverside Business Park. The hotel would have 69 bedrooms and would be operated by Premier Inn. The hotel would be located at the eastern end of the site adjacent to the car parking and the end of the terrace of commercial units proposed in this application.

However, the proposals for a hotel on Riverside Business Park are not considered in any further detail in this report. This is because the applicant considers that whilst these proposals or part of the longer term plan for redevelopment of the Business Park, they 'stand alone' insofar as the

proposals are not said to be required to facilitate the installation of the new access bridge and the applicant does not consider the new access bridge is required before the hotel could be granted planning permission. It is otherwise considered by officers that this application for a new hotel has very little direct relevance to the planning merits of a foodstore on either the Cintride site or Riverside Business Park.

### **RECOMMENDATION:**

**That this report be noted and the planning merits of the proposals for a foodstore at Riverside Business Park be taken into account in the determination of Planning Application NP/DDD/0115/0043 for the demolition of existing industrial and office buildings and construction of new food store, car park, access roads and paths, and associated drainage works at the former Cintride Site, Buxton Road, Bakewell.**

### **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 impact of the out of town location of the site, potential impact of the loss of employment land and the effect on the character and appearance of the landscape.
- Whether the proposals are likely to be acceptable in planning terms with regards to (i) Flood Risk Issues; (ii) Ecology; (iii) Archaeology and Heritage Assets; (iv) Highway Issues; (v) Site Contamination; (vi) Impact on Amenity of Local Residents; (vii) Environmental Management; (viii) Community Involvement; and (ix) Planning Obligations.

### **History**

The use of the site as an industrial estate pre-dates planning controls. Subsequently, the site has a long history of time-limited consents for "temporary" buildings which have been renewed many times from the 1950s onwards. The general character and appearance of Riverside Business Park would benefit from the removal of many of these buildings. From the late 1980s, the planning history of the site is more directly related to the organic growth of the site and provision of infrastructure to facilitate its redevelopment. The following planning history is considered to be the most relevant to the current application:

- |      |   |
|------|---|
| 1989 | Planning permission granted for new access road from A6 and bridge over River Wye to serve industrial estate.   |
| 1994 | Planning permission renewed for access road and bridge to serve the industrial site based on 1989 consent.  |
| 2002 | Planning permission renewed for access and bridge over River Wye to serve the industrial estate based on 1994 consent.  |
| 2004 | Listed building consents granted for construction of flood defence walls.   |
| 2004 | Submission of an application for outline planning permission for redevelopment of the site. The application proposed a mixed use redevelopment including demolitions, conversion and new build to provide employment and residential uses.              |
| 2005 | The Authority's Planning Committee resolved to defer determination of the 2004 application for the redevelopment of the site requiring more information about enabling development; potential for more affordable housing; a flood risk assessment; and |

- provision of interpretative facilities relating to the archaeological and historic buildings and features on the site.
- 2005 Temporary consent granted for change of use of Unit 16 to allow textiles / embroidery mail order and teaching business including storage and ancillary retail sales.
- 2005 Planning permission granted for new industrial unit with associated service yard and parking and extension to Pinelog's existing industrial unit.
- 2006 The Authority's Planning Committee resolved to defer determination of the 2004 application for redevelopment of the site to enable further information regarding the enabling development to be obtained and reported back to the next meeting and, in addition, the potential for affordable housing, a flood-risk assessment and the provision of interpretive facilities relating to the archaeological and historic buildings features on the site.
- 2006 Temporary consent granted for retention of timber store for Pinelog.
- 2007 Submission of environmental impact assessment to support the current application.
- 2008 Planning permission renewed for creation of access road and bridge over river to provide access to W Fearnough LTD (Riverside Business Park) based on the 2002 consent.
- 2008 Submission of amended plans (Masterplan - Revision 18) to support the 2004 application for redevelopment of the site.
- 2009 Planning permission granted for installation of new solar panels on roof of Unit 11.
- 2010 Planning permission refused for the 2004 application for redevelopment of the site by the Authority's Planning Committee. The application was determined on the basis of the Masterplan (Revision18) and refused for the following reasons:
- The proposed development, as shown on Masterplan 18, was held contrary to Local Plan policy LB7 and the submitted details failed to offer sufficient justification or information to warrant a departure from LB7.
  - The loss of employment space and the level of affordable housing shown on Masterplan 18 were considered to conflict with the requirements of RSS policy 8 and the objectives of policies in the Development Plan that seek to address the social and economic needs of the local community within the National Park.
  - The submitted details were held not to provide sufficient information to demonstrate that the development and proposed phasing would secure the long term sustainability, vitality and viability of the business park and fail to demonstrate that the proposal would achieve the objectives of Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth in respects of sustainable economic growth in rural areas.

An appeal was subsequently lodged against the refusal of planning permission for the 2004 application for redevelopment of the site but the appeal was withdrawn prior to determination.



- 2011 Planning permission for what was effectively a resubmission of the 2004 planning application proposing demolition of existing buildings to provide a mixed use employment (Class B1/B2 and B8/residential development (new Build and conversion), car parking and associated works. This application was refused by the Authority's Planning Committee for the following reasons:
- The proposed development, as shown on Masterplan 22, was held contrary to Local Plan policy LB7 and the submitted details failed to offer sufficient justification or information to warrant a departure from LB7.
  - The loss of employment space and the level, form and location of affordable housing shown on Masterplan 22 would not meet the requirements of RSS policy 8 and the objectives of policies in the Development Plan that seek to address the social and economic needs of the local community within the National Park.
  - The cumulative loss of employment space and the proposed phasing would not secure the long term sustainability, or vitality and viability of the business park and the submitted details otherwise fail to demonstrate that the proposal would achieve the objectives of Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth in respects of sustainable economic growth in rural areas and Local Plan policy LB7.

An appeal was subsequently lodged against the refusal of planning permission for the 2011 application for redevelopment of the site but this appeal was again withdrawn prior to determination.

- 2012 Planning permission granted for a variation to the 2005 permission granted for a new industrial unit with associated service yard and parking and extension to Pinelog's existing industrial unit to allow a gym to operate from part of one of the two new units allowed by this permission. This building (Building K) now accommodates a gym, a cash carry and Thornbridge Brewery, who also occupy the whole of the second new unit allowed by this permission.
- 2013 Planning permission granted for the installation of two bulk malt handling silos adjacent to the unit occupied by Thornbridge Brewery.
- 2014 Planning permission and Listed Building Consent granted for the erection of a closed circuit security camera mast/ camera installation to provide surveillance of vehicles entering and leaving the Business Park.
- 2015 Submission of parallel application proposing demolition of former mill buildings, associated structures and other buildings and seeking full planning permission for hotel (C1) development incorporating ground floor floorspace with flexibility to be used for café (A3) and gym (D2), improvements to existing site access, parking, landscaping and other associated works.

### **Consultations**

At the time this report was being prepared, consultation on this application had not been started. It is intended to update the Planning Committee with any significant consultation responses from statutory consultees received between the time of writing and the meeting date. However, it should be noted that an expedited consultation exercise was carried out by the Authority that were used to inform the Authority's formal screening opinion. The responses to this consultation exercise supported the Authority's view that the proposed development is not EIA development.

## **Representations**

Similarly, neighbour notification and yellow site notices had not been issued at the time of writing and it is again intended to update the Planning Committee with any significant public consultation responses received between the time of writing and the meeting date. It should be noted however that this application includes a statement of community involvement and says 62 feedback forms were received in response to pre-application consultation with the local community for redevelopment of the Business Park of which 80% were in support of the proposals in the current application.

At the time of writing, 299 letters of support for the application for an Aldi on the adjacent Cintride site have been received in response to public consultation on this application and one of the main points raised by supporters of the Aldi application is that a new foodstore would provide competition and give more choice to consumers.

## **Relevant Policy Context**

### National Policy

As the current application seeks permission for commercial buildings with a floor area of significantly more than 1,000 m<sup>2</sup>, the proposals are considered to comprise 'major development'. GSP1(D) in the Authority's Core Strategy says 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.

National policy at paragraph 116 of the National Planning Policy Framework ('the Framework') says 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 of the Framework 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.

National policy applying to proposals involving retail development is set out at Paras 23-27 of the Framework. Paragraph 24 confirms that local authorities should apply a 'sequential test' to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Such proposals are required to be located in town centres, then edge-of-centre locations, and only if suitable sites are not available should out-of-centre sites be considered. The Framework advises that in considering edge and out-of-centre sites, preference should be given to sites that are accessible and well connected to the town centre.

Paragraph 26 confirms that when assessing applications for retail development outside of town centres, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. If there is no locally set threshold, the

default threshold is 2,500m<sup>2</sup>. Where impact assessments are required these should include an assessment of the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposals and the impact of the proposals on town centre vitality and viability, up to five years from the time the application is made and ten years for major schemes where the full impact will not be realised in five years.

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

Further government guidance on planning for town centres is given in the Planning Practice Guidance note 'Ensuring the Vitality of Town Centres'. This confirms that the 'sequential test' seeks to deliver the Government's 'town centre first' policy by placing existing town centres foremost in plan making and decision taking.

With regard to delivering sustainable development, paragraph 19 of the Framework states that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 22 states that where there is no reasonable prospect of a site being used got allocated employment use applications for alternative uses of land should be treated on their merits having regard to market signal and the relative need for different land uses to support sustainable local communities. Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity.

The Framework otherwise 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.

## **Development Plan**

### **Core Strategy Policies**

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. 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.

Policy DS1 is the development strategy. Bakewell is a named settlement under this policy and as such 'small scale' retail development would be permitted in or on the edge of the settlement. DS1 (F) outlines the spatial strategy for Bakewell which includes protection of the range and integrity of the Central Shopping Area and safeguarding employment site and promote the take-up and enhancement of under-used employment sites.

Policy E1 (D) seeks to safeguard existing buildings, land and premises, particularly where these are high quality and in a suitable location. Where the location, premises, activities or operations

of an employment site are considered by the Authority to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses.

Policy HC5 (A) seeks to direct the location of new town centre uses including retail development to the Bakewell Central Shopping Area and this type of development should be of an appropriate scale to serve the needs of the local community and the settlement's visitor capacity. HC5(B) states that significant out of centre retail development will not be permitted.

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, and policy T1 which aims to reduce the need to travel by unsustainable means.

#### Saved Local Plan Policies

Policy LB9 states that within the Central Shopping Area, development in Use Classes A1, A2 and A3 will be permitted. Retail development will not be permitted outside the Central Shopping Area, except for individual shop units of a scale appropriate to serve the needs of nearby residents.

Saved Local Plan policy LB7 sets out specific provisions for the re-development of Riverside Business Park, which is allocated in the Local Plan as a designated employment site. LB7(a) says that Comprehensive redevelopment, predominantly for industrial/business use (Use Classes B1 and B2) will be permitted on some 5 hectares at Riverside Business Park, provided that:

- i. the Listed Building and Scheduled Ancient Monument and their settings are adequately safeguarded in the long term;
- ii. design, layout, landscaping and neighbourliness with adjacent uses are satisfactory;
- iii. a new access bridge is built across the River Wye, and the old bridge is closed to vehicles.

LB7(b) goes on to say acceptable uses on minor parts of the site may include affordable housing to meet a local need (close to existing houses), and general market housing or tourist accommodation by conversion of the existing listed mill building.

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.

LT10 states that in new development, parking must be of a very limited nature or accompanied by on-street waiting restrictions. LT18 seeks to ensure that the highest standard of design and material is achieved in transport infrastructure to conserve the valued character of the area.

Policy LC4 expects a high standard of design with particular attention being paid to scale, form and mass, building materials, landscaping, and amenity and privacy. LC24 requires that development on land believed to be contaminated will be permitted provided that an accredited risk assessment is agreed.

## **Other Relevant Documents**

### **Peak Sub-Region Employment Land Review**

This report was published in 2008. As the Cintride site is not specifically safeguarded in policy it was not individually surveyed in the review and therefore the report gives little specific detail. It does state that the land adjacent to the Cintride Factory site was unlikely to come forward whilst the factory was in low-level use and that a new access road would be required through the adjacent site. It identifies a pattern of continued decline of manufacturing and an oversupply of employment land within the Sub-Region in quantitative terms. It identifies that there may be scope to lose some employment site and that factors to be taken into account in identifying sites for de-allocation includes the role and function of the site, local authority's aspirations for the site, site constraints and deliverability and environmental impacts of their operation.

### **Peak Sub-Regional Retail and Town Centre Study**

Completed in 2009 by GVA Grimley this study states that with regards to convenience goods, the medium-sized Co-op store on the Market Square accounts for 98% of the expenditure directed towards the Bakewell town centre. It also identifies significant outflows of main food expenditure to mainstream foodstores in other centres within and outside the area, namely Buxton and Chesterfield. At that time the Co-op store was trading at £5.4million over its company benchmark turnover of £7 million. The capacity model estimates that assuming the occupier is a medium order/discount foodstore, there will be capacity for 1,575m<sup>2</sup> (gross) at 2014 rising to 1604m<sup>2</sup> (gross) in 2017.

These conclusions are caveated in that the re-assignment of the overtrading surplus from the existing Co-op store is only considered beneficial if any new foodstore provision is located within or adjacent to the town centre and thus adds to the vitality and viability of the existing offer. Any qualitative benefits arising would be diminished if new provision come forward out of centre, allowing shopper to effectively 'by-pass' the existing town centre.

### **Adopted Landscape Strategy**

Bakewell falls within the Derwent Valley area, which separates the limestones of the White Peak from the prominent gritstone edges of the Eastern Moors to the east and high moorland of the Dark Peak to the north. The application site falls mainly within the Riverside Meadows landscape character type where the priority is to enhance the diversity of agricultural grassland and manage and enhance linear tree cover and amenity trees.

## **Assessment**

### **Principle of Development**

The current proposals are considered to be major development not only in terms of the floor area of the foodstore and the commercial units proposed in this application but also in terms of the potential departure from Development Plan policies. In this case, the out of town location proposed for the foodstore and adjacent units that are also intended for a mix of town centre uses means that the proposals have the potential to impact upon the vitality and viability of Bakewell town centre contrary to the strategic provisions of the Development Plan.

Bakewell is the largest settlement in the National Park and acts as an important service centre for a wide rural area. It serves the shopping needs of its residents and those living in outlying areas. As such, policies saved Local Plan policy LB9 and Core Strategy policies DS1 and HC5 aim to safeguard and secure its viability and vitality.

Moreover, the development proposals would have a substantial impact on the character of the Business Park but the proposals do not comply with the specific provisions of saved Local Plan policy LB7(a), which says comprehensive redevelopment, predominantly for industrial/business use (Use Classes B1 and B2) will be permitted on some 5 hectares at Riverside Business Park. In this case, the proposals do not include the comprehensive redevelopment of the site but do compromise the redevelopment of around half of the Business Park that could facilitate the provision of a new access bridge that would support the future viability of the site.

However, the current proposals, and the proposals in the parallel application for a hotel adjacent to the proposals in this application, are not predominantly for industrial/business use (Use Classes B1 and B2). LB7(b) otherwise says acceptable uses on minor parts of the site may include affordable housing to meet a local need (close to existing houses), and general market housing or tourist accommodation by conversion of the existing listed mill building. The proposals in the current application would not be on a minor part of the site, would not include the conversion of the existing mill building and would not include housing or tourist accommodation.

Furthermore, there are no development proposals for the comprehensive redevelopment of the 'western half' of the site, only indicative plans for further development of industrial units, and there is no information, such as a viability appraisal submitted with the application that demonstrates the development proposed in this application would generate the capital funds required for the new access bridge across the River Wye.

It is therefore the current application proposes a departure from both saved Local Plan policies LB7 and LB9, and the proposals raise such substantive planning issues that warrant the Authority treating these proposals as major development within the terms of Core Strategy policy GSP1 and Paragraph 116 of the Framework. Both Core Strategy policy GSP1 and Para 116 of the NPPF state that in securing National Park purposes major development should not take place within the National Park other than in exceptional circumstances and where it can be demonstrated they are in the public interest. As such the current proposals may also represent a potential departure from Development Plan and national planning policies in respect of major development.

However, whilst there is a presumption against major development in the National Park, the Framework and policy GSP1 state that it might be permitted exceptionally following rigorous consideration of a number of tests which seek to assess the need for the development, the cost of and scope for developing elsewhere and any detrimental effect of the environment and the landscape. These tests are examined as part of the analysis of this application that follows below.

#### Need for the Development

Whilst there is no requirement in the Framework for applicants to demonstrate 'need' in relation to retail developments, as noted above, an assessment of need is one of tests identified in Framework in the consideration of 'major' development. As such the first consideration in determining the application is whether there is capacity within Bakewell for a 1,579m<sup>2</sup> (gross) foodstore, as proposed in the current application.

The retail evidence base for the proposals comprises the Peak Sub-Region Retail and Town Centre Study (2009), prepared by GVA Grimley. The GVA capacity model estimates that, assuming the occupier is a medium order/discount foodstore, there will be capacity for 1,575m<sup>2</sup> (gross) at 2014, rising to 1604m<sup>2</sup> (gross) in 2017. This estimate is calculated using a number of assumptions, including the re-assignment of the overtrading surplus from the existing Co-operative store in the town centre.

GVA's conclusions are, however caveated in that the re-assignment of the overtrading surplus from the Co-op store is only considered to be beneficial if any new foodstore provision is located

within or adjacent to the town centre and thus adds to the vitality and viability of the existing offer. Nonetheless, the Framework states that where no suitable edge or out of centre sites are available then out of centre sites can be acceptable, subject to the impact 'test' and other relevant planning consideration. Therefore, whilst in principle it appears that there is capacity within the town for a food-store of the size proposed in this application, consideration of the 'sequential test', and an assessment of the impact of the proposals on the Town Centre are crucial to the determination of the proposals.

As further evidence of a perceived need for another foodstore in Bakewell are the letters of representation received with regards to the proposals for the Aldi store on the adjacent Cintride site. 299 letters of support for the Aldi application have been received and one of the main points raised by supporters is that a new foodstore would provide competition and give more choice to consumers.

### Sequential Test

Paragraph 24 of the Framework states that local planning authorities should apply the sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable site are not available should out of centre sites be considered. Saved Local Plan policy LB7 and Core Strategy policy HC5 are up-to-date policies that set out very clearly the proposals for a food store at Riverside Business Park are not in accordance with the Development Plan.

In relation to site characteristics, whilst Planning Practice Guidance refers to viability with regard to site identification, the principle assessment parameters for the sequential test set out in the Framework are:

- i. Availability – whether site area available now or are likely to become available for development within a reasonable period of time.
- ii. Suitability – with due regard to the requirements to demonstrate flexibility, whether sites are suitable to accommodate the proposal. Where the proposals would be located out of centre, preference should be given to accessible sites that are well-connected to the town centre

In this case, officers consider that tight-grained and historic character of Bakewell town centre and other restraints including flood risk means there are few sites with the potential for development of this nature within the Central Shopping Area as defined by LB9. However officers have identified five possible sites for a food store of a similar scale to that proposed in this application, which are: Torne Valley Farm and Country Stores on Haddon Road, the Agricultural Business Centre, Scott Island (the car park adjacent to the Agricultural Business Centre), the Cintride site and Riverside Business Park itself.

In summary, officers consider Torne Valley Farm and Country Stores would be the preferred option given that it is significantly closer to the town centre with good pedestrian links. However, the continued presence of the petrol station, which occupies a significant proportion of the site's frontage, effectively stymies the potential development of this site for a medium sized food store. The ABC and its associated car parking and the car park at Scott Island are also reasonably well related to the town centre but neither is considered to be sequentially preferable because neither site is suitable, available or a viable alternative for a food store of the size proposed in the current application.

Therefore, whilst both the Riverside Business Park and Cintride sites are located a significant distance from the town centre and as 'out of centre' sites would not normally be sequentially preferable 'in principle', both sites are large enough to accommodate a medium sized foodstore

and both may be considered to be viable and available given that planning applications have been submitted proposing a food store of a similar size on these two adjacent sites.

In terms of measured distance, given the need to gain access to the Business Park from the A6 from the proposed bridge, the difference in distance from the town centre between the two sites is minimal. Equally, officers consider that the Riverside site has similar connectivity to the town centre as the Cintride Site and there is no difference in terms of public transport accessibility. Therefore, sequentially, officers consider neither the Riverside or the Cintride site would take precedence as the 'preferred option' for a food store other than that Aldi are now proposing an undertaking to pay for a bus for a community transport group who would then provide a bus service to the Cintride site.

This undertaking is highly relevant to the planning merits of the two applications, and could tip the balance of a sequential assessment of the two sites in favour of Aldi's application rather than this application for a food store on the Business Park because of the impact a bus service would have on the relative accessibility of the two sites and the connectivity of the two sites to the town centre and the wider community.

Notwithstanding this, consideration of whether Riverside Business Park is actually a more appropriate site for a food store must also take into account other planning considerations such as compliance with relevant Development Plan policies and the potential to secure the road bridge and the implications for securing the future of other business use on the site. These considerations are material to both this application and Aldi's application because it is clear that the retail study suggests that Bakewell only needs one of the two food stores proposed in the two separate applications.

This means that any approval for the Aldi application could prevent the subsequent grant of planning permission for the proposals for a food store at Riverside unless it could otherwise be demonstrated that a second out-of-centre food store in Bakewell would be acceptable in planning terms. In these respects, the impact of a single out-of-centre food store on the viability and vitality of Bakewell's town centre is a key issue in the determination of both this application and the application for a food store on the Cintride site.

#### Impact on Town Centre

The Framework states that in assessing applications for retail development outside of a town centre, which are not in accordance with an up-to-date Local Plan local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (or 2,300m<sup>2</sup> as a default threshold). The National Park Authority has not set a threshold and the site area is below the default threshold in the Framework but the presumption in the Development Plan is that no retail development outside of Bakewell's would be permissible. Therefore, it is appropriate that both this application and the Aldi application are supported by an impact assessment.

The Framework states that the impact assessment should include assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre in the catchment area and the impact of the proposals on town centre vitality and viability. Where an application is likely to have significant adverse impact on one of more of the above factors it should be refused.

This application is supported by an impact assessment, which reports similar findings to the Retail Impact Assessment submitted with the Aldi application, which have not been contested. Therefore, it can be concluded that whilst there would be some impact on the town centre this is unlikely to pose a significant threat to its viability and vitality and is unlikely to deter future investment in the town centre. As such assessed impacts are not 'significantly adverse' and the proposals for a foodstore on either the Riverside site or the Cintride site would accord with the



retail guidance in the Framework albeit these conclusions would not apply to a foodstore on both sites on the basis of the available evidence.

In summary, this means there is capacity within Bakewell for the retail foodstore proposed in this application, the sequential test demonstrates that there is no other sequentially preferable site albeit the Cintride site may be seen to be better connected to the town centre and more accessible by way of its undertaking to provide a bus for a local community transport group, and the retail impact assessment finds that impacts on the town centre would not be 'significantly adverse' if a foodstore was sited on either the Riverside site or Cintride site but not on both.

These assessments could demonstrate that two of the tests for 'major' development are passed in that there is an established need for the foodstore proposed in this application and there is no scope for development elsewhere closer to the town centre. Nonetheless, these findings need to be weighed against the presumptions in Core Strategy policy DS1 (F), Core Strategy policy HC5 and Local Plan policy LB9 (which seek to prohibit retail development outside of the Central Shopping Area) and on balance they indicate that in principle a new foodstore on the application site can be accepted, subject to other material planning considerations including a presumption that the additional c.2600m<sup>2</sup> floor area of commercial units would be restricted to business use rather than provide flexible space for a mixture of business and town centre uses as proposed, compliance with the strategic provisions of LB7 and the potential impact of the proposals on the environment and landscape

#### Saved Local Plan policy LB7

As noted above, saved Local Plan policy LB7 sets out specific provisions for the re-development of Riverside Business Park, which is allocated in the Local Plan as a designated employment site. LB7(a) says that comprehensive redevelopment, predominantly for industrial/business use (Use Classes B1 and B2) will be permitted on some 5 hectares at Riverside Business Park, provided that:

- iv. the Listed Building and Scheduled Ancient Monument and their settings are adequately safeguarded in the long term;
- v. design, layout, landscaping and neighbourliness with adjacent uses are satisfactory;
- vi. a new access bridge is built across the River Wye, and the old bridge is closed to vehicles.

LB7(b) goes on to say acceptable uses on minor parts of the site may include affordable housing to meet a local need (close to existing houses), and general market housing or tourist accommodation by conversion of the existing listed mill building.

In this case, the information submitted with this application states very clearly that the applicant considers the development proposals are supported by LB7 but, as noted above, officers consider the current application actually seeks permission for a departure from this policy. In the first instance, the development proposals do not provide for a comprehensive redevelopment of Riverside Business Park predominantly for industrial/business use (Use Classes B1 and B2). The proposals comprise re-development of around half of the site, which is supported by the parallel application for a hotel on the Business Park, and the character of the re-development is a retail-led development comprising a food-store (A1) and new units capable of accommodating a mixture of town centre uses (A1/A3) with offices (B1) above.

It is therefore considered the development proposals do not accord with the principles set out in LB7(a) and LB7(b). However, it is stated by the applicant that the development proposals would facilitate the installation of a new access bridge across the River Wye, as required by LB7(a)iii, which in turn would facilitate further development of the remainder of the site outside of the

scope of this application for employment uses. In these respects, the appellant considers the proposals meet the requirements of LB7. However, it is considered the applicant's case that the current proposals would accord with the strategic intentions of LB7 and facilitate further development of the Business Park for employment uses could be critically undermined by the absence of a viability appraisal.

The evidence supplied with the application for the foodstore on the Cintride site indicates that the Riverside Business Park was ruled out by Aldi because of the absence of the access bridge and because the costs of the bridge would be too expensive to make the Riverside site viable for a food retailer if a substantial contribution to the cost of the access bridge was required from the retailer. There is also concern that the additional commercial units are intended to provide a floor space over 2600m<sup>2</sup> in a flexible mixture of uses including town centre uses which would bring the application as a whole into conflict with LB9 unless these units were restricted to business use. At this stage, it is not clear if the proposals would remain viable if these commercial units were restricted to business use only.

Moreover, in pre-application discussions the applicant advised officers that the foodstore proposals would not pay for the bridge and further enabling development such as open market housing may be required to fund the construction of the bridge. From these discussions, officers are also not convinced that options other than the retail-led commercial development have been thoroughly explored or that the provision of a foodstore on Riverside is the only way of financing the new access bridge.

Therefore, at this stage, officers hold a preliminary view that the current application 'as submitted' proposes development that would be substantial a departure from LB7 as well as HC5 and LB9 that would not be justified on the basis of the information submitted with the application. Therefore, the applicant is not yet able to demonstrate that exceptional circumstances exist that would warrant approval of the major development on Riverside Business Park proposed in this application. This is because the need for a foodstore in Bakewell can be met on the Cintride site without such a substantial departure from the strategic objectives of the Authority's employment policies and without losing such a substantial extent of a designated employment site, and with less conflict with HC5 and LB9 when taking into account the development proposed in this application alongside the foodstore.

Therefore, the foodstore proposals at Riverside Business Park would not be considered to meet the tests in the Framework on need and alternative sites for major development in the National Park as comprehensively as the Aldi application at this time. If the issues around the absence of a viability appraisal and the absence of formal development proposals for the comprehensive redevelopment of the 'western half' of Riverside Business Park were to be resolved, it is considered more weight could be attached to the desirability of facilitating the provision of the access bridge and the longer term social and economic benefits arising from further development of the site for employment uses.

At this stage, officers otherwise consider the potential social and economic benefits associated with this application and Aldi's application are quite similar. Approval of either application would create a number of service industry jobs but result in some loss of employment land that may be considered to be currently under-utilised and both proposals would create employment opportunities during the respective construction phases. However, in the absence of a named retailer for the foodstore proposed at Riverside and in the absence of the access bridge, there is currently more certainty that these benefits would be delivered in the near future if the Aldi application were to be approved.

#### Impact on Character and Appearance of the Area.

Riverside Business Park is well screened by trees and man-made features but the existing, modern factory buildings detract from the character and appearance of the National Park's

landscape. The proposed building heights would be no greater than 3 storeys which would be taller than the existing buildings and it is likely that a design solution could be reached that would enhance the site and its wider landscape setting. Notwithstanding this, as noted below, the impact of the proposed development on the significance of a range of designated and non-designated heritage assets needs further assessment before a firm conclusion can be reached on the acceptability of the proposed development in terms of design and appearance. In these respects, it has not yet been demonstrated that the current application fully meets the third test for major development in a National Park set out in the Framework.

In comparison, officers acknowledge that the proposed Aldi on the Cintride site would be a large modern structure and would be clearly visible from the A6 but in the context of its surroundings and with the landscaping proposed it is considered to be appropriate. It is also considered by officers that an approval for the Aldi proposals would result in a significant enhancement to the appearance of a prominent site closer to the A6 at the 'gateway' to the town centre, which is currently semi-derelict, unsightly and harmful to the character of the local area. Therefore, officers consider the Aldi application currently meets the third test in national policy on major development in the National Park in terms of its potential impact on the character and appearance of its landscape setting.

### **Other Material Considerations**

#### **Flood Risk**

The site is located within the Environment Agency Flood Zone 3. Retail use is classed as a 'less vulnerable' use in terms of the Environment Agency's classifications, which is compatible with flood zone 3a and therefore there is no requirement for the sequential and exceptions tests to be applied in this case. The application is accompanied by a detailed flood risk assessment and it is notable that flood risk was not a major factor in the determination of previous applications on this site.

It is therefore considered that, in common with the application for a food store on the Cintride site, flood risk issues are unlikely to be a determinative factor in the determination of this application and an appropriate sustainable drainage system could be achieved on site. However, the Authority would need to take full account of consultation responses from the Environment Agency and the Lead Local Flood Authority (i.e. Derbyshire County Council) before finalising its position on these issues.

#### **Ecology**

An extended phase 1 habitat report has been submitted that recommends further bat survey work and mitigation for nesting birds is required. The report does not consider that the proposals would otherwise affect any other protected species. Pending consultation responses from Natural England and the Authority's Ecologist, and pending the results of the further survey works for bats, there are no overriding concerns at this stage that the proposals would not be capable of being mitigated for. Therefore, it is likely that if the proposals in this application were to go ahead, as with the proposals on the Cintride site, biodiversity interests would be conserved in accordance with Core Strategy policy L2 and Local Plan policy LC17 subject to appropriate planning conditions.

#### **Archaeology and Heritage Assets**

The riverside mill, adjacent river bridge and facings to the mill leat are listed grade II. Arkwright's water management system is a Scheduled Monument. The eastern part of the site lies within the Conservation Area. Therefore, a detailed heritage impact assessment has been submitted with this application, which is particularly important given that Historic England have advised that the heritage issues at the site are complex and the Authority will need to properly understand the

significance of the site and its elements and their potential for re-use, the impact of proposals and the need to set any new structures within a detailed design framework which ‘speaks’ to the significance of the site.

At this stage, pending formal consultation responses from the Authority’s own in-house specialists and from Historic England also noting that the appearance of the development is a reserved matters, officers are unable to provide a preliminary view on the potential impacts of the development on the significance of a range of designated and non-designated heritage assets that could be affected by the development proposals. Therefore, officers are not yet able to properly advise whether the proposals are in conformity with the relevant policies in the Development Plan and national planning policies in the Framework.

### Highway Issues

A transport assessment has been submitted with the application. In light of this assessment and the previous approval for the access bridge over the River Wye, it is not considered likely that the proposals in the current application would give rise to overriding objections on highway safety grounds subject to the provision of the access bridge prior to the development being taken into use and subject to the Highways Authority’s formal consultation response. In these respects, only relatively minor alterations to the existing access before the proposed foodstore could be brought into use on the Cintride site, which does appear to mean the Cintride site would be the preferred option from a food retailer’s perspective in terms of access provision.

Both sites would have appear to have adequate parking provision and the Highways Authority have confirmed that there are no objections on highway safety grounds to the two new accesses being sited within each other’s visibility splays or in terms of their respective positions along a relatively short length of the A6. Officers otherwise acknowledge that it would be better in townscape terms to have one new access that provided access to both sites but it is not possible to achieve this through planning controls in the absence of an agreement between the respective landowners that would allow this to happen. Notably, the new accesses would otherwise provide a suitable and safe access to the remainder of the designated employment land adjacent to the two respective application sites.

However, the undertaking made by Aldi to pay for a bus for a local community transport group who would the provide a bus service to the store is considered to be a relevant consideration that would improve the connectivity and accessibility of the foodstore proposed on the Cintride site and has the potential to reduce car journeys to and from the Aldi store if it were to be granted planning permission.

### Site Contamination

A land contamination report has been submitted with this application and concludes there are no overriding concerns that the previous industrial uses on the site would preclude the proposed redevelopment of the site. As with the Cintride site, officers agree that remediation of the Riverside site is highly likely to be possible pending full consultation responses from the Environment Agency and the District Council. Officers anticipate that the proposals will meet the requirements of saved Local Plan policy LC24 in respect of pollution and remediation of contaminated sites subject to planning conditions suggested by either or both the District Council and/or the Environment Agency.

### Impact on Amenity

The nearest residential properties are opposite the application site on the south side of the A6, in particular Bluebell cottage and Greenlands and the dwellings recently converted from offices at Deepdale Business Park and the residential properties along Holme Lane. Due to the intervening distance and surrounding topography it is not considered that the amenity of these properties

would be compromised by the presence of the foodstore proposed in this application in terms of overshadowing or overlooking. The properties on the A6 (i.e. Buxton Road) may feel the impacts of increased vehicular movements to and from the site as the access bridge would bring the access to Riverside Business Park closer to these properties than the existing bridge over the River Wye.

On the Cintride application, planning conditions have been recommended in order to minimise disturbance from deliveries as well as waste collection associated with the proposed Aldi Store, but Aldi's proposed trading hours of 8am to 10pm Monday to Saturday and 10am to 4pm on Sundays are not considered to be likely to have a harmful impact on the amenities of the nearby properties on Buxton Road. It is highly likely a foodstore on the Riverside Business Park would be looked at similarly but the provision of a new access bridge would significantly improve the amenities of the residents along Holme Lane if this access to Baslow Road from the Business Park was no longer used by delivery lorries and other traffic moving to and from the site.

It is therefore considered that the Riverside proposals are likely to be found in accordance with Core Strategy policy GSP3 and Local Plan policy LC4 in terms of the potential impacts of the scheme on the living conditions of the nearest neighbouring residential properties.

### Environmental Management

The submitted planning and retail statement is silent on this particular issue but the design and access statement submitted with this application does set out a range of energy saving measures that would be incorporated into the design of the proposed development. The design and access statement goes on to say other options would be considered subject to a viability appraisal including: a hydro-electricity and photo-voltaics. There appears to be no assessment of how much of the proposed foodstore's energy requirements could or would be met by either of these options or the energy saving measures proposed in the design and access statement.

As such, it is considered that more information is needed before officers could consider the proposals for the foodstore on Riverside Business Park would meet the requirements of Core Strategy policy CC1.

In comparison, the Aldi application includes the provision of a row of solar panels on the roof of the foodstore. These are anticipated to provide approximately 13% of the energy requirements of the average store. Store heating is also provided by waste machinery heat using a heat recovery system from the freezer condensers. The Design and Access Statement submitted with the Aldi application also explains that energy efficient freezers and lighting are used throughout their stores and that Aldi stores are supplied from regional distribution centres each serving 80-90 stores each, which minimises road travel, resulting in a lower carbon footprint than other retailers.

### Community Involvement

The Framework states that early engagement has significant potential to improve the efficiency and effectiveness of the application system for all parties. A submitted Statement of Community Involvement explains that the applicants held a public exhibition in Bakewell in March 2015. Invitations were sent to 2000 local residents and businesses. This consultation was based on the two current applications and included the hotel proposals alongside the proposals set out in this application. Local stakeholders were invited to attend a preview session prior to the main exhibition. It is stated that in total 62 feedback forms were received at the pre-application stage and where possible, comments have been fed into amended proposals for the hotel, and greater flexibility for business uses in the proposed commercial units.

It is also reported in the statement of community involvement that over 80% of the returned feedback forms supported the proposals but it should be noted the feedback forms asked whether a new foodstore would benefit Bakewell rather than whether respondents being asked whether a foodstore specifically sited on the Riverside site would benefit Bakewell. In these respects, the statement of community involvement reports only 'several' feedback forms contained comments directly related to the foodstore proposed in this application and it is acknowledged some respondents did not consider Riverside to be an ideal site for a foodstore.

At the time of writing, public consultation had not commenced. Therefore, officers cannot comment on whether these proposals will generate as similar amount of support as the Aldi proposals, which were also subject to community consultation prior to the submission of a formal planning application. As noted above, officers will update members with any significant responses to consultation on this application, and in particular responses specifically relating to the proposals for a foodstore on Riverside Business Park.

### Planning Obligations

National policy recognises that some development may adversely affect some people and that local planning authorities can use planning conditions or obligations to ameliorate this. The NPPF makes it clear that negotiated benefits must be: necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonable related in scale and kind to the development.

At this stage, the Authority has not discussed the need for planning obligations because a fuller assessment of the application is required before it can be determined what legal undertakings, if any would be required to make the development proposed in this application acceptable in planning terms. In these respects, the applicant has not offered any undertakings to provide a bus for the local transport group, like Aldi for example, seemingly because the applicant is satisfied the proposals for a foodstore on the Business Park are compliant with the relevant policies in the Development Plan and the Framework.

### Preliminary Conclusions

In conclusion, a formal recommendation cannot yet be made on this application because the Authority will need to take into account consultation responses from statutory consultees before making a final decision on this application. The response to public consultation on this application may also have a significant impact on determining whether the level of public support for this application could support a departure from the Development Plan.

However, officers consider on an 'as submitted basis' there is insufficient justification for a departure from saved Local Plan policies LB7 and LB9 taking into account the proposals in the current application include a medium sized food store outside of Bakewell's Central Shopping Area, over 2600m<sup>2</sup> of floorspace that could be used for a mixture of A1 retail, A3 café and restaurants, and D2 gym (i.e. a mixture of town centre uses) and do not comprise the comprehensive redevelopment of the Business Park predominantly for B1 and B2 uses. At present, officers consider this conflict has not been meaningfully addressed in the submitted application whereas the applicant's stance is that the current application is compliant with the Development Plan and national planning policies in the Framework.

Officers consider that the proposals do not comply with national planning policies in the Framework primarily because there is insufficient information to demonstrate that the three tests in national policy have been met and that there are exceptional circumstances in which to grant planning permission for major development in the National Park in this case. In these respects, it is considered the absence of a viability appraisal and intended first occupant for the proposed food store and the absence of a formal application seeking permission for development proposals for the comprehensive redevelopment of the 'western half' of the site mean that limited

weight can be attached to the longer term and wider social and economic benefits that might be achieved by an approval for this application.

It is acknowledged that neither the Riverside site or Cintride site are sequentially preferable, a single medium sized foodstore could be accommodated on either site and a medium sized foodstore on one of the sites would not adversely affect the town centre. However, at this stage, it is considered that a better planning case for a foodstore on the Cintride site has been made in the context of the prevailing policy framework and when taking into account all relevant considerations. The Cintride site also appears to have an advantage insofar as a safe and suitable access would be more readily achieved, and this site has a frontage onto the A6, which means that there appears to be more certainty that a food retailer would occupy the Cintride site rather than the Riverside site even if Aldi were not to pursue their current proposals.

This is significant because, whilst there is a substantial amount of support from the local community for Aldi in its own right as the intended first occupant of the foodstore proposed on the Cintride site, there is a clear desire within the local community for another medium-sized foodstore in Bakewell now rather than at some point in the future.

Finally, Historic England have already advised that the heritage issues at the site are complex, and at this stage, a fuller assessment of the potential impact of the proposed development at Riverside Business Park on the significance of a range of designated and non-designated assets is required before officers can offer meaningful advice on this issue. Similarly, further information is needed from the applicant on energy saving measures and any renewable energy technologies that would be incorporated into the development proposed in this application before officers could comment meaningfully on the likely environmental performance of the proposed development.

These issues are particularly significant in that until they are resolved, it cannot be demonstrated the application meets the ‘third test’ in the Framework for major development in the National Park in terms of the environmental impact of the proposals and it cannot otherwise be determined the current application proposes sustainable development within the terms of Core Strategy policy GSP1 and paragraph 14 and associated national planning policies in the Framework.

### **Human Rights**

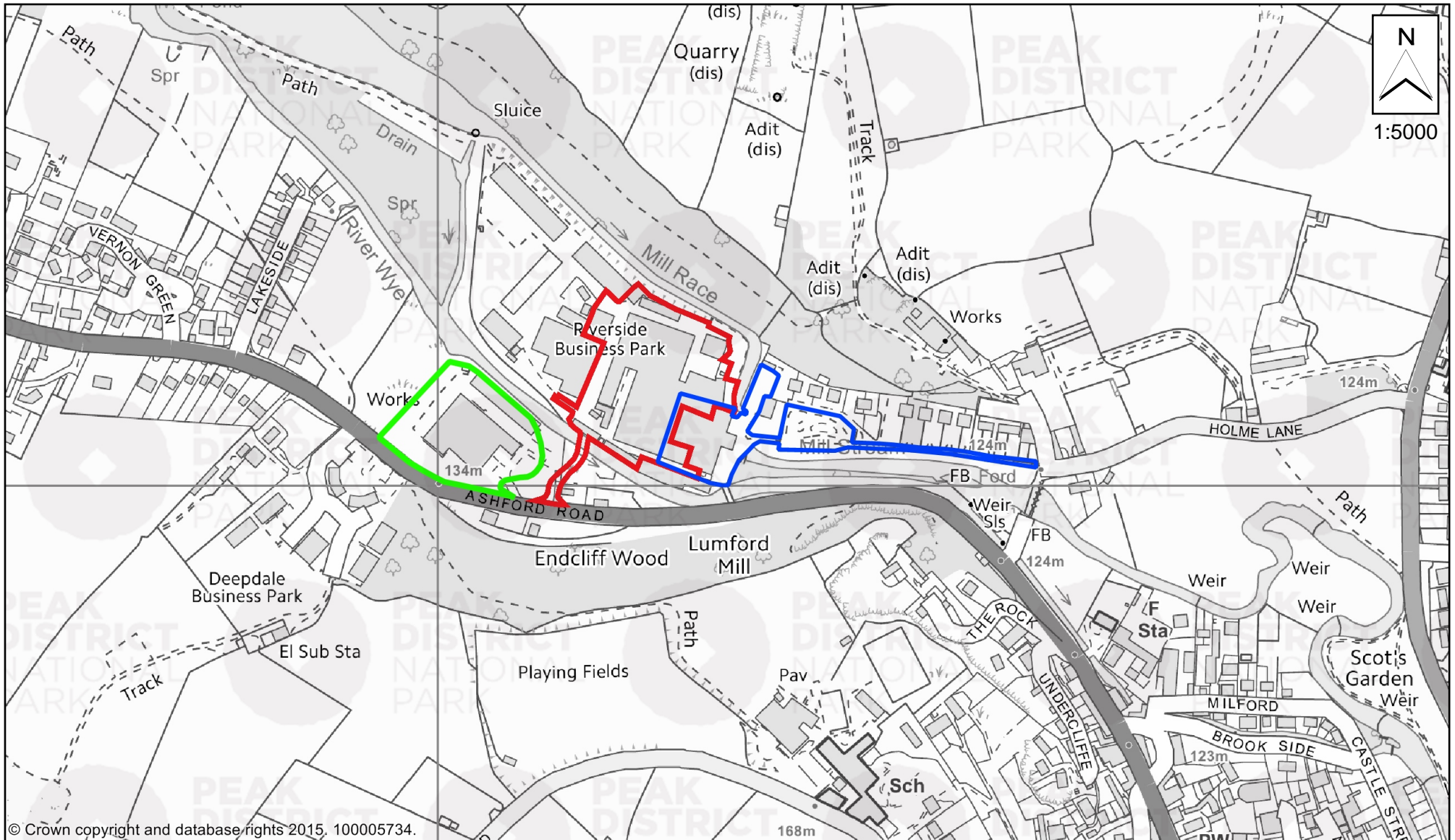
Any human rights issues have been considered and addressed in the preparation of this report.

### **List of Background Papers** (not previously published)


Nil

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|-----------------|------------------|--|--|
| Committee Date: | 15/05/2015       | <b>Title:</b>  |  <b>PEAK DISTRICT NATIONAL PARK</b> |
| Item Number:    | 6                | <b>Riverside Application Sites (Red = Retail, Blue = Hotel) and the former Cintride Site (Green)</b> |  |
| Application No: | NP/DDD/0415/0340 |  |  |
| Grid Reference: | 421236, 369003   |  |  |

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**7. FULL APPLICATION – DEMOLITION OF EXISTING INDUSTRIAL AND OFFICE BUILDINGS AND CONSTRUCTION OF NEW FOOD STORE, CAR PARK, ACCESS ROADS AND PATHS AND ASSOCIATED DRAINAGE WORKS AND LANDSCAPING AT FORMER CINTRIDE SITE, BUXTON ROAD, BAKEWELL, (NP/DDD/0115/0043, P7628, 420997/369004, 20/01/2015/ALN)**

**APPLICANT: ALDI STORES LTD**

**Site and Surroundings**

The application site is situated adjacent to the A6 approximately 0.8km to the north west of the town centre. The site comprises a 1.03 hectare brownfield area, mostly covered by buildings associated with the previous use of the site as an engineering works commonly referred to as the Cintride factory. The former engineering works closed in 2001 and since then most of the site has remained vacant. Part of the most southerly building has subsequently been granted approval for use as an auction room. The storage of building materials is currently taking place in areas around the buildings.

The River Wye bounds the application site to the north and the A6 (Buxton Road) runs along the southern boundary. The general topography of the site and the surrounding land falls towards the river. On the southern side of Buxton Road, Endcliffe Wood covers the relatively steep slope. A number of residential properties and the Deepdale Business Park are situated at the foot of the slope along the roadside. On the northern side of the River Wye the Riverside Business Park is present. To the west is open grassland which is land safeguarded for general industrial or business development (Use classes B1 and B2) under saved Local Plan policy LB6. This area and the open land beyond is covered by a Tree Preservation Order.

The central portion of the site is occupied by two buildings. The buildings are constructed in a broad mixture of styles and materials, having evolved incrementally since the early 1960s. The most southerly of the two comprises a two storey office flat roofed building with single storey workshops to the west and south. These have a series of a-symmetrical pitched roofs covered with felt. The second, smaller workshop is a long linear building running adjacent to the river. It is a high single storey building and it has a flat roof. The total footprint of the two buildings is approximately 4069 m<sup>2</sup>.

The site access ramps down from the A6 into the site in its south eastern corner and a car park is situated to the east and south of the buildings. To the south there is an area of amenity grassland with a hedgerow separating this from the road.

The site falls within the Bakewell Development boundary (Local Plan policy LB1) but is outside of the Central Shopping Area (Local Plan policy LB9). Within the application site, a strip of land approximately 12m wide and running along the north-western length of the site falls within the area safeguarded for B1 and B2 uses under saved Local Plan policy LB6.

The Environment Agency (EA) flood zone map shows Flood Zone 2 (moderate risk of flooding) to run parallel to the river and to extend across the site roughly in line with the south west elevation of the smaller building. Flood zone 3a (high risk of flooding) extends across an area closer to the river bank and roughly in line with it.

Approximately 150m to the north and east of the site are the water management earthworks and structures of the water management system associated with Arkwright's Mill, which are designated as a Scheduled Monument.

## Proposals

The application seeks consent for the erection of a Class A1 foodstore with associated access from Buxton Road. The food store building would have a gross external area of 1782 m<sup>2</sup>, a gross internal area of 1722 m<sup>2</sup> and total sales floor space of 1254 m<sup>2</sup>. It would be positioned at the north western end of the application site with its entrance facing south east towards a car park for 106 vehicles.

A new access onto the A6 would be provided directly to the south west of the existing access point and the existing access would be closed off. A new approach road would ramp down from the access point and would run along the south eastern and north eastern sides of the application site to give access to the car park from the north east. The access road would also continue westwards to meet the western boundary of the site in order to provide future access to the safeguarded land beyond.

A ramped pedestrian access would be provided from the A6 to the frontage of the store. Of the 106 parking spaces, 6 would be designated for disabled parking and 6 spaces for parent and child, all positioned immediately adjacent to the building.

The proposed foodstore would be a single storey building, contemporary in style, with a monopitched roof which slopes downwards from the entrance elevation. The overall height of the front elevation would be 7.5m, reducing down to 5.5m on the rear. External materials include areas of natural 'drystone' limestone walls interspersed with glazing, below dark 'anthracite grey' coloured panels, around a glazed entrance and a matching projecting entrance canopy. The roof would also be clad with dark grey panels and a row of solar panels would be arranged running north east to south west across the roof. A delivery bay and unloading area would be provided on the north eastern side of the building and warehousing and ancillary servicing and staff areas along the north western side.

The application is supported by a Planning Statement, Design and Access Statement, Land Contamination Report, Bat survey, Statement of Community Involvement, Flood Risk Assessment, Environmental Noise Survey, Transport Assessment and a Travel Plan.

### **RECOMMENDATION:**

**That the application be APPROVED subject to a legal agreement requiring the applicant to fund the purchase of a new bus for Bakewell and Eyam Community Transport and subject to the following conditions:**

- 1. 3 year implementation time limit.**
- 2. Adopt amended plans.**
- 3. Submit and agree details of site layout and storage facilities before work commences.**
- 4. Submit and agree details of construction management plan or method statement before work commences.**
- 5. New access and full extent of access road to be laid out and constructed before store first brought into use.**
- 6. Existing vehicular access to be closed before store first brought into use.**
- 7. Wheel cleaning facilities to be provided and retained on site.**

8. **Car park, cycles stands and loading and unloading areas to be provided before store is first brought into use and thereafter maintained.**
9. **Modified access to be no steeper than 1:14 for first 10m and 1:10 thereafter.**
10. **Environmental Health Authority conditions requiring investigations and risk assessment to take place in relation to land contamination. 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.**
11. **Any unexpected contamination to be reported to the National Park Authority and if necessary a remediation scheme submitted, approved and verified.**
12. **Any imported soil to be sampled and analysed and the results submitted to and approved by the National Park Authority.**
13. **Deliveries and waste collection to be limited to between 08:00 to 18:00 Mon to Fri and 09:00 to 13:00 Saturdays. No deliveries or waste collection on Sundays and Bank Holidays.**
14. **Opening hours of foodstore to be limited to 08:00 to 22:00 Mon to Sat and 10:00 to 16:00 Sundays.**
15. **Submission and agreement of surface water drainage scheme.**
16. **Piling or foundation designs using penetrative methods not permitted other than with express written consent of National Park Authority.**
17. **5m buffer zone between the development and River Wye to be maintained during and post development phase. No vehicle movements within the area and any tree/shrub planting completed by hand and supervised by qualified ecologist.**
18. **Rubble between the building and the River Wye to only be removed during peak active period for great crested newts between April and June inclusive.**
19. **Recommendation of Section R1 of the submitted bat report to be adhered to.**
20. **Revised lighting scheme to implemented and maintained.**
21. **Revised landscaping scheme and landscape maintenance and management plan to be implemented. Top soil depths for grassland mix/wild flower area to be reduced to 20-30mm.**
22. **Within the building hereby approved no more than 250sqm of net sales area shall be used for the sale of non-convenience goods.**
23. **Remove permitted development rights for change of use from A1 (shop) to A2 (financial and professional services) or A1 to a mixed use.**
24. **Sample panel of walling on building and stone boundary walls to be submitted and agreed.**
25. **Rooflights to be in accordance with submitted specification.**
26. **Sample of block paving to be submitted and agreed.**

**27. External railings to be painted matt black.**

**28. Full details of external cladding on building to be submitted and agreed.**

### **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 impact of the out of town location of the site, potential impact of the loss of employment land and the effect on the character and appearance of the landscape.
- Whether the proposals are acceptable with in planning terms with regards to: (i) Flood Risk Issues; (ii) Ecology, Archaeology and Heritage Assets; (iii) Highway Issues; (iv) Site Contamination; (v) Impact on Amenity of Local Residents; (vi) Environmental Management; (vii) Community Involvement; (viii) Planning Obligations; and (ix) Implications of any approval of the current application in terms of the future viability of the adjacent employment site, Riverside Business Park.

### **History**

February 1960 – consent granted to erect drill and tool factory.

February 1963 – consent granted to extend factory.

May 1968 – consent granted to erect warehouse, offices and canteen.

September 1972 – consent granted to extend factory.

July 1973 – consent granted to erect a two storey building.

April 2003 – temporary 10 year consent granted for change of use of part of building from industrial to auction room.(NP/DDD/0303/101)

March 2005 – consent refused for change of use of a different part of the same building from industrial to auction room.(NP/DDD/0105/0026)

April 2007 – consent granted for change of use from industrial to auction room subject to a section 106 agreement to rescind the 2003 consent.(NP/DDD/0405/0414)

### **Consultations**

#### **External Consultees**

**Highway Authority** – no objections subject to conditions regarding submission of details of on-site storage of plant and materials, site accommodation, loading and manoeuvring of vehicles; submission and agreement of construction management plan; creation of new access and closure of existing access before store is brought into use; wheel cleaning facilities to be provided; car parking, loading and unloading areas and cycle stands to be provided and controlling access gradient.

**District Council (Planning)** – no response to date

**Town Council** - welcomes this application and urge acceptance of it by the Planning Committee for the following reasons:

The Community research and consultation paper Bakewell 2012 and Beyond identified the provision of more diverse retail outlets and a second supermarket as a priority issue for Bakewell. It states: *‘A greater diversity of retail outlets is required to meet the needs of residents and to encourage them to shop locally’ A supermarket at the former Cintride site would be a sustainable development in that it would reduce retail leakage from Bakewell and encourage more residents to shop locally rather than travelling to surrounding towns. It would also significantly enhance local employment opportunities. Although a site within the current Bakewell Central Shopping Area would be preferable, no such site is currently available nor is there any likelihood of such a site in the medium term. The site under consideration at the former Cintride site is acceptable in that it is a relatively short journey from the Central Shopping Area and its development would dramatically enhance the northern gateway to Bakewell which has been blighted with disfiguring dereliction for very many years”.*

**Environment Agency** – no objections subject to conditions requiring submission and agreement of a surface water drainage scheme, contamination investigation and risk assessment and remediation scheme and preventing use of piling.

**District Council (Environmental Health)** – no objections subject to conditions requiring the submission and agreement of a contamination investigation and risk assessment and remediation scheme and restriction to timing of waste collections.

**Natural England** – no objections with regard to impact on Statutory Nature Conservation Sites. Refer to standing advice with regard to impact on protected species. Identify that opportunities may be available for landscape and biodiversity enhancements.

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.

**Derbyshire County Council Flood Risk Management Team** – no objections. Gives recommendations and offers to provide guidance on sustainable drainage strategy. Advises discussions with the Environment Agency and investigations for the potential for hidden watercourses. Water vole have been noted within proximity of the site – recommends that advice taken from a competent ecologist. Recommends site specific ground investigation with regard to groundwater.

#### Internal Consultees

**National Park Authority - Archaeologist** – no objections - there is no direct impact on the scheduled monument that is the mill pond and goit and other associated remains that formed part of the water delivery system for powering Arkwright’s mill. Additionally, on the basis of assessment of the provided drawings, plans and profiles, as well as the site photographs which included tree cover in both summer and winter, there appears to be little or no impact on the setting of the scheduled remains.

**National Park Authority - Landscape Architect** – no objections subject to minor amendments

**National Park Authority - Ecologist** – no objections subject to conditions requiring rubble to be removed only between April and June inclusive; 5m buffer zone between the development and the River Wye to be maintained during and post development works; recommendations of bat report to be adhered to; revised lighting scheme to be implemented and revised landscaping scheme to be followed other than top soil depths for the grassland mix/wild flower areas to be reduced to 20-30mm to establish a poorer soil which is more suitable for wild flower colonisation.

## **Representations**

A total of 299 letters of support have been received. Four main points that have been raised are:

1. 114 (38%) of respondents felt that the proposals would result in an enhancement of a site that is currently an eyesore.
2. 99 of respondents (33%) stated that the new foodstore would prevent the current need for shoppers to leave Bakewell and travel to other centres such as Buxton and Chesterfield.
3. 91 (30%) stated that the proposals would increase competition and choice.
4. 77 (26%) felt that the development would provide employment opportunities.

Other points raised, in order of frequency of mention are:

- Aldi would have lower prices/be more affordable.
- The store would bring general benefit to Bakewell and local people.
- Aldi would not be detrimental to or would bring benefit to existing retailers in Bakewell.
- The site is within easy reach of the town centre.
- Development is important for people on low incomes.
- A new supermarket would be better than more coffee shops/gift shops/outdoor shops for tourists.
- Will/may encourage other stores/businesses to come to Bakewell.
- Proposals would reduce pressure on town centre car parks/good to have free parking.
- The development needs a bus service from Bakewell.
- The design is in keeping with the area.
- More disabled parking spaces needed.
- Need to look at lighting/flood issues.
- Landscaping is important in the interests of amenity.
- Attenuation of refrigeration plant needed.
- Speed limit should be reduced.
- Store could support community projects.

8 letters of objection have been received raising the following issues:

- The design doesn't take account of the sensitive location.
- Site is outside the central retail area.
- Proposals are contrary to adopted policies.
- Any further development beyond application boundary should be considered.
- The site should have another use e.g. hotel/housing
- Out of town development is inappropriate in a National Park.
- Budget supermarket would damage Bakewell's 'brand'.
- Aldi should be located in a more 'discreet' location.
- Sightlines appear to be inadequate.
- Landscaping limited and inadequate.
- Proposals would cause increase in traffic and congestion.
- Pedestrian/cycle bridge over River Wye needed.
- Retail Impact Assessment not detailed enough.
- Loss of employment land.
- Two road junctions adjacent to each other is not ideal.
- Car park layout is poor.
- Riverside is a better location.

2 letters have been received raising 'general comments' with regard to design standards, and the fact that no evidence in the form of a planning application from the competitor has been received



and local people are not aware of a public consultation process by the competitor.

**Bakewell and District Civic Society** – raise the following points:

- Loss of industrial land.
- Concerns about negative impact on retail activity in Bakewell town centre.
- Extra traffic may cause congestion.
- Location likely to disadvantage shoppers using public transport or who shop on foot.
- There are other preferred locations, ideally in the town centre or alternatively at Riverside site.
- A direct comparison of the relative merits of the current application and the Riverside proposals should be made.
- If approval is granted planning gain in the form of town centre enhancement improved pedestrian/cycle routes or conservation enhancements should be secured to benefit the community.

**Riverside Business Park Ltd (RBPL)** – 2 letters have been received, one from the owner and one from the planning consultant acting for the adjacent Riverside Business Park. They raise the following issues:

- A scheme for commercial redevelopment (including medium-sized foodstore) of Riverside Business Park has been worked-up and public consultation carried out.
- Regeneration of the Riverside business park should take precedence over the Aldi (Cintride) site as it is plan-led development (in accordance with policy) and a more sustainable development.
- Policy LB7 allocates Riverside Business Park for further commercial development and the mix of uses proposed by RBPL is more suitable than a stand-alone foodstore.
- Granting permission for the Aldi proposal would undermine planned investment by RBPL which is intended to safeguard the future of Riverside Business Park for existing business including Pinelog and Thornbridge and the integrity of its heritage assets.
- Failure to secure a foodstore operator at Riverside Business Park would undermine delivery of the new bridge access fronting the A6 which is the trigger for more intensive employment use and securing long term futures of existing businesses.
- Visibility from site access does not meet adopted standards.
- Design pays little regard to its setting.
- Representations support a foodstore and specific operators but do not give site specific support to a foodstore on the Cintride site.
- Agree that an additional medium sized foodstore would not have a significant adverse impact on the health of Bakewell Town Centre.
- Agree that there are no other suitable sites within the town centre.
- The consented access to the Riverside Business Park was designed and intended to provide for further development of the Cintride site and the land beyond.
- Proposals for residential use of the Riverside site have been refused by Committee twice and grant applications have been unsuccessful.

**Response from Agents acting for Aldi** - the planning consultants acting for Aldi have written in response to the letter received by Riverside Business Park, raising the following points:

- No scheme has been submitted for RBP and there is no evidence that an operator is interested in trading from the site.
- Proposals at RBP would not be compliant with LB7. LB7 envisages the site being redevelopment for predominantly B1/B2 uses with other minor parts of the site being redeveloped for other acceptable uses.

- Retail need/capacity is not a material planning consideration.
- If scheme comes forward on RBP it will be up to applicant to demonstrate that there is scope to accommodate the development in addition to the Aldi Store.
- Bridged access is not guiding element in LB7.
- NPPF only requires impact on planned investment to be addressed in centres, not out of centre proposals.
- Aldi not interested in RBP site as site is poor from a commercial perspective.
- Visibility splays have been agreed with the Highway Authority.
- Design shaped by pre-app discussion with PDNPA.

## **Main Policies**

### **National Policy**

As the current application seeks permission for a building of more than 1,000 m<sup>2</sup>, the proposals are considered to comprise 'major development'. GSP1 (D) in the Authority's Core Strategy says 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.

National policy (at paragraph 116 of the National Planning Policy Framework) says 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.

National Policy applying to proposals involving retail development is set out at paras 23-27 of the Framework. Para 24 confirms that Local Authorities should apply a 'sequential test' to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Such proposals are required to be located in town centres, then edge-of-centre locations, and only if suitable sites are not available should out-of-centre sites be considered. The Framework advises that in considering edge and out-of-centre sites, preference should be given to sites that are accessible and well connected to the town centre.

Para 26 confirms that when assessing applications for retail development outside of town centres, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. If there is no locally set threshold, the default threshold is 2,500 sqm. Where impact assessments are required these should include an assessment of the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposals and the impact of the proposals on town centre vitality and viability, up to five years from the time the application is made and ten years for major schemes where the full impact will not be realised in five years.

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

Further government guidance on planning for town centres is given in the Planning Practice Guidance note 'Ensuring the Vitality of Town Centres'. This confirms that the 'sequential test' seeks to deliver the Government's 'town centre first' policy by placing existing town centres foremost in plan making and decision taking.

With regard to delivering sustainable development, para 19 of the Framework states that significant weight should be placed on the need to support economic growth through the planning system. Para 22 states that where there is no reasonable prospect of a site being used for allocated employment use applications for alternative uses of land should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. Para 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity.

The Framework 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.

## **Local Policy**

### **Core Strategy**

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. 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.

Policy DS1 is the development strategy. Bakewell is a named settlement under this policy and as such 'small scale' retail development would be permitted in or on the edge of the settlement. DS1 (F) outlines the spatial strategy for Bakewell which includes protection of the range and integrity of the Central Shopping Area and safeguarding employment site and promote the take-up and enhancement of under-used employment sites.

Policy E1 (D) seeks to safeguard existing buildings, land and premises, particularly where these are high quality and in a suitable location. Where the location, premises, activities or operations of an employment site are considered by the Authority to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses.

Policy HC5 (A) seeks to direct the location of new hope to the Bakewell Central Shopping Area and to be of an appropriate scale to serve the needs of the local community and the settlement's visitor capacity. HC5(B) states that significant out of centre retails development will not be permitted.

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, and policy T1 which aims to reduce the need to travel by unsustainable means.

### **Saved Local Plan Policies**

Policy LB9 states that within the Central Shopping Area, development in Use Classes A1, A2 and A3 will be permitted. Retail development will not be permitted outside the Central Shopping Area, except for individual shop units of a scale appropriate to serve the needs of nearby residents. LB6 safeguards land adjoining the Cintride factory (to the west) for general industry and business uses (Classes B1 and B2).

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.

LT10 states that in new development, parking must be of a very limited nature or accompanied by on-street waiting restrictions. LT18 seeks to ensure that the highest standard of design and material is achieved in transport infrastructure to conserve the valued character of the area.

Policy LC4 expects a high standard of design with particular attention being paid to scale, form and mass, building materials, landscaping, and amenity and privacy. LC24 requires that development on land believed to be contaminated will be permitted provided that an accredited risk assessment is agreed.

### **Other Relevant Documents**

#### **Peak Sub-Region Employment Land Review**

This report was published in 2008. As the Cintride site is not specifically safeguarded in policy it was not individually surveyed in the review and therefore the report gives little specific detail. It does state that the land adjacent to the Cintride Factory site was unlikely to come forward whilst the factory was in low-level use and that a new access road would be required through the adjacent site. It identifies a pattern of continued decline of manufacturing and an oversupply of employment land within the Sub-Region in quantitative terms. It identifies that there may be scope to lose some employment site and that factors to be taken into account in identifying sites for de-allocation includes the role and function of the site, local authority's aspirations for the site, site constraints and deliverability and environmental impacts of their operation.

#### **Peak Sub-Regional Retail and Town Centre Study**

Completed in 2009 by GVA Grimley this study states that with regards to convenience goods, the medium-sized Co-op store on the Market Square accounts for 98% of the expenditure directed towards the Bakewell town centre. It also identifies significant outflows of main food expenditure to mainstream foodstores in other centres within and outside the area, namely Buxton and Chesterfield. At that time the Co-op store was trading at £5.4million over its company benchmark turnover of £7 million. The capacity model estimates that assuming the occupier is a medium order/discount foodstore, there will be capacity for 1,575 sq m (gross) at 2014 rising to 1604 sqm (gross) in 2017.

These conclusions are caveated in that the re-assignment of the overtrading surplus from the existing Co-op store is only considered beneficial if any new foodstore provision is located within or adjacent to the town centre and thus adds to the vitality and viability of the existing offer. Any qualitative benefits arising would be diminished if new provision came forward out of centre, allowing shoppers to effectively 'by-pass' the existing town centre.

### Adopted Landscape Strategy

Bakewell falls within the Derwent Valley area, which separates the limestones of the White Peak from the prominent gritstone edges of the Eastern Moors to the east and high moorland of the Dark Peak to the north. The application site falls mainly within the Riverside Meadows landscape character type where the priority is to enhance the diversity of agricultural grassland and manage and enhance linear tree cover and amenity trees.

### Assessment

**Issue 1 - Whether, having regard to local and national policy, the material considerations would amount to the exceptional circumstances necessary to justify major development in the Peak District National Park, with particular reference to: the impact of the out of town location of the site, potential impact of the loss of employment land and the effect on the character and appearance of the landscape.**

#### Principle of Development

The current proposals are considered to be major development not only in terms of the proposed floor area of the foodstore but also as a potential departure from Development Plan policies and the potential to impact upon the vitality and viability of Bakewell and, in particular, its town centre. Bakewell is the largest settlement in the National Park and acts as an important service centre for a wide rural area. It serves the shopping needs of its residents and those living in outlying areas. As such policies aim to safeguard and secure its viability and vitality.

Both Core Strategy policy GSP1 and Para 116 of the NPPF state that in securing National Park purposes major development should not take place within the National Park other than in exceptional circumstances and where it can be demonstrated they are in the public interest. As such, the current proposals may represent a departure from Development Plan and national planning policies in respect of major development.

In addition, the proposals potentially represent a departure from a number of other Development Plan policies including Core Strategy policy DS1 and Local Plan policy LB9 which seek to direct retail development into Bakewell's Central Shopping Area and Core Strategy policy HC5 which prohibits significant out of centre retail developments. The application site, whilst on the edge of the built settlement of Bakewell, is outside of (800m from) the Central Shopping Area (CSA) and therefore out of centre for policy purposes.

Whilst there is a presumption against major development in the National park, the Framework and policy GSP1 state that it might be permitted exceptionally following rigorous consideration of a number of tests which seek to assess the need for the development, the cost of and scope for developing elsewhere and any detrimental effect of the environment and the landscape. These tests are examined as part of the analysis of other material considerations below.

#### Need for the Development

Whilst there is no requirement in the Framework for applicants to demonstrate 'need' in relation to retail developments, an assessment of need is one of tests identified in Framework in the consideration of 'major' development. As such the first consideration in determining the application is whether there is capacity within Bakewell for a 1,782 sqm (gross) foodstore.

The retail evidence base for the proposals comprises the Peak Sub-Region Retail and Town Centre Study (2009), prepared by GVA Grimley. The GVA capacity model estimates that, assuming the occupier is a medium order/discount foodstore, there will be capacity for 1,575 sqm (gross) at 2014, rising to 1604 sqm (gross) in 2017. This estimate is calculated using a number of assumptions, including the re-assignment of the overtrading surplus from the existing Co-op.

GVA's conclusions are, however caveated in that the re-assignment of the overtrading surplus from the Co-op store is only considered to be beneficial if any new foodstore provision is located within or adjacent to the town centre and thus adds to the vitality and viability of the existing offer. However the Framework states that where no suitable edge or out of centre sites are available then out of centre sites can be acceptable, subject to the impact 'test' and other relevant planning considerations. Therefore whilst in principle it appears that there is capacity within the town for a food-store of the size proposed consideration of the 'sequential test', and an assessment of the impact of the proposals on the Town Centre are crucial to the determination of the proposals.

As further evidence of a perceived need for the proposed foodstore are the letters of representation received with regards to the proposals. 299 letters of support have been received and one of the main points raised by supporters is that a new foodstore would provide competition and give more choice to consumers.

### Sequential Test

Para 24 of the Framework states that local planning authorities should apply the sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable site are not available should out of centre sites be considered.

The current application is supported by an assessment of other sites within and outside the Central Shopping Area. It is clear because of the tight-grained character of Bakewell town centre that there are few sites with the potential for development of this nature and none within the CSA. However the assessment identifies four possible alternative sites (in consultation with officers): Torne Valley Farm and Country Stores on Haddon Road the Agricultural Business Centre, the car park adjacent to the Agricultural Business Centre, and Riverside Business Park. In relation to site characteristics, the principle assessment parameters as set out in the Framework are:

Availability – whether site is available now or is likely to become available for development within a reasonable period of time.

Suitability – with due regard to the requirements to demonstrate flexibility, whether sites are suitable to accommodate the proposal. Where the proposals would be located out of centre, preference should be given to accessible sites that are well-connected to the town centre

The applicant also includes considerations of viability as this is referenced in the NPPG with regard to site identification.

### Torne Valley Farm and Country Stores

The site lies on the south western side of the A6 (Haddon Road). It is located approximately 220m outside of the CSA. It is currently occupied by Torne Valley Farm and Country Stores and a Murco petrol filling station (PFS). It is understood that the site is not being actively marketed but the report states that part of the site is potentially available; however the owners require an excessive price and require that the PFS continues to trade.

The applicants consider that the PFS, which occupies a significant proportion of the site's frontage would conflict with any foodstore operator's requirement for their stores to have good visibility from the main road network. In addition whilst the site at 0.7 hectares could be large enough to accommodate a foodstore, the proximity of residential dwellings on three sides of the site constitutes a significant constraint.

Officers consider that this is potentially a more sustainable site for the proposed use given that it is significantly closer to the town centre with good pedestrian links. However the constraints identified in the assessment lead to the conclusion that the site is not a suitable or viable alternative to the chosen site.

#### Agricultural Business Centre (ABC)

This site lies approximately 150m to the east of the CSA. It is large site at 2 hectares but it is in intensive use as a livestock market and is not being actively marketed. Removal of such a facility is likely to be met with serious objections, as it is considered a vital functional component of Bakewell's agricultural market town identity. The car parking at the ABC is already failing to meet demand for parking provision in the town. Visual prominence and issues with access also render the site unsuitable for use by a major retailer. The unsuitability of the site is further compounded by the fact that it lies within Flood Zone 3. Consequently the ABC is not sequentially preferable by virtue of the fact that it is not suitable, available or a viable alternative to the proposed site.

#### Smith Island - Car Park adjacent to the Agricultural Business Centre (ABC)

The site lies on the banks of the River Wye and is approximately 30m to the east of the CSA with two pedestrian bridges giving good access over the River Wye into the town centre. This is the only identified site that could be classed as being 'on the edge of' the CSA. However vehicular access is restricted to a narrow access via Rutland Mill to the north. The access arrangements are wholly unsuitable for HGV's. The site is well used as a car park serving the town centre and is not being actively marketed. The site also has limited visual prominence from the main road network. As such this site, whilst closer to the town centre is not sequentially preferable due to the fact that it is not a suitable, available or viable alternative.

#### Riverside Business Park

The Riverside Business Park lies immediately to the north of the application site. As with the application site it is located a significant distance from the CSA and as an 'out of centre' site it is therefore not sequentially preferable in principle. In any case, in terms of measured distance, given the need to gain access cross the River from the A6, the difference in distance from the town centre between the two sites is minimal. The site is large enough to accommodate a medium sized foodstore and is available as evidenced by current planning applications for commercial/retail led and hotel-led schemes on the eastern part of the site.

A new bridge vehicular access would be required across the River Wye for which permission has been granted and the consent has been saved. The submitted assessment states that the cost of the bridge and the fact that the resulting store would be in a commercially less prominent location than the Cintride factory site means that it would not be sequentially preferable.

Officers consider that the Riverside site has similar connectivity to the town centre as the Cintride Site and there is no difference in terms of public transport accessibility.

Given that the sequential test does not require 'out of centre' sites to be compared one against the other, (except in terms of accessibility and connectivity - discussed above) then sequentially neither the Riverside or the Cintride site takes precedence and therefore the sequential test is passed. Moreover consideration as to whether Riverside Business Park is a more appropriate site for a foodstore must rest on other planning considerations such as compliance with relevant

Development Plan policies and the potential to secure the road bridge and the implications for securing the future of other business on the site. These issues are discussed in later sections of this report.

### Impact on Town Centre

The Framework states that in assessing applications for retail development outside of town centre, which are not in accordance with an up-to-date Local Plan local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (or 2,300 sqm as a default threshold). The National Park Authority has not set a threshold and the site area is below the default threshold. However, given the fact that Bakewell is the principle centre within the National Park and following discussions with officers at the pre-application stage the applicant has submitted a retail impact assessment incorporating a 'Bakewell Healthcheck'.

The Framework states that the impact assessment should include assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre in the catchment area and the impact of the proposals on town centre vitality and viability. Where an application is likely to have significant adverse impact on one of more of the above factors it should be refused.

In terms of the 'Bakewell Healthcheck' the report concludes that despite difficult economic conditions Bakewell is performing well, assisted by a strong independent retail offer and high levels of tourist spending. In the twelve months up to November 2014 the number of vacancies had fallen by six units bringing the overall vacancy rate of the town centre (at 2.1%) well below the most recent national average (12.45%). The submitted report states that the main deficiency is the lack of choice of foodstores for those people seeking to meet their weekly bulk food shopping needs.

With regard to the Retail Impact Assessment, the analysis is based on the outputs of a household telephone survey undertaken in July 2014. Market share analysis indicates that stores in Bakewell town centre draw only 15% of household shopping trips (relating to food and grocery shopping) from the study area. The majority of respondents undertake their convenience goods shopping at locations outside of the survey area: In Buxton (39%), Matlock (17%) and Chesterfield (11%). The Morrisons store in Buxton and the Sainsbury's in Matlock achieve the highest levels of draw from the study area (20% and 13% respectively). The ALDI store in Buxton draws 9% of total household shopping trips. The reports states that this demonstrates that there is a significant outflow of trips and spending currently to alternative destinations outside the study area and that there is potential to 'claw back' expenditure to Bakewell through improvements to the choice and range of shopping provision.

In connection with trade draw, it is estimated that convenience goods impact on Bakewell town centre is estimated to be -7.9% in 2019 (-6% for the Co-op and -5.5% for local shops) and if expenditure from tourism inflow is factored in to the assessment of centre turnover, the overall level of impact is lower; falling to -6.5% at 2019. The report emphasises that the bulk of existing units in the town centre fall within the comparison (50.3%) and service sectors (15%) and that therefore the impact of a discount foodstore, (that will principally compete with similar main food facilities) on Bakewell town centre would be limited and would not undermine its long-term functions and overall viability and vitality.

The report concludes that the introduction of the proposed foodstore would bolster Bakewell's convenience goods offer. Although it will result in some diversion of trade mainly from the Cop-op store in the town centre, it would also 'claw back' trade attracted to other stores further afield.

Details submitted by the applicant explain that Aldi Stores is a discount supermarket which operates over 450 stores in the UK offering 'bulk' products which make up a typical weekly shop.



Each store has a uniform size and layout and provides approximately 1000 identical product lines, which contrasts with other supermarkets which typically have between 2,500 and 40,000 product lines. Due to the concentration on a limited range of products, this has allowed the retailer to provide low cost, bulk products without providing products such as tobacco or lottery tickets and in house facilities such a delicatessen, pharmacies and opticians, typically found in other national supermarkets. As a result of this business model Aldi does not offer a 'one stop shop' meaning that customers will also have to visit other shops and services to complete their shopping trip. Furthermore stores have only a limited amount of non-food floorspace (around 20%) and as such impact on existing comparison goods retailers is unlikely to be significant.

Finally, with regard to impact upon planned and committed private and public investment, there are no current schemes within the Central Shopping Area that would be affected by the proposals.

The findings of the Retail Impact Assessment are not contested and therefore it can be concluded that whilst there would be some impact on the town centre this is unlikely to pose a significant threat to its viability and vitality and is unlikely to deter future investment in the town centre. As such assessed impacts are not 'significantly adverse' and the proposal is accordingly in compliance with the retail guidance in the NPPF.

In conclusion. there is capacity within Bakewell for the retail foodstore proposed, the sequential test demonstrates that there is no other sequentially preferable site and the retail impact assessment finds that impacts on the town centre would not be 'significantly adverse'. These assessments demonstrate that two of the tests for 'major' development are passed in that there is an established for the need for the development and there is no scope for development elsewhere closer to the town centre. These findings need to be weighed against the presumptions in Core Strategy policy DS1 (F), Core Strategy policy HC5 and Local Plan policy LB9 (which seek to prohibit retail development outside of the CSA) and on balance they indicate that in principle a new foodstore on the application site can be accepted, subject to other material planning considerations including the impact of loss of employment land and impact on the environment and landscape.

### Employment Use

Development Plan policies with regard to business development seek to enable the National Park economy to become stronger and more sustainable and as such the National Park Authority wishes to keep the best business sites and buildings from other development pressures.

Policy E1 (D) seeks to safeguard existing buildings, land and premises, particularly where these are high quality and in a suitable location. Where the location, premises, activities or operations of an employment site are considered by the Authority to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses. The NPPF states at Para 22 that where there is no reasonable prospect of a site being used for allocated employment use applications for alternative uses of land should be treated on their merits having regard to market signal and the relative need for different land uses to support sustainable local communities

The majority of the application site is not specifically allocated for employment (B1 and B2 uses) in Local Plan policy LB9, which seeks to safeguard particular sites in Bakewell. However a narrow strip of land on the north western edge of the application site does fall within part of the area described as 'Land adjoining Cintride site' in policy LB9 and this area is specifically safeguarded for B1 and B2 uses. The main body of the site was not explicitly safeguarded because at the time of the adoption of the Local Plan, it was still in industrial use.

Notwithstanding this, it is not clear what the lawful use of the application site is at present. The manufacturing use (Use Class B2) ceased some 14 years ago and since then most of the site

has remained vacant. Parts of the site have been used as an auction room in the intervening period and other areas used for storage of building materials.

With regard to whether the location, premises or activity are still appropriate, the site has clearly been vacant for around 14 years and the premises has gradually fallen into disrepair such that it now detracts from the appearance of the area and the entrance to the town. The premises remained empty even before the global recession began. Locationally the site is suitable for continued use for B2 or for B1 offices, being a large, relatively level area with good access to the A6 and in a predominantly industrial area of the town. However the submitted Planning Support Statement states that a number of agents, have marketed the site unsuccessfully over the last 7 years. An assessment from one local agent who marketed the property from 2001 has been submitted which explains that whilst some short term letting of part of the site were achieved there was no interest in the site as a whole, despite prominent 'To Let' boards at the site. The report explains that the buildings are in poor condition, dated in their layout and materials and do not lend themselves readily to splitting into more manageable units. Whilst some interest was shown with regard to use of the part of the site as a new medical practice this never materialised.

Furthermore the applicant estimates that the new foodstore will itself generate in the region of 40 retail jobs (full and part time contracts). Whilst these jobs might not necessarily provide the skilled employment opportunities often associated with B1/B2 uses they can nevertheless be seen to be of benefit to the local economy and the potential for the creation of jobs for local people was one of the key factors raised in written representations

A key consideration is that if this site does not remain in B2 use, whether there are sufficient remaining opportunities in the town for the provision of office/industrial uses in furtherance of Core Strategy policy E1. Whilst some office space within the town has recently been lost to residential use following the loosening of permitted development rights, officers are aware that there is still capacity for additional businesses at Deepdale Business Park and Riverside Business Park, for example. Other sites like Station Road are coming under increasing pressure for changes to different uses.

Furthermore, The Peak Sub-Regional Employment Land Review (2008), although now somewhat dated, identified that for the site immediately adjacent to the Cintride Factory which is safeguarded for B1/B2 use, the lack of suitable access provides the principle constraint to development at that site. Officers consider that the material benefits of the proposed new service access arrangement to that site as part of the current proposals outweigh the loss of approximately 0.1 hectares of safeguarded employment land.

In conclusion, locationally the site is suitable for B1 or B2 uses and in this respect the proposals do not entirely accord with the provision of policies DS1 and E1. However the site has been actively marketed for a number of years without success and job opportunities, albeit of a different nature, would be provided by the proposed use. Furthermore DS1 (F) does state that the spatial strategy seeks to promote the take-up and enhancement of under-used employment sites and the fact that the proposals would support the delivery of the adjacent allocated site which if brought into beneficial use could provide the kind of high quality employment uses promoted by adopted policies, weighs in favour of the current proposals, in particular if the proposals offer up an enhancement to the appearance of the site.

#### Impact on Character and Appearance of the Area.

The submitted plans and Design and Access Statement show that the proposed store would be sited along the north western boundary of the site, overlooking the 106 space car park to the south east. The massing design of the building follows pre-application advice by officers in consultation with Authority's Built Environment Team. The building would be single storey with a contemporary design. The store's roof slopes from front to back. The topography of the site falls away from the road and it is considered that the proposed massing echoes this character. The

local vernacular style does not lend itself to a building of this size. For example narrow gables, pitched roofs and extensive use of stone and slate would be difficult to accommodate and could result in the building looking more prominent and out of context in its surroundings. From the A6 the building would be seen in the context of other modern industrial buildings beyond at Riverside Business Park.

Following negotiations the applicant has agreed to the use of natural limestone panels, laid with a 'drystone' effect, similar to the stone used on the Agricultural Business Centre. It is considered that this helps to break up the elevations and enables the building to be more reflective of its setting. The cladding on the higher levels of the walls would be coloured dark grey which would help to minimise the visual prominence of the building and amended plans show it detailed with a horizontal emphasis to provide some visual interest and rhythm to the elevations.

The impact of the development would be mitigated by proposed landscaping which would help to screen the site and provide enhancement opportunities for bio-diversity.

The submitted landscaping masterplan and landscaping management and maintenance plan have been drawn up following discussion with the Authority's landscape architect and ecologist. Indigenous trees would be planted between the store and the road together with a wildflower grassland mix. Tree planting is also shown between the access road and River Wye at the request of the Authority's ecologist and further trees are proposed at the end of the rows of parking bays and to the east of the proposed access bellmouth. An indigenous hedgerow would be planted to demark both the north western and south eastern boundaries of the application site. Following negotiations the line of the ramped pedestrian footway from the road to the store has been altered to follow more closely the natural contours of the land. Retaining walls within the site would be constructed as traditional drystone limestone walls with half round copers.

In conclusion it is acknowledged that the proposed building would be a large modern structure and would be clearly visible from the A6 but in the context of its surroundings and with the landscaping proposed it is considered to be appropriate to the landscape character type in which it would sit. The scheme would result in a significant enhancement to the appearance of the site which is currently semi-derelict, unsightly and harmful to the character of this prominent gateway into the town. Therefore, the proposals are considered to be wholly in accordance with Core Strategy policies GSP2 and L1 and Local Plan policy LC4.

This factor is key to the determination of the proposals in that officers consider that when taken with the other considerations above, the potential enhancement of a prominent site at the gateway to the town outweighs any residual concerns with regard to the loss of employment land. It also means that subject to satisfactory resolution of any ecological issues the third test for major development in the National Park is met (which requires consideration of any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.) As such it is considered that in principle, approval of this major development as an exception to adopted policies can be accepted.

## **Issue 2 - Other Material Considerations**

### **Flood Risk**

The Environment Agency (EA) flood zone map shows Flood Zone 2 (moderate risk of flooding) to run parallel to the river bank and to extend across the site roughly in line with the south west elevation of the smaller building. Flood zone 3a (high risk of flooding) extends across an area closer to the river bank and roughly in line with it.

Core Strategy policy CC5 states that development proposals that would unacceptably increase flood risk will not normally be permitted.

Retail use is classed as a 'less vulnerable' use in terms of the Environment Agency's classifications, which is compatible with flood zones 2 and 3a and therefore there is no requirement for the sequential and exceptions tests to be applied.

The submitted Flood Risk assessment concludes that the principle floor risk on the site is from surface water run-off from drainage on site. Flood risk from the River Wye is not considered to be significant as the narrow strip of land adjacent to the river which is in Flood Zone 3a would be covered only by landscaping and the edge of the proposed access road.

The Environment Agency initially objected to the proposals on the grounds that the flood risk assessment failed to demonstrate that the drainage scheme proposed would provide a sustainable drainage strategy and failed to demonstrate how the surface water drainage system would limit the runoff from the site to brownfield areas and deal with the surface water run-off from the site.

Additional information has now been submitted by the agent and the Environment Agency have lifted their objection subject to a condition requiring full details of the surface water drainage scheme to be submitted and agreed. This is required to be a pre-commencement condition as it is considered to be crucial to the design of the scheme to prevent increased risks of flooding to the site. Subject to conditions therefore it is considered that the development would not unacceptably increase flood risk in accordance with CC5.

#### Ecology, Archaeology and Heritage Assets

A bat survey has been submitted with the application. No evidence of bats was found within the existing buildings. However pipistrelle and daubentons bats were recorded commuting and foraging in and around the site, particularly along the River Wye corridor to the north of the site and the report recommends that light pollution in this area should be minimised. Subsequently the submitted lighting scheme has been amended to omit the lighting that was originally proposed along the access road close to the river.

The Authority's ecologist is satisfied that other protected species would not be affected by the development including water voles. However there is potential for great crested newts to hibernate in the tall ruderal vegetation on the site and timing restrictions for the removal of rubble will be required. Subject to conditions, it is therefore considered that the proposals would conserve species of biodiversity and their setting in accordance with Core Strategy policy L2 and Local Plan policy LC17.

With regard to archaeology the Authority's Archaeologist is satisfied that there would be no direct impact on the scheduled monument that is the mill pond and goit and other associated remains that formed part of the water delivery system for powering Arkwright's mill. Additionally, on the basis of assessment of the provided drawings, plans and profiles, and observations that show tree cover in both summer and winter, there appears to be little or no impact on the setting of the scheduled remains. As such the proposals would accord with the requirement of Core Strategy policy L3 and Local Plan policies LC15 and LC16.

Bluebell Cottage and Greenlands are two grade II listed dwellings located on the opposite side of the A6 to the application site. Because of the distances involved, the presence of the intervening road and given the previous industrial use of the site it is not considered that the current proposals would have any significant adverse impact on the setting of these buildings in accordance with Core Strategy Policy L3 and Local Plan policy LC6.

#### Highway Issues

A transport assessment has been submitted with the application. This considers the impact of the traffic that would be attracted to the development and concludes that the development traffic

effect of the proposal would be minimal for all peak periods and all the junctions analysed are predicted to operate within capacity. The Highway Authority, in its response, states that it does not consider that there is an evidence base to suggest that the conclusion that the development would not have a significant adverse effect on capacity or safety of the local road network is incorrect.

With regard to parking it is proposed to provide 106 parking spaces including 6 spaces reserved for use by the disabled. The adopted parking standards in the Local Plan suggest that for stores between 1000 and 3000 sqm a maximum of 1 space per 20 sqm should be provided for customers plus 1 space per 100sqm for staff. The maximum number of spaces permitted under these standards is 107. The proposed provision of 106 spaces accords with the standard.

Turning to pedestrian access there is a footway located along the northern side of the A6 which connects the site with the pedestrian network in Bakewell. The report states that guidance suggests that for retail trips, people are prepared to walk a maximum of 800m. There are a number of residential properties to the north west and south east of the site that are within the customer walk catchment. However most of the properties within Bakewell will be outside of this catchment and so while there are some opportunities for pedestrian trips it is likely that most shoppers will visit the site by car. There are bus stops on the A6 within 300m of the site although some of the local respondents have flagged up a requirement to improve bus services to the site. This is discussed later in the report with regard to planning obligations. Cycle stands for up to 12 bicycles would be provided adjacent to the store.

A travel plan has also been submitted, the intention of which is to maximise the potential for travel by sustainable modes of transport. The plan outlines specific measures which include awareness initiatives and infrastructure provision and it is considered reasonable and necessary to impose a condition that requires the recommendations of the plan to be adhered to.

It is proposed to construct a new priority junction onto the A6. The submitted plans show that where it meets the A6 the access bellmouth would be some 32m wide. It has been designed around vehicle tracking models for delivery vehicles to and from the site. The Highway Authority did initially indicate that the junction width could be reduced by reducing the proposed 'exit lanes' to a single lane. However having regard to the fact that the junction could in the future, serve an unquantified development of B1 or B2 use on the site adjacent, the Highway Authority now consider that the width as proposed is appropriate.

The new junction, albeit accompanied by the closing up of the existing adjacent opening, would have a significant visual presence on the roadside, especially as the land levels drop into the site and the access road will therefore be ramped up. However, on the basis that this is a more heavily developed part of the town and the access is required to facilitate the enhancement identified above it is considered on balance that the visual harm identified is offset and outweighed.

The owners of the adjacent Riverside site have objected in particular with regard to the proposed visibility splays on the basis that they do not meet adopted standards. The Highway Authority has been re-consulted on this issue and has confirmed that whilst the proposed splays are based on minimum standards, they are in accordance with current design guidance within Manual for Streets 2.

The Highway Authority also initially recommended that a right turn harbourage be provided to prevent vehicles waiting on the major road to turn right, inhibiting the through flow and creating a hazard. However the applicants transport consultant disputed this requirement and provided additional information, including an explanation that the junction would need to be positioned further west to provide a right turn harbourage, due to the availability of land along the site frontage to Buxton Road for widening to accommodate the third lane. At this location there is an 8m difference between the road and the site which is a prohibitive factor. Additional information

with regard to expected traffic levels generated by the potential future use of the adjacent site was also provided. These demonstrated that even if the adjacent site is developed the right turn harbourage is unlikely to be required and the Highway Authority has accepted this position.

Subject to conditions including the provision of a site compound, construction management plan, closure of existing access, and provision and car parking spaces and cycle stands, and further consideration of bus services, it is considered that the proposals accord with the requirements of Local Plan policies LT10 and LT18. The conditions relating to submission of details for site compound and construction management plan would be 'pre-commencement' conditions and this is considered necessary in the interests of highway and site safety.

#### Site Contamination

A land contamination report has been submitted. The report summarises potential ground contamination risks arising from the site's past use for industrial purposes. To remediate this, the Environmental Health Officer has recommended a number of conditions including requirements for the submission and agreement of a site investigation and risk assessment and remediation measures. Subject to these conditions the proposals meet the requirements of saved Local Plan policy LC24.

#### Impact on Amenity

The nearest residential properties are opposite the application site on the south side of the A6, in particular 'Bluebell Cottage' and 'Greenlands' and the dwellings recently converted from offices at Deepdale Business Park. Due to the intervening distances and surrounding topography it is not considered that the amenity of these properties would be compromised by the presence of the foodstore in terms of overshadowing or overlooking.

Proposed opening hours of the foodstore are 8am to 10pm Monday to Saturday and 10am to 4pm on Sundays. Given the previous industrial use of the site and the potential for noise and disturbance as a result of that use it is not considered that the proposed use of the site for retail purposes during these hours would have more impact upon amenity and privacy. However in order to minimise disturbance from deliveries as well as waste collection, Environmental Health has suggested that they should be restricted to take place between 08:00 to 18:00 Mondays to Fridays, 09:00 to 13:00 on Saturdays and no deliveries or waste collection on Sundays and Bank Holidays. This can be controlled by means of a condition.

A lighting scheme has been submitted which includes types of lighting used as well as the lux levels at the nearest properties. The scheme shows the use of asymmetric lighting to minimise the light spill at residential properties and the indicated light levels are at 0 Lux at the residential properties. Whilst this does not mean that the lights from the site would not be visible at these properties, the light should not be spill onto their boundaries.

A noise survey has also been submitted and this concludes that noise levels at the nearest receptors would be within acceptable levels. However at the suggestion of the Environmental Health Officer amended plans have been submitted showing a close boarded fence around the refrigeration plant at the rear of the building to reduce the tonal nature of the noise emissions.

In conclusion there would no significant adverse impact on the amenity of nearby residential properties as a result of the proposals in accordance with Core Strategy policy GSP2 and Local Plan policy LC4.

#### Environmental Management

The application includes the provision of a row of solar panels on the roof of the foodstore. These are anticipated to provide approximately 13% of the energy requirements of the average

store. Store heating is also provided by waste machinery heat using a heat recovery system from the freezer condensers.

The Design and Access Statement also explains that energy efficient freezers and lighting are used throughout the store and that Aldi stores are supplied from regional distribution centres each serving 80-90 stores each, which minimises road travel, resulting in a lower carbon footprint. The agent has also confirmed that permeable surfacing will be used on parts of the car park and most waste from the store comprises cardboard packaging which is compacted on site and transported to the distribution centre for recycling by returning delivery vehicles. As such it is considered that the proposals meet with the requirement of Core Strategy policy CC1.

### Community Involvement

The NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the application system for all parties. A submitted Statement of Community Involvement explains that the applicants held a public exhibition in Bakewell in October 2014. Invitations were sent to 2,500 local residents and businesses. The exhibition was advertised in the local press. 286 people attended the exhibition. Local stakeholders were invited to attend a preview session prior to the main exhibition. It is stated that feedback received at the pre-application stage was, where possible fed into amended proposals.

### Planning Obligations

National policy recognises that some development may adversely affect some people and that local planning authorities can use planning conditions or obligations to ameliorate this. The Framework makes it clear that negotiated benefits must be: necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonable related in scale and kind to the development.

Discussions have taken place between the applicant, officers and the Town Council with regard to the possible provisions of a planning obligation, bearing in mind the tests outlined above. The Town Council identified in particular a number of areas of paving within the town centre which are in need of re-surfacing. However officers are not convinced that these improvements could be seen as being necessary to make the development acceptable or directly related to the development, given that whilst there would be some impact on the town centre as a result of the proposals, this would not be significant. Furthermore, footpath improvements such as widening the footway alongside the A6 would be difficult to achieve due to the constrained nature of the carriageway in this area.

An alternative opportunity was suggested by officers in the light of comments received in representations with regard to a requirement to improve bus linkages to the site. Bakewell and Eyam Community Transport is a registered charity based in the Bakewell Area which provides essential transport for people with disabilities, elderly people and community groups. This service provides an opportunity to provide links from Bakewell and the surrounding area to the proposed foodstore. The applicants have agreed to fund the purchase of an additional bus for this purpose through the provision of a legal agreement. It is considered that the benefits that this would bring to the local community are necessary, in that bus services to the site are currently limited, and providing a public transport link to the store would be directly related to the development and fairly and reasonably related in scale and kind to the development in accordance with the Framework.

### **Implications for Riverside Business Park (RBP)**

During the latter part of the determination period of the current scheme, two planning applications have been submitted for RBP. The first is a full application for a hotel with 69 bed spaces and associated car parking. The hotel building would be located towards the south eastern end of

the business park, on the footprint of existing buildings formerly used for Class B industrial uses. The second is an outline application for a terrace of commercial units including a foodstore of 1,579 sqm (GIA) is proposed alongside flexible Class A1/A3/B1/B2/B8/D2 floorspace up to 2,627 sqm (GIA).

Associated works include a car park providing 150 spaces, landscaping and demolition of existing buildings. The western half of the business park would remain in business use. It is intended that vehicular access would be via a new bridge access from the A6, which already has the benefit of planning consent and upon which a material start has been made. A supplementary report which explains the RBP proposals in more detail is included on this agenda.

The similarities between the current application and the retail-led proposal at RBP are that both would provide a similar sized foodstore. Crucially however, there is no evidence to suggest that there is capacity within Bakewell for more than one additional foodstore. The owners of Riverside Business Park state that failure to secure a foodstore operator at Riverside Business Park would undermine delivery of the new bridge access fronting the A6, which is the trigger for more intensive employment use as well as securing the long term futures of existing businesses and safeguarding the integrity of its heritage assets.

This is relevant to the determination of the current application because if approval is granted, the owners of RBP consider that they would find it difficult to achieve the outcomes outlined above. As such it is important to summarise the merits of the two applications with reference to the key issues outlined above. As discussed in earlier sections of this report, sequentially neither the Cintride nor the Riverside site takes preference. However the Cintride site has the clear advantage that access is easier to provide and the site may be commercially preferable because it is road fronting and a generally more prominent site

With regard to impact on the town centre, the current proposals on the Cintride site are for a standalone food store where it has been demonstrated that the impact on the vitality and viability of Bakewell town centre would not be significantly adverse. It is likely therefore that the impact of a comparably sized foodstore at RBP would have a similar impact on the town centre. However at Riverside the current proposals indicate that a further 6 commercial units over and above the main foodstore would be created. If these were in retail use it is likely that the impact on the existing retail offer in the town centre would be more significant if the Riverside proposals were to be approved 'as submitted'.

Turning to loss of employment land, the agents for RBP state that the proposals would be fully compliant with saved Local Plan policy LB7 which states that the comprehensive redevelopment, of the site predominantly for industrial/business use (Classes B1 and B2) will be permitted and indicates that minor part of the site may include affordable housing, general market housing or tourist accommodation by conversion. In fact the scheme would not be compliant with this policy in that if the two applications were approved, around 50% of the site would be given over to uses falling outside B1 and B2.

Notwithstanding this neither application would nullify the development of adjacent land allocated as employment land under LB6 and LB7 insofar as the Cintride application would open up the adjacent safeguarded land by providing a new access and the RBP application would enable easier access to the existing units on the western half of the site by providing the road bridge. Both proposals have the potential to create additional service sector jobs but neither proposal proposes the creation of jobs in industry other than the construction phases of the construction phases may provide some employment opportunities.

With regard to other planning considerations, it is too early in the determination of the RBP applications to make a formal determination on a range of issues. However, there is a general presumption that both sites could be developed for a foodstore and neither of the two proposals



are likely to cause significant harm to the landscape. Notwithstanding this, it is considered the Cintride proposals would offer up a more significant enhancement to the landscape setting of the two sites due to the more prominent roadside location of the existing dilapidated buildings.

In this case, there is however no absolute guarantee that the site at Cintride will be developed out by Aldi, should permission be granted – the permission would be for an A1 shop with a condition to limit the floorspace given over to non-convenience goods. Nonetheless, it is considered there is a reasonable prospect of this given that Aldi have submitted the application and committed substantial time and resources to the application process and so there is no reason to believe that they would not follow through to occupation. At RBP there is no information with regard to which operator would take the site and what the timeframes would be.

At this stage therefore officers consider that the application at the Cintride site has the advantage in that a medium order/discount retailer, as identified in the GVA retail study as meeting the needs of the community is more likely to come forward. There is more uncertainty about the proposals at Riverside. In addition there is no viability assessment which demonstrates that the foodstore would fund the construction of the bridge and officers consider that the provision of a foodstore may not be the only means by which to secure the construction of the bridge. Other options have not been fully explored and exhausted at this stage.

In conclusion the advantage of the Cintride proposals is that they are more readily deliverable, offer up significant enhancement on a more prominent site, potentially would have less impact on the Town Centre, have received clear public support and offer up planning gain in terms of the funding a new community bus. Therefore, officers consider that the case for a foodstore on the Cintride site is stronger in planning terms than the case for a foodstore at RBP. However, these conclusions do not amount to the pre-determination of the RBP application, which is still at a very early stage of the application process.

Members may therefore consider that it is preferable to wait for the consultation responses on the RBP application, and representations to be made on the RBP proposals and for this application to be reported back to committee before making a decision on the current application, which would lead to a decision to defer this application. However, for clarity and for the avoidance of doubt, officers consider the current application is acceptable on its individual planning merits for the reasons set out in the above report.

### **Conclusion**

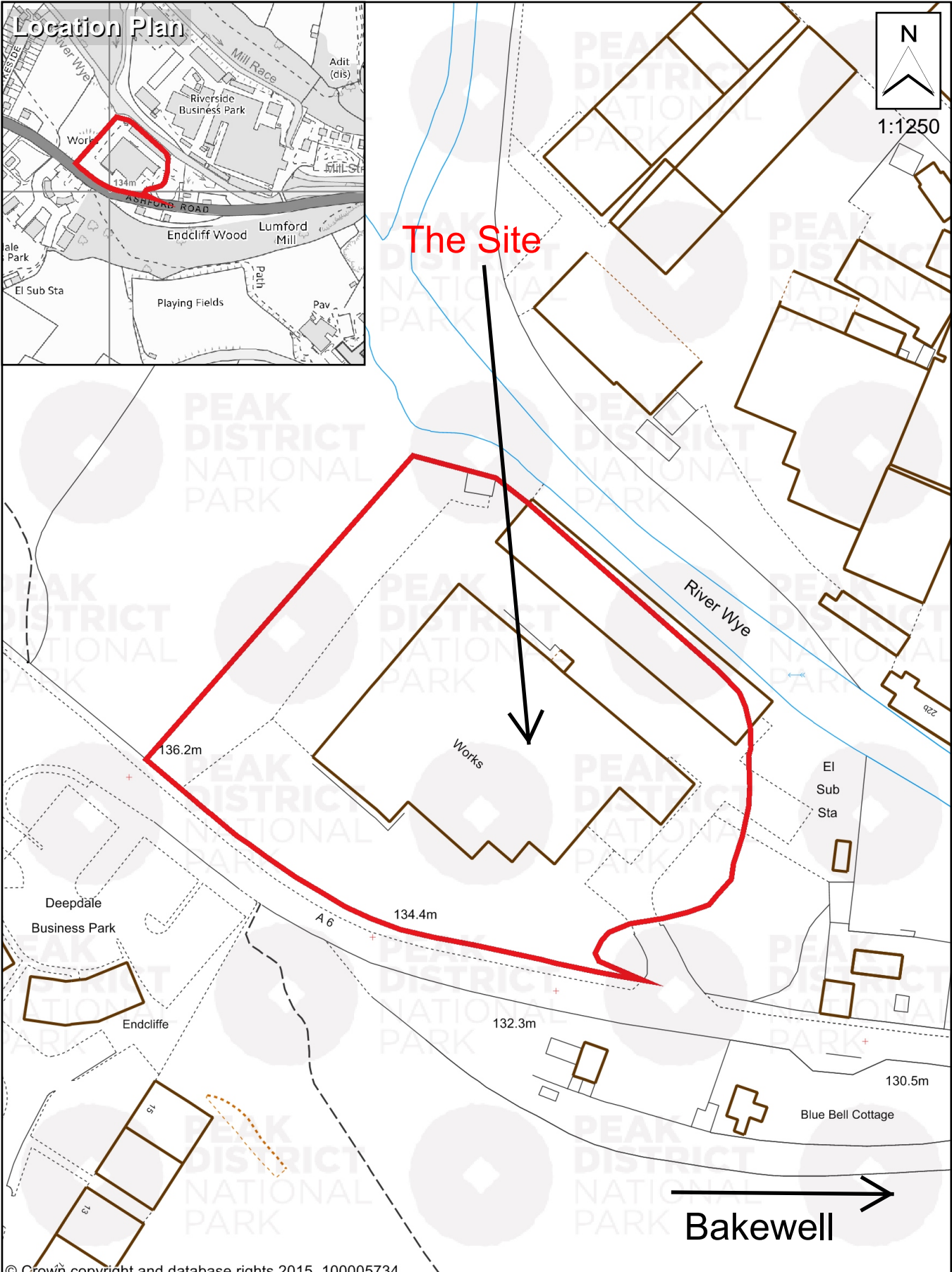
In conclusion, this is an application for a major retail development outside of the town centre. There is a national and development plan policy presumption against major development in the National Park other than in exceptional circumstances. Development Plan policies seek to direct retail development into the town centre and protect existing employment sites where appropriate. However the material considerations outlined above, which include; an identified capacity for the store; a less than significant impact on the town centre; a lack of alternative sites in or on the edge of the centre; the opportunity to open up the adjacent allocated employment site for future development; the significant visual enhancement proposed; considerable local support and the planning gain offered up, when considered together, constitute the exceptional circumstances that would warrant approval of the proposals.

Accordingly, the current application is recommended for approval subject to the legal agreement and conditions outlined above.


### **Human Rights**

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

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| Committee Date: | 15/05/2015       | <b>Title:</b> Former Cintride Site, Buxton Road, Bakewell |  <b>PEAK DISTRICT NATIONAL PARK</b> |
| Item Number:    | 7                |   |  |
| Application No: | NP/DDD/0115/0043 |   |  |
| Grid Reference: | 420997, 369044   |   |  |

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**8. FULL APPLICATION – CHANGE OF USE OF AGRICULTURAL BUILDING TO STORAGE AREA FOR MOBILE TOILETS AND USE OF STORAGE TANK FOR THE STORAGE OF THE WASTE FROM THE TOILETS – APPLICATION FOR PERMANENT CONSENT FOLLOWING TEMPORARY CONSENT AS GRANTED AT APPEAL ON 6 MAY 2014, PLANNING APPLICATION REF: 0813/0716 AT WHITE HOUSE FARM, WARDLOW- (NP/DDD/0315/0184 - 10/03/2015, P2892, 418126/374950, JK).**

**APPLICANT: MR ROGER BAILEY**

**Site and Surroundings**

White House Farm lies on the eastern side of the main street (B6465) within the main body of Wardlow. The village is a traditional linear settlement focussed around the main street and is surrounded by rolling open grazing fields of the limestone plateau. The village has a strong agricultural character with several farms containing a number of large modern sheds within the village itself. These are visible at some distance from the main A623 to the north as well as from the minor roads and a number of footpaths to the east.

The White House Farm holding is comprised of the farmhouse which is positioned to the front of the site close to the road, behind and to the side of which sit a number of large modern slate blue coloured agricultural buildings. The site is also within the Wardlow Conservation Area.

The farm is a working livestock unit based on intensive pig rearing within the buildings. The farmland associated with the holding extends to 28ha (70 acres) however the farm business operated by the applicant is confined primarily towards pig rearing within the buildings. The land is let out separately to local farmers. The buildings can accommodate 3900 pigs which are reared on contract. Slurry from the pigs is stored in tanks beneath the existing agricultural buildings and it is understood that whilst some is used on the landholding, the majority of the resulting agricultural slurry is removed from the site and spread on other farmland in the wider locality.

Since 2006, the farm has also diversified into the operation of a portable chemical toilet supply business, trading as “Luxury Loos” with the toilet units being stored, cleaned and emptied at the site. The use has intensified in recent years and now provides around 25% of the farm turn-over. In 2012 the business was regularised with the grant of a temporary one year planning consent to operate from the modern agricultural building on the south side of the main entrance to the farm and the adjacent enclosed yard area to the rear. Permission was also granted for a bulk waste storage tank which is sited on the rear, eastern edge of the main farm buildings. The temporary one year period granted by the committee in 2012 was to allow monitoring of its operation by officers and principally by the Environmental Health Officer to conclusively determine the issue of any potential odour upon local amenity. There has been a long history of complaints regarding odour from the farm and in recent years there have been complaints about odour from the operation of the toilet business use. In 2014, following refusal of an application to renew the consent on a permanent basis, the applicant obtained a further temporary 1year consent on appeal which expired on 6 May 2015. In his decision letter the Inspector considered it would be appropriate to renew consent on a one year temporary basis to enable more monitoring of the business and resolve the conflicting evidence over the odour issue.

**Proposal**

The change of use on a permanent basis of the agricultural building on the south side of the access and the adjacent yard for the storage and processing of mobile toilets along with the retention of the waste bulk storage tank.

There are 44 individual mobile box toilet units and 9 mobile toilet trailers – 4 large/medium and 5 smaller trailers.

The enclosed concrete yard area at the rear of the storage building is used for emptying and cleaning/preparing the units. The dirty external washing water – not toilet waste - drains to an underground 40,000litre holding tank.

The bulk waste storage tank is 4.3m high x 2.5m diameter tank and sited within a 4.5m x 4.5m x 1.5m high concrete enclosure. This is used for the bulk storage of the toilet waste from the mobile toilet business and is fitted with a carbon filter. The tank is emptied by a specialist waste contractor as necessary, currently around every 10months or so and the filter changed every 3 years (In accordance with the manufacturers recommendation).

The application is accompanied by a Design and Access statement, a planning statement, an odour management plan (along with details of procedures to follow in response to odour complaints) and details of the procedure for emptying the toilet units and the waste storage tank.

### **RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions:-**

- 1. The storage of units and ancillary emptying and washing activities shall occur only within the designated site area as shown on Drawing No. WOL– 595 –BAI PL-12 Rev C. The number of toilets stored within the designated area shall not exceed 9 trailer units and 44 individual toilets**
- 2. All mechanical washing and emptying of the toilet units shall be carried out within the hours of 8am to 6pm Monday to Saturday inclusive. No machinery associated with the washing and emptying of toilets shall be operated outside of the specified time.**
- 3. The toilet storage use hereby permitted shall remain ancillary to and within the same planning unit as the White House Farm agricultural holding and shall not be operated or sold off separately from the White House Farm agricultural holding.**
- 4. Notwithstanding the 2005 Use Classes Order (or any order amending or re-enacting); the use hereby permitted shall be restricted to the use of the site for the storage of individual toilets and mobile trailer toilets as put forward within the application details and shown on the application drawings. There shall be no permitted changes to any alternative use.**
- 5. All human waste originating from the use hereby permitted shall be disposed of via a licensed waste disposal contractor. Copies of all waste transfer documents shall be kept for a minimum period of 5 years and be available for inspection on demand by all relevant authorities.**
- 6. The use hereby approved shall only operate in full accordance with the odour management plan/procedure for emptying toilets as submitted, and which incorporates implementation and monitoring provisions. Should any changes to the business occur, then this document shall be reviewed and amended accordingly. In addition, it shall be reviewed annually to take into consideration any changes in legislation, Codes of Practice etc. A copy of this plan along with records of all complaints and any associated documents received must be available for inspection on demand by all relevant authorities.**
- 7. Maintain adequate off road facilities for the parking and manoeuvring of all vehicles associated with the use within site.**

8. **The filter to the waste storage tank shall be changed strictly in full accordance with the manufacturer's recommendations and records kept for at least 5 years detailing when each filter was replaced. These records must include copies of any invoices, receipts etc. and maintained available for inspection by all relevant authorities.**
9. **Within one month of the date of this consent the existing bund around the bulk waste storage tank shall be sealed in order to provide the necessary secure containment required in the event of a tank wall leak/failure. Written notification of completion to be provided to the Authority along with reasonable access for inspection.**

### **Key Issues**

The key issue in this case is the effect of the toilet business upon the amenity of local residents with particular emphasis on the risk of unpleasant odours.

In terms of the principle of the development, the appeal decision in 2014 which granted a further temporary consent for this proposed operation determined that the business development was acceptable in principle on this site.

Therefore, the key consideration in relation to the proposed permanent use of the site is whether the evidence from a further year of monitoring operations is sufficiently clear to conclude whether there would be any effect upon the living conditions of nearby residents, with particular regard to the risk of unpleasant toilet smells.

The other main issues in this case are:

- The Policy background
- The impact on landscape setting of the National Park/Conservation Area
- Noise from the operation of the business
- Highway safety

### **History (relevant to the current application)**

1988 – 2006 - Various approvals for agricultural buildings, initially relating to the rearing of cattle and pigs, but more recently related specifically to intensive pig rearing

2009 – Enforcement enquiry regarding alleged unauthorised operation of a toilet distribution business from the site. Units included 20-25 single toilets and 3-5 larger green double units.

2010 – Enforcement Officer site visit confirmed mobile toilet business commenced in 2006 with two trailer units and four single toilets. All units were stored outside the buildings. A grey shipping container was also used. Applicant informed use required planning permission and application invited.

2011 – Refusal by Planning Committee for the retrospective use of former silage area for the storage and distribution of mobile toilets, and along the access drive, meaning the toilets would have been a prominent feature when passing the site. The application was refused on the Adverse impact on the Conservation Area, the detrimental effect on amenity and the character of the area by virtue of the odours produced, uncertainty that the use will benefit the farm business and a lack of information to demonstrate that there would be no risk of pollution affecting residential properties, SSSI sites to the south and west and a limestone major aquifer

2011 – March - Delegated authority given to commence enforcement action at the site.

2011 – September - Appeal dismissed against the 2011 refusal. The Inspector noted that whilst the waste storage tank would not appear incongruous in the landscape, the toilet units (as stored then in the silage clamp) would be visible and adversely affect the character of the Conservation area. On the odour issue, whilst noting that there was no conclusive evidence in relation to smells from the toilet storage, he referred to the lack of an odour management plan and that he could not be fully satisfied that the nearby occupiers would not be adversely affected.

2012 - Enforcement Notice issued requiring the cessation of the toilet business use

2012 – Planning permission granted for a temporary 1 year period for the change of use of the agricultural building and associated yard immediately south of the main farm access as a storage area for mobile toilets and use of bulk storage tank for the storage of the waste from the toilets. This would allow monitoring of the site with a view to conclusively resolving the odour issue.

2013 – Refusal for application to renew permission on a permanent basis for the change of use of agricultural building to storage area for mobile toilets and use of storage tank for the storage of the waste from the toilets.

2014 – An appeal against the 2013 refusal allowed a further temporary 1 year consent expiring on 6 May 2015. The Inspector noted only one confirmed toilet odour event had been recorded (which the applicant claimed was a one off event and had taken steps to prevent this recurring) by the Environmental Health Officer's monitoring which coincided with the village odour diary. However he was unable to reconcile this with the local objectors' reports of odour issues occurring on 26 out of 90 days of diary records. The Inspector further commented that *"Comparing the two accounts, I think it probable that some degree of nuisance was caused on occasions that did not coincide with EHO visits. At the same time I find it difficult to accept that toilet smells at a level sufficient to cause offense over and above the smells emanating from the pig farm occurred on almost a third of the days during the monitoring period"*. He went on to comment that *"...it is evident that the quantities of pig slurry arising from 3000 to 4000 pigs and the associated smells are on a much greater scale than the relatively small and seasonal quantities of stored toilet waste. In that context it ought to be possible with due care to manage any smells caused by the toilet hire business to a level that does not add materially to the agricultural smells. If it could be shown to be highly likely that the 2 October 2013 incident had been a genuine one-off with little chance of a repeat, and that there had been no other significant odour incidents during the trial period, then that would support the grant of a permanent planning permission. However I find it difficult to reach an objective assessment of the smell risk on the basis of the conflicting evidence presently available"*. He also dismissed the Committee's second reason for refusal based on an interpretation of Core Strategy Policy CC3 considering it was not appropriate given the waste is removed from the Park for disposal. He went on to grant a further one year consent on the following conditions:

- 1) Storage of toilets and ancillary emptying and washing activities restricted to designated areas and number of toilets stored not to exceed 9 trailer units and 44 individual toilets.
- 2) No emptying and washing of the toilet units other than between 8am to 6pm Mon – Sat (inc).
- 3) Ancillary to and in the same planning unit as the farm with no separate operation or sale.
- 4) Use restricted to the use described in the application with no permitted changes to other uses.
- 5) All waste from the use disposed of by a licensed waste disposal contractor.
- 6) The use operated in full accordance with the odour management plan/procedure/monitoring.
- 7) Off-road parking and manoeuvring space provided for all vehicles and trailers associated with the permitted use.
- 8) Submit/agree details of how and when the filter on the waste storage tank must be changed.



## **Consultations**

### **Derbyshire County Council Highways – No objections**

The application drawings show adequate parking and turning for the proposals. This Authority has not been made aware of any problems affecting the public highway relating to the operations on this site. On the basis of the above this Authority would not wish to raise objections to the proposals subject to the following condition in the interests of highway safety:

1) The premises, the subject of the application, shall not be occupied until the on-site parking and turning spaces have been provided for in accordance with the application drawings laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to designated use.

### **Derbyshire Dales District Council Environmental Health**

No objections - Recommend existing conditions under the temporary planning permission are also applied to any new permission should it be granted. Provided the following summarised comments on the monitoring carried out for this case.

The first complaint was received in 2009 from a local resident about the odour from the toilet business. A visit was made to the complainant's property and officers were able to detect the odour from pigs but not from other sources. No further visits were made that year but following further complaints a total of 6 visits were made by officers and 8 visits the year after that. None of these detected odour from the mobile toilet business.

In 2012, the owner of the business applied for planning permission. Although officers had not witnessed any odour from the mobile toilet business, it was felt that given the residents' concerns, the Council recommended a temporary planning permission of a year to allow further monitoring. The Council also suggested various planning conditions which included an odour management plan. During 2012, a total of 18 visits were made, none of which found nuisance from the mobile toilet operator.

In 2013 a total of 17 visits were made by officers, one of which on the 2<sup>nd</sup> of October, an officer did detect odour that was distinct from the pigs and had a chemical nature to it as well as what the officer believed to be human waste. This was reported to the Peak Park as there was a new planning application from the operator of the business. A temporary permission was subsequently granted on appeal.

It was decided that an intense period of monitoring would be done in 2014 to determine once and for all whether there really was a problem with the toilet business. Given concerns raised by the complainants, consideration was given to ensure that these visits included evenings and weekends.

During 2014, a total of 53 visits were made during which, no officer witnessed odour from the mobile toilet business.

Conclusion - Given the history of the investigation, the Council can only conclude that apart from the single incident witnessed in 2013, there is no evidence that the business is giving rise to nuisance.

### **Wardlow Parish Meeting**

A Planning Meeting to discuss the application resulted in a majority vote in favour of the application. As there were a few complaints the Parish would like the following comments to be taken into consideration:

- Concerns regarding the smell emanating from the business but it was understood that an environmental report would be produced. The requirements of the PDNPA Core Strategy Policy Section CC3 in relation to waste management and the Local Plan (2001) LC4 should also be taken into consideration.
- Concern that this type of business was being run within a conservation village.

### **Representations**

On letter of support has been received from a Wardlow resident who states that they live in close proximity to White House Farm and have never had any adverse environmental issues with the "mobile toilet business" and would be happy for the planning application to be put on a permanent basis.

### **Main relevant Policies**

Relevant Core Strategy policies: GSP1, GSP2 and GSP3 – protect the National Park principles/promotes sustainable development: DS1 – permits farm diversification as part of the development strategy and L1 – seeks to protect the landscape character. E1 – Permits business uses within villages subject to restrictions on scale and operation.

Relevant Local Plan policies: LC4 – provides basic design criteria, LC5 – Seeks to protect the character of Conservation Areas and LC14 – allows for appropriate farm diversification, where non-vernacular buildings remain appropriate to the area, LC21 – covers pollution and disturbance issues.

The Parish Council consider Policy CC3 to be relevant, as did the Planning Committee in the 2013 refusal. However in his decision letter for the subsequent appeal the Planning Inspector considered that this policy does not apply to this development given the waste is taken out of the park as against being disposed of within. In these circumstances your officers continue to advise that the policy is not relevant to this particular development proposal.

### **Wider Policy context**

#### **National Planning Policy Framework**

As a material consideration in planning decisions, the NPPF recognises the special status of National Parks and the responsibility of National Park Authorities, as set out in the National Parks and Access to the Countryside Act 1949 (as amended). In line with the requirements of primary legislation, paragraph 14 of the NPPF recognises that in applying the general presumption in favour of sustainable development, specific policies in the Framework indicate that development should be restricted, for example policies relating to National Park.

Paragraph 17 of the NPPF sets out core planning principles including supporting sustainable economic development and high standards of design taking into account the roles and character of different areas, recognising the intrinsic character and beauty within the countryside and supporting thriving rural communities.

Paragraph 28 in the NPPF says 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. It goes on to state that to promote a strong rural economy planning policies should support the sustainable growth and expansion of all types of business and enterprise in rural areas through well designed new buildings as well as promote the development and diversification of agricultural businesses.

Along with the need to give great weight to considerations for the conservation of wildlife and cultural heritage, paragraph 115 of the NPPF confirms the highest status of protection in relation to landscape and scenic beauty, reflecting primary legislation. It points out (footnote 25) that further guidance and information, including explanation of statutory purposes, is provided in the English National Parks and the Broads Vision and Circular 2010.

The N.P.P.F at Paragraphs 56/ 57 promotes good design and paragraphs 109-116 promotes the protection of sensitive landscapes (National Parks) and paragraph 28 supports sustainable growth of all types of business and enterprise in rural areas and promotes diversification and development of other land-based rural businesses.

## **Assessment**

### Background to Waste Storage, Removal and Disposal Procedure

For clarity, an overview of the whole process is that the toilets are towed by Land Rover to and from events on a trailer (in the case of the individual toilets) or for the larger toilets, the unit itself is a towable trailer. These units contain a concentrated chemical additive to control foul odours (similar to that used in domestic caravan toilet systems), which is recycled in the toilets through filters during use. As the business has developed a percentage of hirings are now 'dry hirings' where the hirer arranges for servicing independently. Other hirings are serviced on site with the waste taken directly to the licensed waste disposal company rather than the unit(s) being returned to Wardlow for cleaning.

For the traditional hirings when the toilet units return from events they are unloaded and the waste is sucked into a small towable tanker. This also contains clean water for washing out the unit and its filters. When washing is complete, fresh chemical additive is added along with a small amount of water and the toilet is then stored ready for re-use. The waste within the mobile tanker is then pumped from the tanker into the main bulk storage tank at the rear of the farm. This has a 25000 litre capacity and is emptied by a tanker from a specialist waste disposal contractor from Chesterfield. Evidence of the use of this company's services has been inspected and confirmed by your officers along with evidence of the filter replacement.

The potential spillage concerns raised in the past were effectively overcome by the implementation of the Environment Agencies suggestions (with regard to reducing the potential for ground water contamination) that the washing yard be concreted over and drained to the below ground grey water tank along the bunding of the waste storage tank, work which has all been completed although it was noted at the officer's site inspection this time that the bund around the bulk storage tank has gaps that need to be sealed. A condition to require that along with notification to Authority on completion is therefore suggested.

### Principle of Use

The NPPF promotes all kinds of sustainable business use in rural areas and particularly farm diversification to support a prosperous and growing rural economy. It recognises the importance, both in economic terms and for employment, that a thriving farming community is maintained in the countryside along with other business uses and rural enterprise.

The Core Strategy Development Plan Document 2011 in Policy DS1 also promotes a sustainable distribution and level of growth and states that in all settlements and in the countryside, rural enterprises requiring a rural location, including farm diversification will be acceptable in principle.

Although local objectors have suggested in previous applications that the mobile toilet business is inappropriate in principle within a village, this view is not supported by policy and was not shared by the Inspectors in either the 2011 or 2014 appeals or by the Planning Committee when they accepted the principle of the use as appropriate farm diversification in 2012. The temporary

nature of that consent and the one granted by the Inspector last year were considered necessary by the Committee and subsequently by the Inspector because of either, a lack of evidence to conclusively prove there would be no amenity harm from any odour arising from the use, or that the evidence was conflicting with local reports.

The notion that businesses should be segregated away from residential property is outdated and the NPPF is clear that issues of sustainability and reducing travel-to-work journeys are more important. The business use is also supported in principle by local policy DS1. Therefore, subject to the site specific planning considerations being satisfied, the general principle of the business development is considered to be appropriate. Furthermore the general principle of agricultural diversification to assist in the financial stability of an existing farm enterprise in the countryside is accepted by national and local Development Plan policies (E1, LC14).

The proposed use lies within Wardlow village, a designated settlement and on an existing farm holding. It has re-used an existing building for economic purposes linked to the diversification of the farms revenue. The applicant states that the current operation continues to provide around 25% of the farms turnover and it is clear that the continued 'diversification' of the holding assists in ensuring the viability of the agricultural enterprise in this farming village. Consequently it is apparent the business continues to yield profits to supplement the agricultural business and conditions could ensure the long term benefit to the farm. This was accepted last year by the Inspector with the use restricted by condition to remain in the same planning unit and ancillary to the farm. As such the application is considered to comply with LC14.

In conclusion, the current proposal raises no particular policy concerns and it is considered that the principle of the use is acceptable, subject to the site specific planning considerations being satisfied. The key issue is therefore whether its operation over the last year has given rise to any conditions that have harmed the amenity of local residents and thus would prevent the grant of a permanent consent.

#### Impact on the Amenity of Neighbours

The impact of the odours emanating from the operation of the toilet business and from the waste storage tank has been the key issue raised by the community, although notably in this application there are no objections from the Parish Meeting and there have been no third party objections submitted at the time of drafting this report.

Since 2012 the Planning Manager, the Director of Planning and the Monitoring and Enforcement Team Manager have all inspected the site on different occasions and witnessed the waste transfer operations. No detectable foul odours were ever found, the only smell from the toilet unit being a mild pine disinfectant fragrance when in very close proximity (1m and less) to an opened toilet waste tank during transfer. Within the yard, around the storage tank and in the storage building there was never any odour detected. At each visit however, and when passing the site on varying dates, there was frequently a strong odour of varying intensity clearly arising from the existing intensive pig unit housed on the site.

Matters regarding odour and noise nuisance are however controlled principally by the Environmental Health Department of Derbyshire Dales District Council. Over the past year the site has been very thoroughly monitored, principally by the Environmental Health Officer (EHO) who has carried out 53 visits. In addition your own officers have also carried out 8 formal visits along with many more ad-hoc 'drive-by's'. During 2014/5 no odour issues whatsoever have been identified with the toilet hire business although on most occasions when your officers visited there was a clear odour of varying intensity associated with pigs as one would expect with up to 3900 intensively reared pigs present in the buildings alongside the application site.

It is also important to note that the intensive monitoring during 2014 following scrutiny to lesser degrees by the EHO with 1 visit in 2009, 6 in 2010, 8 in 2011, 18 in 2012, 17 in 2013 and apart from the single confirmed odour issue on the 2 October 2013 all the monitoring to that point and since has found no evidence of an odour problem with the operation of the business despite the strong representations to the contrary from local residents.

In a previous application the Environmental Health Officer (EHO) suggested that one potential source of the nuisance could be when air is expelled from the main tank during filling. The applicant has since installed the carbon filter in the lid of the tank specifically designed to remove sewage odour from expelled air. At that time the EHO also inspected the waste transfer process first-hand and did not consider this to be a source of odour nuisance.

Following the confirmed odour event back in 2013, officers questioned the applicant and his agent about the circumstances surrounding that particular day's events to try and ascertain whether there were any unique or unusual circumstances in that case which pointed to a one off problem, or whether the circumstances showed there was an on-going problem with the operation of the business in respect of odour. The applicant explained the problem that day resulted from toilet units being returned from an event unusually full as a result of the event organisers not having booked enough toilets for the numbers of guests. With the units being unusually full the chemical concentration in the units, previously always sufficient for normal use, was diluted to a far greater extent than would be normal and was unfortunately then unable to mask the odour of the waste. The applicant considers this was a unique case and will be all the more unusual now because water use has been substantially reduced/removed in many of the units with the use of alcohol gels instead of/or in addition to sinks. The applicant understood that this problem was unacceptable, especially after the EHO visit on the day, but pointed out this was an unusual one off event and needed to be seen in the context of a large number of hirings over the course of the whole year.

Following that event the applicant has taken steps with subsequent hirings to prevent this problem re-occurring by having more checks during booking, making sure any over-full units are serviced or emptied on site along with looking at doubling up on the chemical concentration in suspected under-booking cases. Given there has been no repeat issues during a long period of extensive monitoring by two Authorities, your officers have concluded that the 2013 single odour problem was, on balance, a unique event and unlikely to be repeated on the available evidence. Furthermore, following the extensive monitoring throughout 2014/5 your officers, like the Environmental Health Officer, consider that the toilet business causes no harm to the amenity of local residents.

#### Landscape Impact Considerations.

The site lies within the Wardlow Conservation Area and hence Policy LC5 is relevant and requires that the character and appearance of the Conservation Area be conserved. Policy LC4 requires amongst factors such as layout, design and landscaping, that residential amenity is not harmed.

The farm building within which the use is located was approved in March 2006, but the consent did not require its removal when agricultural use ceased. As the building is in good condition and will remain so for the foreseeable future, its re-use for a purpose associated with the farm complies with criterion (b) of Policy LC14, as it would remain appropriate to the area. The building and 2.5m high gate across the adjacent yard screens the use from all outside views thus ensuring there is no adverse visual impact upon the surroundings. The gated screen matches the design and colouring of the cladding on the adjacent buildings and therefore is in keeping with its immediate surroundings. The bund and waste storage tank do not appear incongruous in the landscape being sited against the background of large agricultural sheds.

The storage of the toilet units, out of sight within an existing building and behind the gates enclosing the yard has clearly overcome the previous concerns about landscape impact and harm to the appearance of the Conservation area. The development therefore preserves the character of the Conservation area and has little impact on the landscape setting of the National Park. The proposal therefore complies with Policy LC4/LC5 and LC14.

### Noise

It was reported in the past, but not repeated in any representation in respect of the current application, that the noise from the pumping unit/jet washing operations used to empty and clean the toilets is intrusive. It is understood that the pumping unit operates for a minimal amount of time per day and given the seasonal nature of the work will not be in use for much of the year. Moreover the site is a functional farm and a degree of noise disturbance during normal working hours is to be expected, especially when jet washing of the pig buildings occurs to clean out and disinfect when the pigs have gone. Jet washing of other farm vehicles will also occur as part of normal farm operations.

A condition restricting the operation of the processing operations to within normal working hours was judged to be appropriate in the previous temporary approval and is still appropriate now.

For the reasons given above it is not considered that noise from the cleaning of the units would give rise to a significant amenity problem providing the hours are controlled as before.

### Highways Issues

The toilet business uses the existing main farm access drive from the highway to access the yard and the storage building. As the site is also a working farm there is already adequate space for the parking and manoeuvring of large vehicles. As the farm and this business are closely associated, it is not envisaged that this situation will change as it would equally hinder the parking and manoeuvring of farm vehicles. The entrance into the building and yard is set back from the public highway and any manoeuvring will occur away from the highway such that it should not impact on highway safety.

The use has not generated any significant increase in traffic that would warrant a refusal of planning permission. The Highway Authority have raised no objections and are not aware of any adverse effect on the operation of the public highway since the granting of the temporary consents.

The Highway Authority's suggested condition to require the applicant to submit details of the parking and turning area for agreement is not considered to be warranted in this case given the context of the existing access and large yard areas. A more proportionate condition simply requiring maintenance of adequate space is suggested above instead.

### Conclusion

In principle diversification of the farm business through the use of part of the site for the toilet business is judged to be acceptable and in compliance with adopted national and local planning policies subject to detailed conditions.

The applicant has demonstrated the financial benefit to the agricultural enterprise as a result of the ongoing use which at this scale complies with LC14. The proposal is not considered to have a detrimental effect on the visual qualities of the area, does not raise highways concerns and subject to conditions is not considered to present a risk of pollution or noise nuisance.

On the main issue of odour, the results of the very extensive monitoring by the Environmental Health Officer and Authority officers have now conclusively demonstrated that, apart from the

one-off problem in 2012, the normal operation of the toilet business does not give rise to any odour problem. Officers can now recommend to the Planning Committee that the business be granted a permanent consent at this time subject to the conditions set out above to control the use and secure the link to farm diversification.

### **Human Rights**

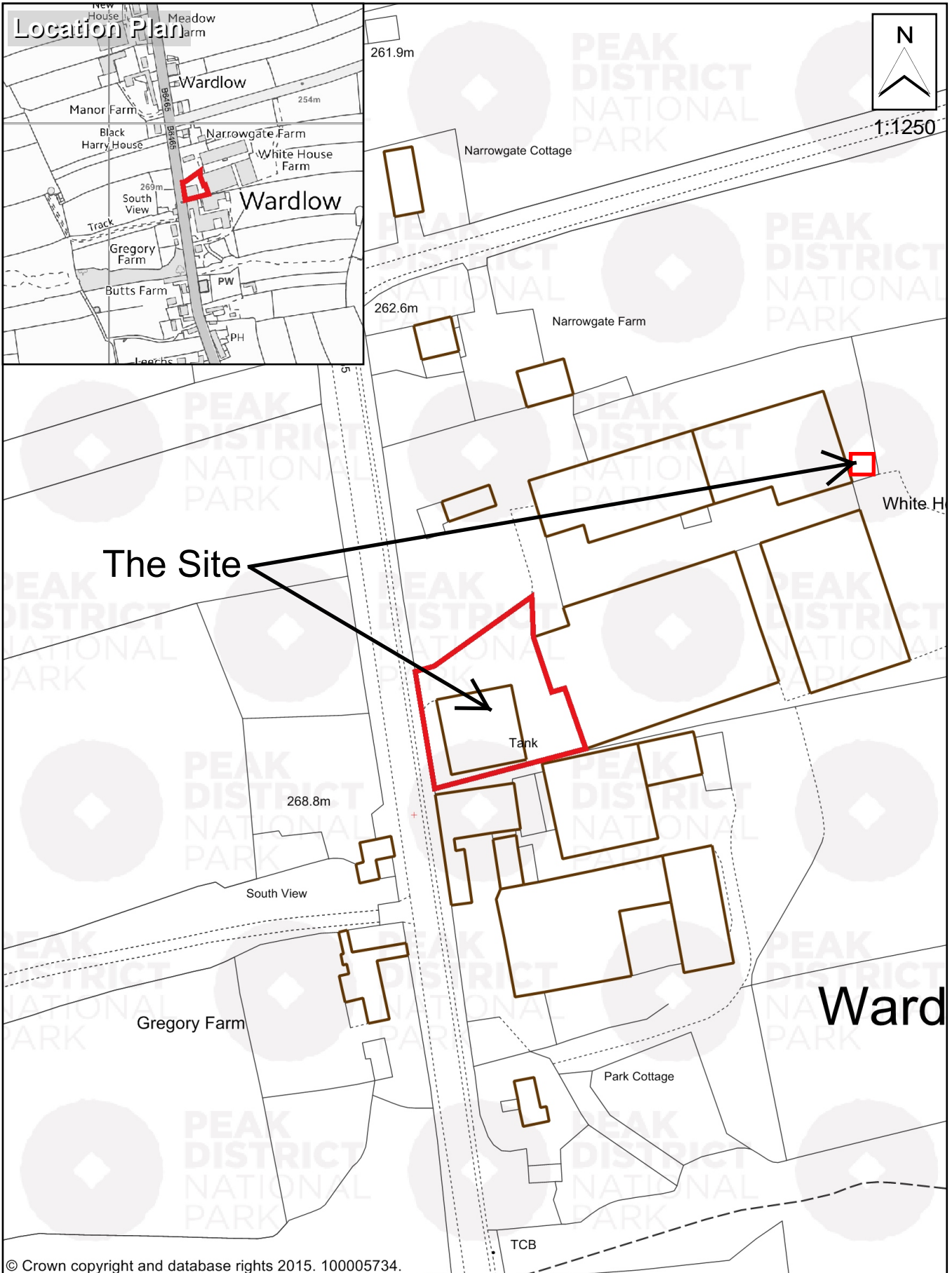
Any human rights issues have been considered and addressed in the preparation of this report.


### **List of Background Papers** (not previously published)

Nil

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|-----------------|------------------|--|--|
| Committee Date: | 15/05/2015       | <b>Title:</b> White House Farm,<br>Wardlow |  <b>PEAK DISTRICT NATIONAL PARK</b> |
| Item Number:    | 8                |  |  |
| Application No: | NP/DDD/0315/0184 |  |  |
| Grid Reference: | 418126, 374950   |  |  |

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**9. FULL APPLICATION – ERECTION OF 2 AGRICULTURAL BUILDINGS, CLIFFE HOUSE FARM, BRADFIELD (NP/S/1214/1273, P.1252, 427668 / 391738, 09/02/2015/JK)**

**APPLICANT: MR WILLIAM HAGUE**

Note: This application was deferred from the April meeting to enable members of the committee to visit the site and assess the landscape impact.

**Site and Surroundings**

Cliffe House Farm is located in an elevated position on the northern slope of the Loxley Valley above Damflask Reservoir and about 1.1km to the south-east of High Bradfield. The farm comprises a recently erected modern agricultural shed and a smaller range of older sheds and sits close to the edge of an escarpment on the hillside. Immediately to the south of the agricultural buildings there are two detached dwellings, Hill Top and the original Cliffe House Farmhouse, both of which are in separate ownership. There are two accesses serving the building group. The first is via a narrow track off Loxley Road to the south west. This serves the dwellings and the farm buildings and also carries a public footpath which runs past the south side of the new farm building into the fields east of the farm. The second and main access for the farm buildings comes down off Kirk Edge Road to the north and also carries a public footpath which links with one running west to east through the site.

To the north, east and south east of the site there are large fields used for cereal production which form part of the larger land holding of about 1200 acres of which 795 acres are in cereal production with 414 acres are grass and grazing.

From the west the land falls away from the site and on this side the building group is partly screened by a combination of the landform, tree cover on the slopes of the escarpment and by a stand of mature trees on the south west corner of the building group. In these views only the gable end of the new shed is visible but it does not extend above the height of adjacent trees and is dark coloured. From Kirk Edge Road to the north the new building is clearly visible as a strident feature in the foreground due to its large scale and long length which is only partly screened by a row of *leylandii* trees alongside it. In this view the original building group is largely hidden behind the new shed. The proposed site for the new buildings comprises a roughly rectangular area of field (about 100m by 75m) immediately to the north of the existing new farm building and adjacent to the main access into the farmyard from Kirk Edge Road.

In more distant views across the valley from the south the older farm buildings and houses in the group can be seen on the escarpment with the new shed standing behind. Those buildings partly mask the new building which although obviously large, at this range is not intrusive in the wider landscape as its dark colour and the fact that it is below the skyline help to mitigate the impact. In closer views of the site along the footpath from the east the building group is dominated by the large scale of the gable end of the new building which dwarfs the scale and low form of the traditional dwellings seen in the rest of the building group.

**Proposal**

This application seeks full planning permission for the erection of two further agricultural sheds, one to house cattle and the other for grain and other general agricultural storage purposes in connection with the holding (e.g. storage of different grains, fertiliser, straw, chemicals and implements). The buildings would be sited immediately to the north and at right angles to the existing large modern shed. The ground rises to the north of that shed and it is proposed that this would be excavated so that the new buildings would be set into the ground by up to 12m at the northern end to achieve the same floor level as the existing shed. As a result of lowering the buildings into the site in this way the ridge heights at the northern gable ends would be at or close to ground level.

The southern gable ends of the new buildings would be spaced off from the existing shed by 25m and 10m to create a yard area and leave space to access the field to the east respectively. Each building would have a footprint identical to the existing shed of 27m wide by 75m long (1963m<sup>2</sup>) with the building to the east having a 10m ridge height and the one to the west having a 12.7m ridge height matching that of the existing shed. Materials for the eastern building would be concrete panelled walls with tanalised Yorkshire boarding above under a dark green coloured profile sheet roof laid to 15 degrees. The building to the west would be similar construction but with dark green coloured profile sheet walling instead of Yorkshire boarding. Doors would be roller shutter style and it is intended that the exposed concrete panel walls would be painted dark green to match the finish similarly employed on the existing building to good effect.

The plans have been amended since submission in respect of increased landscaping. These show that some of the excavated material would be reused to remodel the banking off the eastern gable of the existing building and would also be extended northwards to form a low bund up the eastern edge of the excavated site. This would then be planted to form a 15m wide shelter belt of trees and hedging from the east gable of the existing shed up around the new buildings to the access road. Further planting is shown extending the existing tree planting on the bankside to the west across the access track from the buildings which is shown expanded both to the north and southwards. The small stand of mature trees in the SW corner of the yard would also have its eroded and missing boundary walling reinstated to provide protection to them.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions or modifications.**

- 1. Statutory three year time limit for implementation.**
- 2. Development to be carried out in accordance with specified amended plans.**
- 3. Full implementation and maintenance thereafter of the submitted landscaping scheme with the bunding completed before the buildings are brought into use and all tree planting completed by the end of the first available planting season following the substantial completion of the buildings and the bunding.**
- 4. Excess spoil not used in the landscaping scheme to be disposed of via licensed waste operator.**
- 5. Buildings to be used for agricultural purposes in connection with the associated land and when no longer required for those purposes the buildings shall be removed and the land reinstated to its former contours and use.**
- 6. The concrete panelling on the southern gable ends and the exposed east and west facing walling of the sheds shall be painted a dark colour within one month of the completion of the building works.**
- 7. The metal roof and wall sheeting to the buildings shall be pre-coloured dark green**
- 8. All fencing shown to protect the line and users of the public footpath through the yard as shown on the amended drawings shall be completed before any work starts on the construction. Thereafter the segregation of the path from the yard and track shall be permanently so maintained throughout the lifetime of the approved development.**

## **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.
- The landscape impact of the proposed development.
- Other material considerations include access issues, the amenity of neighbouring houses and the impact on the setting of the listed building at Fair Flatts Farm together with any potential impact upon biodiversity.

## **Planning History**

2012 – Approval for Demolition of a collection of existing concrete framed agricultural buildings at Cliffe House Farm and provision of a single replacement steel framed agricultural building with associated vehicle turning area and associated landscaping. This building was completed in 2014. (NP/S/0712/725)

2013 – Approval for Discharge of condition 4 – Landscaping scheme for the 2012 approval

2014 – Pre-application advice from officers lends qualified support for the principle of additional farm buildings at the site subject to a comprehensive landscaping scheme to demonstrate that the development could be satisfactorily integrated into the landscape.

## **Consultations**

### Sheffield City Council

Rights of Way Officer – The proposal does not physically obstruct the nearby public footpaths, however does raise the following concerns :

- 1) The access off Kirk Edge Road is also a public footpath and these additional barns will result in more farm traffic by large vehicles. Questions if the current track is suitable for this increase and whether the surface of the track is suitable for this extra use and not detrimental to its public use. Notes there is a particular danger area where vehicles turn in and out of the new yard area and onto the new track and suggests it may be useful to require the provision of a segregated footpath (protected by bollards or a fence) alongside the track from a point where the new yard commences to where the footpath meets the footpath running west to east.
- 2) The additional planting proposed in the south east corner near to the public footpath. Requests that no planting is done any closer than 3m to the public footpath.
- 3) Any damage to the public footpath in this same location should be made good and the path enhanced so as to have a firm surface and at a level that does not hold water.

### Bradfield Parish Council

No objections providing that all planning rules are followed.

### PDNPA Landscape Architect

No objections in principle subject to incorporation of additional tree and hedge planting to mitigate the landscape impact of these large buildings.

## **Representations**

4 letters of representation have been received to date which include one from the Loxley Valley Protection Society. All object to the application for the reasons summarised below, with most also commenting that the existing building constructed last year is out of keeping with the local built environment and has a significant landscape impact. One also raises matters of process which are not reported below as they relate to the previous application. All the letters can be read in full on the Authority's website.

1. The buildings completely dwarf the original farm buildings.
2. The design is more appropriate to an industrial estate than this attractive valley. Even where local industrial developments have taken place it has involved building on a traditional scale, not like these huge factory scale buildings.
3. The buildings will totally dominate the adjacent footpaths.
4. Applicants wrongly state that the buildings will not be visible from public road, public footpath, bridleway or other public land which is not the case. The buildings will be clearly visible from two adjacent footpaths and also from Kirk Edge Road.
5. The buildings will be visible from the far side of the valley.
6. Nowhere else in the upper valley is there any similar developments.
7. Concerned that the existing new shed has set a precedent for further similar-sized buildings in this current application.
8. The application states that no additional parking will be required, however it also states that they plan to take on four new staff members and due to the lack of public transport in the vicinity, additional parking would be required.
9. The buildings are being erected within the curtilage of a grade II listed barn at Fair Flatts Farm. ( Officer Note: The buildings are not within the curtilage of the listed building which is one field away and in a different planning unit and ownership, however they are in the setting of the building)
10. None of the submitted images submitted with the planning application show the view from the east. (Officer note: Plans do show the eastern elevation)
11. There are believed to be badger setts on land adjacent to the proposed development.
12. These planned industrial sized units do not comply with PDNPA goals / mission statement.

One letter is from the Loxley Valley Protection Society, which objects to this application on the following grounds as well as supporting the grounds raised by the other objectors.

- i) The existing new structure can be seen for miles around, where it stands out on the skyline and its scale is incongruous in the landscape.
- ii) To allow two more, on this scale, would be folly and set a precedent for massive agricultural structures, in what is a sensitive and well protected landscape of rare natural beauty.

## **Main Policies**

### National Planning Policy Framework

Paragraph 17 of the NPPF sets out core planning principles including supporting sustainable economic development and high standards of design taking into account the roles and character of different areas, recognising the intrinsic character and beauty within the countryside and supporting thriving rural communities.

Paragraph 28 in the NPPF says 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. It goes on to state that to promote a strong rural economy planning policies should support the sustainable growth and expansion of all types of business and enterprise in rural areas through well designed new buildings as well as promote the development and diversification of agricultural businesses.

Paragraph 115 in the NPPF 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.

The application is for two agricultural buildings within the National Park amounting to a total floor space of 3,926 square metres and therefore constitutes “major” development in a ‘designated area’ as defined within the NPPF. Paragraph 116 of the NPPF states that;

“Planning permission should be refused for major developments in these designated areas 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.”

### Development Plan

Relevant Core Strategy policies: GSP1, GSP3, DS1, and L1

Relevant Local Plan policies: LC4, LC6, LC13, and LT18

Relevant policies in the Development Plan are consistent with national planning policies in the NPPF because they promote sustainable agricultural development in the Peak District (including proposals for new buildings) where it is consistent with the conservation and enhancement of the National Park’s scenic beauty, cultural heritage and wildlife interests.

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. 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.

In particular Local Plan Policy LC13: Agricultural or forestry operational development states that new agricultural buildings and associated working spaces will be permitted provided that they are a) close to the main group of buildings wherever possible and in all cases relate well to and make best use of existing buildings, trees, walls and other landscape features; and b) respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design; and c) avoid harm to the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location; and d) do not require obtrusive access tracks, roads or services.

L1 says that all development must conserve and where possible enhance the landscape character of the National Park, as identified by the Authority's Landscape Strategy and Action Plan. GSP3 and LC4 require all development to be of a high standard of design which conserves and enhances the character, appearance and amenity of the site (or buildings) its setting and that of neighboring properties. LT18 states that safe access is a pre-requisite for any development within the National Park.

### **Assessment**

The main issues in the determination of this application are firstly 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. The second main issue is whether the scale of development can be satisfactorily accommodated within the landscape. Other material considerations include the suitability of the access and the impacts upon the footpath, the setting of a nearby listed building (Fair Flatts farm) and the amenity of nearby dwellings together with any impacts upon ecology.

### **Principle of Development**

The application site lies in the open countryside outside the 'Natural Zone' and comprises an established base for an agricultural business farming a significant area of land (1200 acres), both inside and outside the National Park. Core Strategy policy DS1 states that agricultural development in the open countryside, outside the Natural Zone, is acceptable in principle. Policy L1 requires all development to conserve and where possible enhance the landscape. Saved local plan policy LC13 sets out the detailed locational and design criteria all agricultural developments must meet to be accepted. Consequently the development of further buildings at the site to meet the needs of the business is therefore acceptable in principle by the Core Strategy subject to compliance with other national and local policy considerations.

As the development comprises 'major development' in a protected landscape, the acceptability of the principle must also include consideration of the tests set out in Paragraph 116 of the National Planning Policy Framework for such development. The paragraphs below assess the proposal against those tests in terms of the need, the opportunity and potential costs of developing outside the park along with consideration of the developments impact upon the landscape as well as the effectiveness of the mitigation proposed to minimise those impacts.

### **Agricultural need**

The application proposes two new farm buildings at Cliffe House Farm which the applicant is developing as the base for this large farm business because it is centrally located within the



wider land holdings of the business and has good access up to the main Kirk Edge Road. This proposal represents the second phase of the applicants planned relocation of the business away from Prospect Farm which is located off Kirk Edge Road just outside the Park some 1.3 km to the NE of the application site. At Prospect Farm the business had access to 5,558 m<sup>2</sup> of buildings but that site and the buildings on it are now no longer in the ownership of the applicant or available to him following a family dispute. The first phase of the redevelopment of Cliffe House Farm to consolidate the site as the base of the farming operations comprised the existing grain storage and general purpose building built in 2014. This now provides 1963m<sup>2</sup> of modern working space and replaced the majority of the obsolete farm buildings which needed to be demolished to provide the space for the new building and operational yard area.

The current proposal would provide a further 3926m<sup>2</sup>, giving a total of 5889m<sup>2</sup> and would essentially replace the floor space (5557m<sup>2</sup>) that was lost to the business at Prospect Farm.

The supporting statement, which has been supplemented by additional information, sets out that the existing building on the site currently has to accommodate all the farm storage needs and therefore has to house straw, grains, machinery, equipment, fertilizers, pesticides and fuel, all of which need to be kept sufficiently separated from each other. The new buildings would provide the necessary space to meet the farms needs and will enable the various products and substances to be stored sufficiently far apart and in separate buildings as appropriate to meet recommended safe storage requirements for these potentially volatile chemicals.

The statement explains the taller building of the two is required to meet the businesses need for different grain storage and conditioning facilities with the height (12.7m to ridge) justified by the need for adequate ventilation and to accommodate the large machinery necessary to move, sort, and store the grain along with grain conditioning facilities, all which need to be housed separately. Furthermore, the agent stresses the need on a farming operation of this scale to realise the economies of scale in terms of locating all grain storage in one site location for logistics of import and export of produce and associated products like the large quantity of straw and the fertiliser necessary on a farm business of this scale. In addition, he makes the point that the specialist handling equipment needs to be readily available in one location.

The other building is required for cattle housing and the additional information submitted by the agent sets out that the scale of the floor space is necessary to accommodate 200 head of cattle. The area is based on the guidelines which require an average of 10m<sup>2</sup> per head for housing, handling, segregation and isolation which equates to the 1963m<sup>2</sup> being provided. The height of the cattle shed (10m ridge height) is lower than the adjacent shed and is stated to be necessary to ensure a satisfactory degree of welfare for the cattle in terms of enabling adequate ventilation. In particular the agent points out that a lower height shed would have required a compensatory increase in the floor area to accommodate the livestock use.

In terms of the tests in the NPPF for major development, it is clear that the evidence submitted with the application supports the case that there is an agricultural need for the scale and type of building development proposed to meet the requirements of this farm business. The Authority has already accepted the principle of major development on this site when it granted consent for the principle and scale of the phase I building approved in 2012 which represented a significant investment of capital by the business on this site. This current application represents phase II of the works and follows the plan to relocate the rest of the business and consolidate all the buildings on one central site for obvious operational and cost reasons.

Currently the business employs three full time persons plus a fluctuating number of seasonal employees, estimated at up to a further 4 at peak periods. The local rural economy is largely based on agriculture and would therefore benefit in terms of this application from the stated creation of a further full time job. Furthermore it is clear that the investment in these new buildings will likely provide greater security for the existing jobs as the business gains a more sustainable footing as it realises the benefits from the economies of scale and from cutting operating costs by operating from a single central site.

There is a general requirement placed on local authorities by government via the NPPF to adopt policies and make decisions that would promote a healthy and prosperous rural economy. Local policies in the Development Plan therefore support the principle of farm building development provided they can be accommodated without harm to the landscape of the park. In this case the justification for major development comes from the local needs of a farm business to develop a viable and sustainable operating base on land which it owns and is which is suitably located in the context of the wider land holdings. The site is a long established farmstead and the business has already invested heavily on the site following the Authority's approval in 2012 for the new building which has already established the principle of both major development in this location as well as the principle of the farms relocation and consolidation on this site. It is clear that the business would incur additional costs in terms of both a continuing financial burden and operational difficulties if it were forced by refusal of this application to develop elsewhere and operate a split operation i.e. outside the Park. Whilst no information has been submitted on the likely costs or implications of such a decision in terms of jobs, future investment and the sustainability of the business, clearly the impacts would be unfavourable and not in the interests of promoting or supporting a prosperous rural economy as required by national policy. For the above reasons, officers consider that the principle of this major development to be acceptable on this site within the Park provided it can be accommodated without harm to the local landscape.

### **Landscape considerations**

The farm is located within the 'Slopes & Valleys with Woodland' area of the 'Dark Peak Yorkshire Fringe' in the Authority's Landscape Character Assessment. This area is described as small scale but extensive pastoral landscape which is heavily wooded in places. There is a varied undulating, often steeply sloping topography. Interlocking blocks of ancient semi-natural and secondary woodland are a characteristic feature of this landscape, together with patches of acid grassland and bracken on steeper slopes.

In this case the farm is part of a building group on the edge of a steeply sloping hillside which to the west and south retains its semi-natural scrub woodland where it rises up steeply from the lower slopes which remain as a small scale pastoral landscape. Together with scrub woodland on the slopes, further trees around the site and a stand of larger trees on the south-western edge of the building group provide effective screening and shelter to the building group from the prevailing winds and views from the SW. To the north and east of the site the former small scale pastoral landscape has been changed by the removal of boundary walls/hedges to create larger open fields to facilitate large scale arable farming.

The large modern shed built in 2014 benefits from the existing landform and tree cover around the site to mitigate its impact in key views from the west where although the gable is clearly visible the fact that it is dark coloured and no higher than the trees serves to ensure it is not intrusive in these views. However, it does remain a clearly visible structure in the wider landscape from a number of other public and private vantage points, particularly from the north and east. In close views from the footpath passing through the site and approaching the site along the footpath from the east it is a dominant feature at present in the absence of any intervening landscaping at present. Whilst the applicant has painted the building to darken its tone and the previously approved landscaping will mitigate the impacts in time, this will take many years to take full effect.

The proposal is to site the new buildings immediately to the north of the existing new agricultural building and access them off the existing track and yard thus meeting the locational requirements of Local Plan policy LC13. This siting also makes best use of the screening effect of the tree cover on the western slopes and the cover provided by the existing building and landform. The revised plans now submitted significantly increase the proposed screening by incorporating an amended landscaping scheme which has been developed with the advice of the Authority's Landscape Architect and the support of the applicant, particularly in respect of incorporating improved landscaping to the east gable of the existing building, which would represent a

significant improvement to the planting scheme approved in 2014.

Currently, in views down to the site from Kirk Edge Road to the north a row of *leylandii* trees alongside the existing building provide it with only a partial foil. From this viewpoint the application plans propose the removal of these *leylandii* followed by the very substantial excavation of the rising ground in order to site the two new buildings down into the ground and have the same ground floor level as the existing building. The rising ground around and above the site coupled with the proposed gentle bund and 15m wide shelter belt of trees around the site would ensure that in views from Kirk Edge Road the viewer would be looking down the field and initially see only the ridge lines and part of the upper roof of the new sheds, of which the taller one of the two would be the same as the existing buildings ridge. This remodelled land form would significantly improve the screening of the existing building in these views and in only a few years the wide band of tree and hedge planting would effectively screen both the new buildings and the existing building behind them very effectively and with species that are appropriate to the wider landscape character.

Down the eastern side of the site the depth of the excavation would screen the majority of the new buildings although they would be partly visible where they are close to the existing building. However, the landscaped bund down this side would provide further effective screening as it extends down around the site to the south and across the gable end of the existing building to remodel the present steep earth bank with a more natural looking slope. In the April Committee report reference was made to the need for further amended plans to raise the bund down this side and clarify its detail. These plans have now been received and provide the detail officers were seeking clarification over. The proposed 15m wide shelter belt of trees/hedging plants down this bund, with a gap left for a field access track, would in time also grow to effectively foil and then screen the buildings from the east. In views from the footpath to the east the new buildings would be visible only in part and then extending back into the hillside. More importantly in these views, the additional landscaping scheme in front of the existing building would represent a significant improvement to the eventual appearance of that building in the landscape and go some way to mitigating the continuing objections/concerns from local residents about its appearance in the landscape.

In addition to the planting to the north and east sides of the development, the applicant has also agreed to further enhance the tree planting on the bankside across the access road to the west of the proposed buildings. This would take the form of extending the existing planting northward and southwards to give greater depth and continuous tree cover in views from the west. The applicant has also confirmed that the existing stand of mature trees within the SW corner of the site would be protected by repairs to perimeter walling.

The proposed building design is typical of modern agricultural buildings and matches the existing building. The colouring of the sheeting and boarding is considered to be appropriate in the context of the site to give an appropriate dark recessive visual appearance to further mitigate the visual impact of the development.

On balance your officers, supported by the Authority's Landscape Officer, have concluded that the amended plans now demonstrate that the proposed development, although acknowledged to be substantial, can nevertheless be satisfactorily assimilated into the local landscape. Furthermore the amended landscaping scheme would also bring benefits in terms of additional bunding and tree planting to help improve the screening and integration of the 2014 building into the landscape.

### **Other material considerations**

#### **Access issues**

There are no changes to access with the main access continuing to be down from Kirk Edge Road which has already been improved following the last application. There is adequate parking

provision on the site within the large working yard area which is set down into the land and therefore screened from views outside the site. Currently the route of the public footpath through the yard is undefined. In response to the concerns of the footpaths officer about potential conflicts between users of the footpath and the inevitable increase in farm traffic, the plans have been amended to incorporate fencing to protect and segregate the route of the right of way where it passes through the yard.

### Amenity Issues

The site is already a long established working farmyard and previously had an extensive range of cattle buildings which have been largely replaced by the present building. The application site is physically screened from the houses in the rest of the building group by the existing building and remaining range of older barns which will limit noise and sight of the operations. There will obviously be an increase in farming activity on the site from that which existed more recently which will be noticeable from the houses from time to time, however this needs to be considered in the context of the previous level of farming activity on the site and the fact that it is a long established working farmstead. On this basis, it is considered that the impact upon the neighbouring amenity security or privacy will not be such to warrant any changes to the application or restrictions to the business operation.

### Setting of Fair Flatts Farm - Listed Building

Fair Flatts Farm, which has a grade II listed barn in its garden, is situated some distance to the east of the site across a large arable field. Whilst part of the application buildings will be visible initially from the Fair Flatts Farm, it is considered that the two sites are sufficiently far apart to the degree that the new development would not impinge upon the setting of the listed building. Furthermore, the landscaping scheme developed for this current application would, in time, screen the new buildings and significantly improve the visual appearance of the existing buildings in views from Fair Flatts Farm.

### Impact upon ecology

Although reference was made in one of the representations about animal burrows potentially being nearby, the site inspection by officers found no signs at or around the application site which currently forms part of a working farmyard and a section of an intensively farmed open arable field immediately next to the buildings. Whilst there may well be ecological interests in the bankside and trees to the west and south-west of the yard, these areas are physically separated from the working yard area by the existing raised banking running down the west side of the access/yard site. Apart from additional planting there will be no other disturbance to this area as a result of the development. The protection to existing trees and the new planting of native species will improve habitat and accordingly it is considered that there are no ecological issues preventing determination of the application.

### **Conclusion**

The proposed development, although large in scale, is required to meet the agricultural needs of the current farm business operating from the site. Phase I of the applicant's plans to consolidate the farm business at this site have already been implemented with the significant investment in the construction of the existing new building in 2014. Approval for that building in 2012 comprised major development in its own right and established the acceptability in principle of such development on this site within the Park and the planned further replacement of building space lost from Prospect Farm on this site.

The supporting planning statement explains why locating the application buildings on another site outside the park would not be an option for the business because of the increased costs in monetary terms, operational inefficiencies and manpower implications of operating a split site. All of these would be damaging to the long term future viability of the business and would conflict

with local and national policy aims to support a prosperous thriving rural economy. In contrast approval would meet those aims and bring those benefits to the wider public interest as well as bringing an additional local employment opportunity. It has therefore been concluded that the applicant has demonstrated an exceptional need for the development to be on this site inside the National Park to accord with local and national policy guidance (GSP1 and NPPF paragraphs 115 and 116).

Furthermore, the amended landscaping scheme has demonstrated that the proposed development can be satisfactorily accommodated on this site without harm to the wider landscape as well as bringing some additional enhancement to the setting of the existing building built last year. The proposed new buildings would be sited well into the ground and very well screened by earth bunding and planting such that they would not be prominent from either local vantage points or in the wider landscape.

The proposed development is therefore considered to be in accordance with relevant policies in the development plan in terms of the main issues of need and landscape impact (policies DS1, LC13 and L1). The proposed development would not have any adverse impact upon the ecology of the area, highway safety (policy LT18) or the amenity of the nearby neighbouring property (policy LC4) or the setting of the nearby listed building (policy LC6). In this case relevant policies are in accordance with the more recently published National Planning Policy Framework which allows for agricultural development which conserves the National Park.

Therefore, in the absence of any further material considerations, it is considered that the proposed development is in accordance with the development plan. Accordingly the proposal is recommended for approval subject to the conditions outlined in this report.

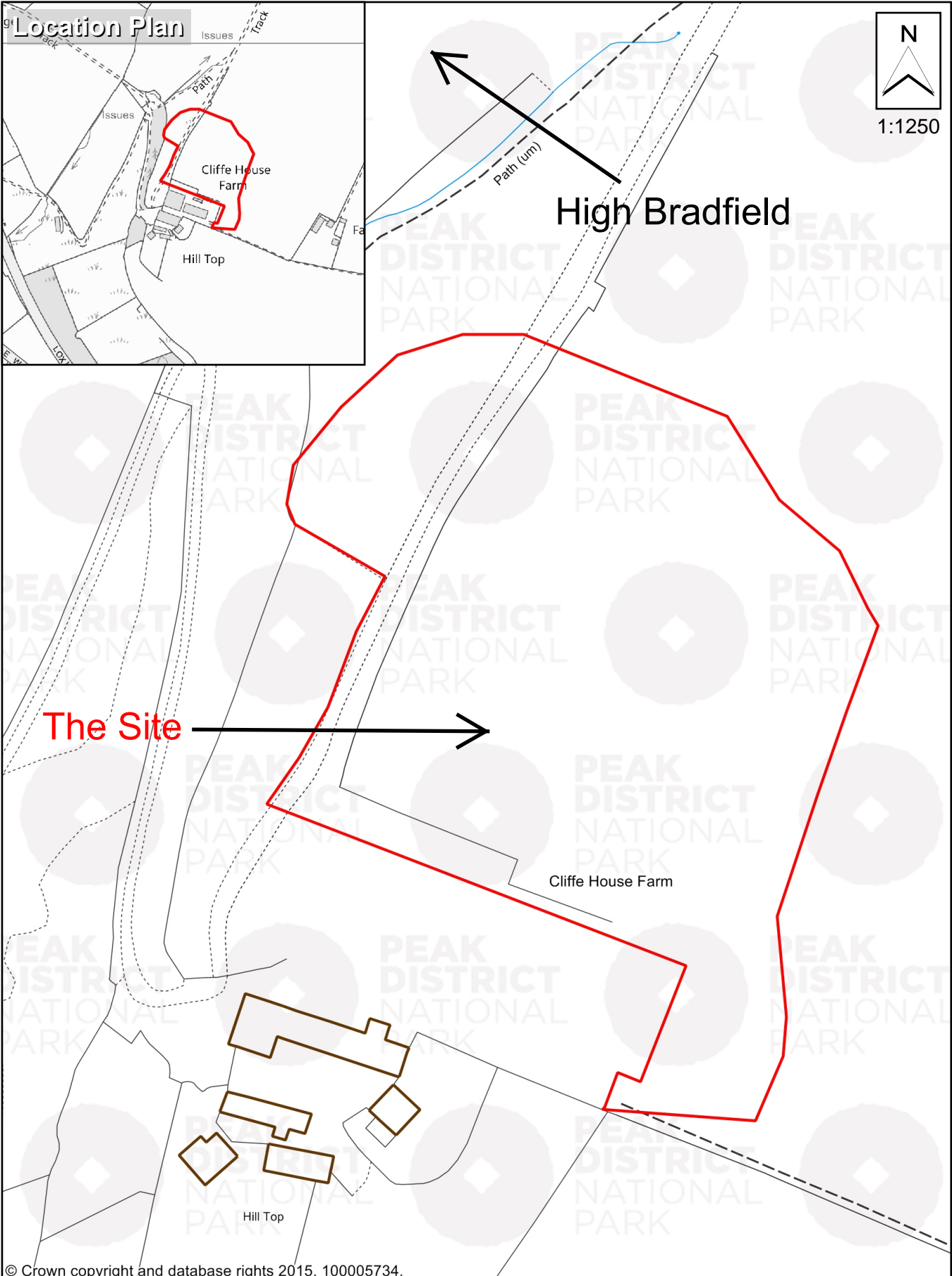
### **Human Rights**

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: | 15/05/2015     | <b>Title:</b> Cliffe House Farm, Bradfield |  <b>PEAK DISTRICT NATIONAL PARK</b> |
| Item Number:    | 9              |  |  |
| Application No: | NP/S/1214/1273 |  |  |
| Grid Reference: | 427668, 391738 |  |  |

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**10. FULL APPLICATION – DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF REPLACEMENT DWELLING AT MILL FIELD, DUNLOW LANE, EYAM (NP/DDD/0115/0068, P.4917, 421233 / 376449, 27/04/2015/AM)**

**APPLICANT: MR JOE SIMPSON**

**Site and Surroundings**

Mill Field is a single storey bungalow situated on the western side of Dunlow Lane as it turns northwards and becomes Windmill Lane. The property is not a traditional dwelling, the walls of the property are clad with a mixture of natural gritstone and gritstone render under pitched roofs clad with clay tiles. The property has timber window frames, with two bay window openings on the principal (west facing) elevation. It is currently unoccupied.

The property is located on the western edge of Eyam and outside of the designated Eyam Conservation Area. There are open agricultural fields to the north and west of the site. The land rises to the north west away from the application site up to the level of Tideswell lane. Access to the property is via Dunlow Lane.

The nearest neighbouring properties in this case are Dunlow Farm to the south, and two residential properties known as 'Robinlye' and 'Wayleaves' to the east. The dwelling at Dunlow Farm is a single storey building set back from the road, whereas Robinlye and Wayleaves are larger two storey houses.

**Proposal**

This application seeks planning permission for the demolition of the existing bungalow and the construction of a replacement dwelling.

The application proposes a detached two storey, three bedroom dwelling built from natural gritstone under pitched roofs clad with blue slate. It would have painted timber windows and door frames with stone lintels and cills. The submitted plans show that the finished floor level of the proposed dwelling would be dug down into the site, 1m lower than the floor level of the existing bungalow. The plans show that the main building would face east towards Dunlow Lane with a subordinate element to accommodate a garage, workshop and utility projecting towards the front and a two storey gable projecting to the rear.

The three proposed bedrooms would be provided at first floor. The kitchen, dining room and living accommodation would be provided at ground floor. The existing access will be retained with parking and turning space provided to the front of the new dwelling.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions.**

- 1. Statutory 3 year time limit for implementation.**
- 2. Development not to be carried out otherwise than in accordance with specified amended plans.**
- 3. Removal of permitted development rights for external alterations, extensions outbuildings, hardstandings, walls, fences and other means of enclosure to approved dwelling.**

4. **No renewable technologies (including solar / photovoltaic panels, ground / air source heat pumps or biomass boilers) shall be installed other than in accordance with a scheme which has first been approved by the Authority.**
5. **Prior approval of detailed scheme of landscaping (including trees to be retained, new planting, earth mounding, re-seeding, walls, gates and hard standing) to be implemented as part of the development.**
6. **Conditions to specify or require prior approval of architectural and design details for the dwelling including, stonework, roof materials, windows and door design and finish and rainwater goods.**
7. **Prior approval of space within the site for accommodation, storage of plant, materials and parking for site operative's vehicles during construction works.**
8. **Prior approval of bin storage space.**
9. **Parking and turning areas to be laid and constructed prior to occupation and maintained in perpetuity.**

**Footnote re: protected species**

### **Key Issues**

- Whether the principle of the replacement dwelling meets the requirements of saved Local Policy LH5.
- Whether the proposed development would otherwise conserve or enhance the valued characteristics of the National Park and be acceptable in all other respects.

### **Relevant Planning History**

The only relevant planning history relates to two pre-application enquiries made in March and July 2014. Officers advised that a replacement dwelling would be acceptable in principle provided that the proposed design was an enhancement in accordance with relevant policies. Officers made various suggestions to the applicant and his agent with regard to design amendments.

### **Consultations**

Highway Authority – No objections

District Council – No response to date.

Parish Council – Recommend approval by a majority.

### **Representations**

At the time of writing there are a total of 22 letters of representation supporting the application and 3 letters objecting have been received by the Authority. The reasons for support / objection are summarised below. The letters can be read in full on the Authority's website.

### Support

- The proposed design is in keeping with the surrounding area.
- The proposal would be an enhancement over the existing situation in accordance with the Authority's Core Strategy, Local Plan policy LH5 and design guidance.
- The form and massing of the proposed dwelling is in accordance with the Authority's design guidance.
- The proposed house is smaller than almost every other dwelling in the area. It would not be possible to design a new building that is smaller than the current one.
- The proposed development would allow a local couple to return to the village.
- The proposed accommodation would allow the applicant to work from home.
- The proposed development would utilise a ground / air source heat pump for heating.
- The proposed development would be less visible than other replacement dwellings which have been approved in the local area.

### Object

- The siting of the building is not within the same curtilage as the existing.
- The size and mass of the replacement dwelling is not similar to the existing.
- The design of the proposed replacement dwelling would be contrary to the Authority's design guide.
- The proposed dwelling would have a greater visual impact than the existing which would not be mitigated by proposed landscaping.
- The block containing the garage increases the mass of the building, bringing it closer to the road which will impact upon the street scene and views from Windmill Lane, Tideswell Lane and surrounding footpaths.
- The proposed dwelling would be 1.2m higher than the existing building and would be higher than neighbouring properties.
- The proposed dwelling will skyline and be more prominent from within the village, Hawkhill Road, Eyam Edge and beyond.
- One representation letter says that if permission is granted conditions should be imposed to require agreement of any construction compound, retention of boundary walls and removal of permitted development rights.

## **Main Policies**

### National Planning Policy Framework

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. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.

### Development Plan policies

Relevant Core Strategy (CS) policies: GSP3, L1 and CC1

Relevant Local Plan (LP) policies: LC4 and LH5

Saved LP policy LH5 is directly relevant for the current application and other key policies relate directly to landscape character, appropriate design and climate change mitigation and adaptation in the National Park.

Local Plan policy LH5 – Replacement Dwellings states that the replacement of unlisted dwellings will be permitted provided that:

- i. the replacement contributes to the character or appearance of the area.
- ii. it is not preferable to repair the existing dwelling.
- iii. the proposed dwelling will be a similar size to the dwelling it will replace.
- iv. it will not have an adverse effect on neighbouring properties.
- v. it will not be more intrusive in the landscape, either through increased building mass or the greater activity created.

Adopted design guidance within the 'Design Guide', the recently adopted Climate Change and Sustainable Building Supplementary Planning Document (SPD) and the Authority's Landscape Strategy and Action Plan offer further guidance on the application of these policies. These policies and guidance are supported by a wider range of policies in the Development Plan.

## **Wider Policy context**

Relevant Core Strategy (CS) policies: DS1, GSP1, GSP2, GSP4 and L2

Relevant Local Plan (LP) policies: LC17, LH4, LT11 and LT18

## **Assessment**

### Whether the principle of the replacement dwelling meets the requirements of Local Plan policy LH5 (ii)

The existing dwelling was built after 1930 and has no particular architectural or historic merit. The low massing of the building and large bay window openings do not reflect the form or detailing of traditional vernacular buildings within Eyam and in the National Park more generally.

The building is in a poor state of repair and is no longer occupied. In this case, it is considered that the replacement of the existing building with a more appropriate design which enhances the

site and its surroundings and incorporates enhanced energy saving measures would be acceptable in principle and in accordance with LH5 (ii).

Whether the proposed dwelling is of a similar size to the dwelling it will replace (Local Plan policy LH5 criteria (iii))

This aspect of the policy uses the phrase ‘similar size’ as a parameter to control the size of replacement dwellings to protect the landscape, instead of a simple like for like floor space or volume calculation. This enables a degree of flexibility necessary to both achieve enhancement of the Park and to allow the scale of a replacement dwelling to respond to what is appropriate in the context of different sites and their setting.

The table below shows the difference in size between the existing dwelling and the proposed dwelling. Figures have been provided for both footprint and volume. However, Members will be aware of officer advice in previous replacement dwelling applications that volume is considered to be a more reliable indicator of ‘similar size’ in relation to the key issue of landscape impact than either floorspace or footprint.

|                                  | <b>Existing house</b> | <b>Current application</b><br>(percentage change compared to existing) |
|----------------------------------|-----------------------|--|
| <b>Footprint (m<sup>2</sup>)</b> | 93                    | 142 (52%)  |
| <b>Volume (m<sup>3</sup>)</b>    | 366                   | 789 (115%)   |

The proposed two storey dwelling would have a larger footprint than the existing bungalow and, as a consequence of providing accommodation over two floors, the volume of the proposed dwelling would be more than double that of the existing building. Therefore the proposed building would not be a similar size to the existing dwelling it will replace. Notwithstanding this point, the relative size of the proposed dwelling is only one criterion of the policy and should not be looked at in isolation from the context of the site or its setting within the landscape. In these respects criteria (i), (iv) and (v) of Local Plan policy LH5 are particularly relevant and in this case have led to the officer conclusion that the increased scale is acceptable in this context.

Whether the proposed dwelling meets the requirements of Local Plan policy LH5 (i), (iv) and (v)

The agent has entered into extensive pre-application discussions with the Authority’s officers before making this planning application. Since the application was submitted further design amendments have been sought by officers and incorporated into the scheme to reduce the size of the projecting front element and to simplify window fenestration detailing.

A number of representation letters have raised concerns in regard to the design of the proposed house and its impact upon the street scene. The main form of the dwelling is a relatively simple two storey house with a horizontal mass and narrow gables which would reflect the local vernacular. There is a single storey projecting element to the front and a two storey element which would project to the rear.

Concern has been raised that the proposed single storey projecting element would impact upon the street scene along with views from Windmill Lane, Tideswell Lane and nearby footpaths. Officers are sympathetic to these concerns and have sought amendments from the agent to reduce the length of this part of the dwelling. The revised single storey element dwelling would be set back 5.4m from the lane and the main two storey building would be set back 12m. Neighbouring properties are set back approximately 10m from the lane and it is therefore considered that the proposed layout would not unduly impinge upon the street scene or otherwise look out of keeping compared to nearby existing properties.

It is not unusual for traditional properties to have outbuildings or subordinate projecting elements to the front elevation. The proposed front projection would be a workshop and garage and therefore has been detailed to reflect a traditional outbuilding. The scale of the front projecting element is clearly subordinate to the main building in terms of eaves and ridge height and gable width. This part of the building would be visible from along Windmill Lane, Tideswell Lane and nearby footpaths but would not have a harmful impact where seen or have a significant impact upon local views from these vantage points.

The rear two storey projecting element would also be read as subordinate to the main building in terms of ridge height and narrower gable width. Officers sought amendments to the fenestration detailing of the building to reduce the amount of glazing and improve the solid to void ratio of the rear of the building in accordance with the Authority's adopted design guidance.

It is therefore considered that the proposed form, massing, materials and detailing as shown on the amended plans are considered to be in accordance with adopted design guidance and better reflect the local vernacular compared to the existing building.

The proposed dwelling would be seen from the adjacent lane and from the footpath and Tideswell Lane to the north west. The proposed dwelling would be viewed in the context of the houses on the east side of Windmill Lane rather than the neighbouring single storey dwelling at Dunlow Farm because that property is set back significantly from the lane. The overall height of the proposed dwelling would be taller than the existing bungalow, however, the submitted plans show that the finished floor levels of the proposed dwelling would be dug into the site by 1m which would mitigate any impact of the dwelling upon the street scene and the wider landscape and reduce the resultant increase in ridge height to 1.2m above that of the existing bungalow.

The proposed dwelling would be viewed from a higher level along Tideswell Lane and the nearby footpath. From these viewpoints the proposed dwelling would be viewed with the existing houses on the east side of Windmill Lane which are larger than the proposed dwelling. The existing mature trees within the north west corner of the application site effectively screen most of the application site from views from Tideswell Lane and would act to visually break up the size of the proposed building. In this context it is considered that the increased size of the proposed dwelling would not be out of keeping with existing buildings in the local area or have a harmful visual impact upon the local area.

Overall, it is considered that the proposed replacement dwelling would make a positive contribution to the character and appearance of the area, in accordance with saved LP policy LH5 (i). If permission is granted, officers would recommend that architectural details and specifications are secured by condition and that a condition to remove permitted development rights for alterations and extensions is also necessary to ensure that the Authority retains control of domestic development which could undermine the character and appearance of the development and the amenity of the area.

The property is located within the White Peak landscape character area identified within the Landscape Strategy and specifically within the limestone village farmlands landscape character type. The landscape around the application site is characterised by gently undulating topography, pastoral farmland with limestone walls, scattered boundary trees and clusters of stone dwellings.

In this case the application proposes a replacement dwelling which better reflects the local built vernacular and in these respects the proposal would make a positive contribution to identified landscape character. There are only limited views into the site in the wider landscape due to the surrounding topography. In more distant views the increased size of the proposed dwelling would not have any significant landscape impact. The proposed development would be contained within the curtilage of the existing bungalow and not encroach into nearby fields.

It is therefore considered that the proposed replacement dwelling would not be more intrusive in the landscape and that the proposal would conserve the character of the surrounding landscape

in accordance with Local Plan policy LH5 (v). If permission is granted a condition would be recommended to require submission and agreement of a detailed scheme of landscaping including the retention of existing trees on the site, new planting, walls and hard standing. A condition to require finished floor levels to be submitted and approved is not necessary in this case because this is shown on the amended plans.

Despite the proposed increase in height, the proposed dwelling would not be overbearing and would not result in any significant loss of daylight or sunlight to habitable rooms or garden of any neighbouring property because of the intervening distances. There are no facing windows between properties which could give rise to any issues of overlooking.

Therefore it is considered that the proposed replacement dwelling would not have an adverse impact upon neighbouring properties in accordance with Local Plan policy LH5 (iv).

Therefore it is considered that the proposed replacement dwelling is in accordance with Local Plan policy LH5. Although the replacement dwelling is not a similar size to the existing dwelling, in the context of this site and its setting within the landscape, the proposed dwelling would make a positive contribution to the character and appearance of the area, would not have an adverse impact upon neighbours and would not be more intrusive in the landscape or street scene either through increased building mass or greater activity.

### Environmental Management

Core Strategy policy CC1 and the Authority's Climate Change and Sustainable Building SPD require all new housing to be built to a minimum sustainability standard equivalent to that required by the government of affordable housing by Registered Social Landlords.

A recent written statement to parliament from the Department for Communities and Local Government dated March 2015 is a material consideration in this respect. In the decision taking section of the written statement it says that Government Policy is that planning permissions should not be granted requiring or subject to conditions requiring compliance with any technical housing standards other than for those areas where there are existing policies on access, internal space or water efficiency.

CC1 requires development to meet a standard equivalent to that required by Government of affordable housing by Registered Social Landlords rather than stipulating a specific standard. The Government currently do not require RSLs to meet any standard. Therefore at this point in time having had regard to recent Government Guidance it is considered unnecessary to impose conditions requiring development to meet technical standards.

The submitted application does however state that the dwelling would be built with a high level of insulation and incorporate low energy and water fittings and appliances. The submitted application also states that consideration will be given to incorporating renewable technologies such as solar / photovoltaic panels, ground or air source heat pump, biomass boiler and grey water recycling. None of these technologies are incorporated in the submitted plans. Officers encourage the incorporation of these technologies provided that they can be accommodated without harm to the design or the local area. Therefore, if permission is granted a condition would be recommended to ensure that no renewable technologies are installed other than in accordance with a scheme approved by the Authority.

### Other Issues

The proposed dwelling would be served by the existing access which would not be altered. There is ample space within the application site to park three vehicles clear of the highway. The Highway Authority has been consulted and raise no objection to the proposals. Therefore subject to appropriate conditions to require details of a construction compound to be agreed and the parking and turning space to be laid out and maintained in perpetuity it is considered that the

proposed development would be served by satisfactory parking and access arrangements in accordance with saved LP policies LT11 and LT18.

Foul sewerage would be disposed of to the main sewer which is acceptable and in accordance with Government guidance within the National Planning Practice Guidance.

The proposal falls outside of the Authority's requirement for a protected species survey because of the age of the building. The Authority's officers are not aware of any protected species or habitat that could be affected by the proposal. Although it is considered that the proposed development would be unlikely to have an adverse impact upon any nature conservation interests, an advisory footnote is recommended to remind the developer as a precautionary approach.

### **Conclusion**

It is therefore concluded that the proposed development dwelling is in accordance with Local Plan policy LH5 because although the replacement dwelling is not a similar size to the existing dwelling, in the context of this site and its setting within the landscape, the proposed development would make a positive contribution to the character and appearance of the area, would not have an adverse impact upon neighbours and would not be more intrusive in the landscape either through increased building mass or greater activity.

There are no objections to the proposed access, parking and manoeuvring space or garage. The proposal would not harm the valued characteristics of the National Park including its landscape character and biodiversity.

In the absence of further material considerations, the proposed development is considered to be in accordance with the development plan and accordingly is recommended for approval subject to conditions.

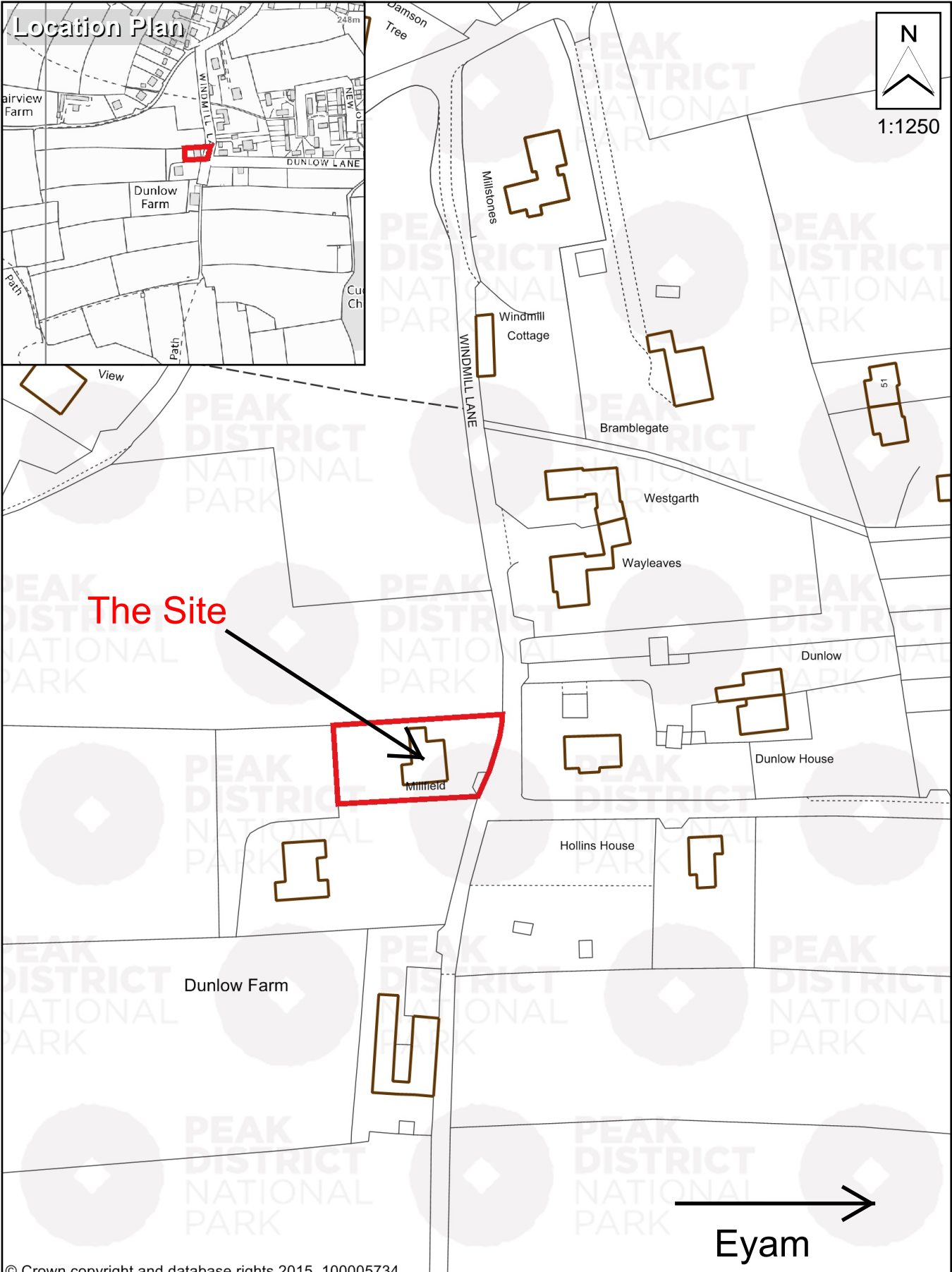
### **Human Rights**

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


#### List of Background Papers (not previously published)

Nil





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|                 |                  |                                |  |
|-----------------|------------------|--------------------------------|--|
| Committee Date: | 15/05/2015       | <b>Title:</b> Mill Field, Eyam |  <b>PEAK DISTRICT NATIONAL PARK</b> |
| Item Number:    | 10               |                                |  |
| Application No: | NP/DDD/0115/0068 |                                |  |
| Grid Reference: | 421233, 376449   |                                |  |

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**11. FULL APPLICATION – ERECTION OF NEW HOUSE AND GARAGE INCORPORATING CHANGES TO APPROVAL GIVEN FOR SIMILAR ON THE SITE (REF NP/DDD/0311/0196) AT FORMER GLEN COTTAGE, RIDDINGS LANE, CURBAR (NP/DDD/0415/0283, P.5601, 424735 / 375345, 29/04/2015/AM)**

**APPLICANT: MS MARITA OURY**

**Site and Surroundings**

The application site is situated on the north-east side of Riddings Lane, about 450m south of the Froggatt Crossroads, between Froggatt and Curbar. The site fronts onto Riddings Lane and there is a private track to the north which serves two neighbouring properties. The level of the site rises eastwards away from Riddings Lane and is bounded by mature trees and hedges which largely screen the site from adjacent public vantage points.

Access to the site is via Riddings Lane. The nearest neighbouring properties in this case are Windrush to the north east and White Croft to the south west.

The site was previously occupied by a single storey detached dwelling (Glen Cottage) which was constructed of white-painted brick and dark-stained weatherboarding under a pitched roof clad with red clay tiles and which formed one of the ribbon of residential properties along Riddings Lane which lie outside of and between Curbar and Froggatt. Glen Cottage has now been demolished after planning permission was approved in 2011 for the erection of a replacement house and garage. Building works are currently underway on site.

**Proposal**

This application seeks planning permission for the erection of a different house and garage on the site. The proposed two storey, three bedroom house and detached garage would both be constructed from natural gritstone under pitched roofs clad with natural blue slate. There is also a one bedroom flat proposed above the garage which would be occupied as ancillary accommodation to the main house. The design and siting of the proposed house and garage is closely based upon the design of the house and garage approved in 2011.

The submitted plans show that the house and garage would be located in the same positions on the site. The proposed house design incorporates the following changes as compared to the house approved in 2011.

1. The width of the element which projects from the front (south facing) elevation would be increased by 1.3m to provide space for a laundry room at ground floor and increased bedroom space at first floor. A new window is proposed in this part of the building.
2. The gable width of the two easternmost sections of the main building would be increased by 0.9m to provide additional space for living accommodation. The roof to this part of the building would continue on the same plane over the additional floor space below.
3. Provision of natural gritstone surrounds around the approved window and door openings.
4. Re-location of central chimney from above the eaves on the front (south facing) elevation to the ridge of the main roof.
5. Change roof materials from natural stone slate to natural blue slate.
6. Removal of external stone staircase and doorway from rear (north facing) elevation and reduction in size of approved roof light.

The proposed garage design incorporates the following changes to the scheme approved in 2011.

1. The garage would be the same size and located on the same position on the plot but the plan form of the building would be reversed so that the openings would be on the opposite side of the building compared to the garage approved in 2011 and the external stone staircase would be on the southern elevation of the garage rather than the north.
2. A new window opening is proposed on the side (north facing) elevation of the garage.
3. Change roof materials from natural stone slate to natural blue slate.
4. New chimney to the ridge of the building on the front (west facing) elevation.
5. Solar panels are proposed on the side (south facing) roof slope.

The plans also show proposed changes to the ground levels of the garden. Three terraces would be created to the south of the proposed house within the garden as the land rises away from Riddings Lane.

A total of three off street parking spaces are proposed with no alteration to the width of position of the existing access onto Riddings Lane. This is the same as approved in 2011.

Officers have visited the site and met the applicant as it had become apparent that the building works on-going on site incorporate the design changes proposed by this application for a new house and garage proposed (compared to the development approved in 2011). Therefore this application should be treated as retrospective in this regard.

#### **RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions.**

1. **Development not to be carried out otherwise than in accordance with specified amended plans.**
2. **Removal of permitted development rights for external alterations, extensions outbuildings, solar or photovoltaic panels, hard standing, walls, fences and other means of enclosure to approved dwelling.**
3. **None of the existing trees to be felled unless in accordance with a detailed scheme (to include details of trees to be felled along with species and size of any replacement trees) which shall have first been approved by the Authority.**
4. **Detailed scheme of landscaping to be submitted and approved prior to the first occupation of the dwelling (including trees to be retained, new planting, earth mounding, re-seeding, walls, gates and hard standing) and to be implemented as part of the development.**
5. **Conditions to specify or require prior approval of architectural and design details for the dwelling including, stonework, roof materials, windows and door design and finish, rainwater goods, solar panels and omitting chimney from garage.**
6. **Parking and turning areas to be laid and constructed prior to occupation and maintained in perpetuity.**

- 7. The flat above the garage hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling hereby approved. The main house and ancillary accommodation shall be maintained as a single planning unit.**

### **Key Issues**

- Whether the proposed development is acceptable in principle.
- Whether the scale and design of the proposed development are acceptable.
- Whether the development is acceptable in all other respects.

### **History**

2011: NP/DDD/0311/0196: Planning permission granted conditionally for demolition of house and garage to be replaced with new house and garage.

2013: NP/DIS/1013/0897: Application to discharge conditions 4, 16 and 17 on permission NP/DDD/0311/0196 accepted.

2015: NP/DDD/0315/0216: Application to vary or remove condition 2 on permission NP/DDD/0311/0196 withdrawn prior to determination.

### **Consultations**

Please note that this report was written before the end of the consultation period. Consultation responses and letters of representation received to date are summarised below. Any further responses received before the meeting will be updated verbally by Officers.

Highway Authority – No objection provided applicant maintains the levels of off-street parking which was previously approved.

District Council – No response to date.

Parish Council – No response to date.

### **Representations**

One letter of objection has been received to date. The reasons for objection are summarised below. The letter is available to read in full on the Authority's website.

- This is an application for a new dwelling on a vacant site at the end of ribbon development along Riddings Lane. As a proposal for a new dwelling the application does not conform to policy HC1 and should be refused.
- Planning permission was previously granted for demolition and replacement of a now removed dwelling (NP/DDD/0311/0196). That application was approved at Planning Committee in October 2011. In that case the key policy was LH5 rather than HC1.
- The proposed house is unacceptably large on a difficult and tight site. The proposed new dwelling would contravene policy LH5 even if that policy were still relevant. The majority of the footprint of the building is shown considerably widened to the north. On the south elevation a large laundry area has been added.

- The proposed changes disrupt the vernacular simplicity of the previously approved elevations. The ridge height may also have been increased which would worsen the size issue. The sum effect of the proposed development is seriously to undermine the design that was approved in 2011 and to unacceptably to increase the footprint, size, volume and mass of the building.
- The application proposes natural slate; only natural stone slates would be acceptable.
- The garage has been handed so that the steps are against the south boundary. This makes poor use of the site and emphasises size, volume and mass. The garage would now read as a detached and prominent building where the previously approved plans would be hidden in the bank at the boundary. The external stone steps to the garage are unnecessary and should be omitted.
- There should be no chimneys on the garage building because the building has the proportions of a traditional outbuilding or small agricultural building which would have not had a chimney. The solar panels proposed on the garage would destroy the traditional form and character of the building in this setting. The proposed sliding door is also a non-traditional feature.
- The proposed design incorporates quoins and jambs into the fenestration. These details should be subject to agreement with the Authority.

## **Main Policies**

### National Planning Policy Framework

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. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.

### Development Plan Policies

Relevant Core Strategy (CS) policies: GSP3, L1 and CC1

Relevant Local Plan (LP) policies: LC4 and LH5

Local Plan policy LH5 – Replacement Dwellings states that the replacement of unlisted dwellings will be permitted provided that:

- i. the replacement contributes to the character or appearance of the area.
- ii. it is not preferable to repair the existing dwelling.
- iii. the proposed dwelling will be a similar size to the dwelling it will replace.
- iv. it will not have an adverse effect on neighbouring properties.
- v. it will not be more intrusive in the landscape, either through increased building mass or the greater activity created.

Adopted design guidance within the 'Design Guide', the adopted Climate Change and Sustainable Building Supplementary Planning Document (SPD) and the Authority's Landscape Strategy and Action Plan offer further guidance on the application of these policies. These policies and guidance are supported by a wider range of policies in the Development Plan.

### **Wider Policy context**

Relevant Core Strategy (CS) policies: DS1, GSP1, GSP2, GSP4 and L2

Relevant Local Plan (LP) policies: LC17, LH4, LT11 and LT18

### **Assessment**

#### **Principle**

Planning permission was granted in 2011 for a replacement dwelling on this site and that planning permission has been implemented by the applicant. The house currently being built on site is not in accordance with the plans approved in 2011, but the house is located in the same position and could, if required, be modified to comply with the 2011 planning permission. Therefore it is considered that the 2011 permission remains extant.

In any case, the fact that the Authority granted planning permission recently in 2011 for a replacement house and garage of a similar design on the site to that now proposed is considered to be a material consideration to which Officers' attach significant weight. It is therefore considered that most relevant policy in this case is saved Local Plan policy LH5 which deals with replacement dwellings, rather than Core Strategy policy HC1 which is relevant for new houses in the National Park.

Planning permission was granted in 2011 because the Authority considered that the replacement dwelling would be in accordance with LH5 as it would make a positive contribution to the character and appearance of the area, would be a similar size to the original building, and would not be intrusive in the landscape. The key issue in this case is therefore considered to be whether the proposed development, and in particular the changes compared to the development approved in 2011, are acceptable in the context of relevant Development Plan policies.

#### **Whether the scale and design of the proposed development is acceptable**

As stated earlier in this report, the position and orientation of the proposed house and garage on the site would be unchanged. Two changes to the design of the proposed house are proposed. The depth of part of the house would be increased by 0.9m on the rear elevation to provide additional space for accommodation at ground and first floor and the width of the 'lean-to' which projects beyond the front wall of the house would be widened by 1.3m to provide space for a laundry room. Otherwise, the overall eaves and ridge height and dimensions of the house would be the same as that approved in 2011. The garage and accommodation above would be the same size and height as previously approved.

The volume of the house and garage approved in 2011, when combined, would be 22.5% greater than the original house, but in terms of footprint would actually be 4% smaller. The volume of the house and garage now proposed would be 34% greater than the original house and in terms of footprint would be 5% larger.

It is therefore clear that when combined, the proposed house and garage would have a larger footprint and volume compared to the development approved in 2011. This is an important consideration in the context of LH5 (iii) and (v) which requires replacement dwellings to be of a similar size to the existing and not be intrusive in the landscape.

The proposed increase in size is considered to be relatively modest in the context of the scheme approved in 2011 and the original house. The footprint of the proposed development would be similar to the original house.

The majority of the increase in volume would be as a result of the proposed alteration to the rear wall of the dwelling. There would be no increase in the overall height or length of the house and the rear part of the building would not be easily visible due to mature tree planting around the northern boundary of the site and therefore the building would not be read as significantly larger than that previously approved. The proposed increase in width of the 'lean-to' on the front elevation would be visible from public vantage points but it would still read as a subordinate element against the main mass of the building and would not have any significant impact.

It is therefore considered that the impact of the proposed development in terms of increased size and massing from public vantage points would not be significant and that the proposed development would not be more intrusive in the landscape, in accordance with LH5 (iii) and (v).

The design of the proposed development is closely based upon the house and garage which were approved in 2011. The proposed house retains a stepped form with narrow gable widths which rise up the sloping site. The increase in gable width to the rear of the building would not undermine acceptability of the overall form of the building and would not have an impact upon the heights of the stepped roof. The projecting 'lean-to' element on the front elevation would retain a simple character and be subordinate to the main building.

The provision of gritstone quoins and jambs would be in accordance with the built tradition and the proposed amendments to the position of the chimney and reduction in size of the roof light on the rear elevation would result in modest improvements to the design. The application proposes natural blue slate for the roof instead of natural stone slate which was approved in 2011. Natural blue slate is considered to be an appropriate building material in this location because there is a mixture of blue slate and stone slate on traditional buildings in the local area.

The overall design of the proposed garage is very similar to the design approved in 2011. The garage has been 'handed' so that the plan of the building is reversed and the external stone steps are now on the southern side of the building. The overall design of the proposed garage reflects that of a traditional outbuilding and is considered to be acceptable. Officers are concerned about the introduction of a chimney to this building because it would domesticate a building which is otherwise designed to reflect a traditional agricultural building and have recommended that this be omitted.

The application proposes to install solar panels on the south facing roof of the garage. These panels would be visible from the roadside and would have the potential to be prominent and visually intrusive if poorly detailed. However, slim dark coloured panels integrated into the blue slate roof would have much less impact and would be an acceptable way of integrating renewable energy into the development without impacting upon the main building. Details of the proposed solar panels have not been provided and therefore a condition would be recommended for this to be submitted and agreed prior to the erection of the roof to the garage building.

There are no objections to the proposed changes to the garden levels which are minor and would provide level garden space on the rising ground in a way which would reflect the stepping of the main house. The proposed terraces would be relatively shallow and would not have a harmful visual or landscape impact.

It is therefore considered that the proposed development is of a high standard of design in accordance with adopted design guidance and therefore that the proposed development, if approved, would make a positive contribution to the local area in accordance with LH5 (i).



## Other Issues

The proposed development would not have any harmful impact upon the privacy, amenity or security of any neighbouring property due to the orientation of the proposed buildings and the intervening distances. The proposed development is therefore in accordance with LH5 (iv).

The proposed off-street parking and turning space is the same as that approved in 2011. A total of three off-street parking spaces are proposed (including the garage) which is acceptable. The vehicle access would not be altered. The Highway Authority has no objections because the access, parking and turning areas would be the same as that approved in 2011.

The application proposes a flat at first floor above the garage to provide additional accommodation which would be occupied ancillary to the main house. This was also part of the scheme approved in 2011. There are no objections to this accommodation because it would be small scale and not harm the character or appearance of the development or the landscape. If permission is granted, a condition would be recommended to restrict the occupancy of this accommodation to ancillary to the main house only. This is because the use of the flat as an additional independent dwelling would be contrary to Core Strategy policy HC1.

Foul sewerage would be disposed of to the main sewer, which is acceptable and in accordance with Government guidance within the National Planning Practice Guidance.

## Conclusion

It is considered that the size, design and form of the proposed dwelling and garage is acceptable and will positively contribute to the character and appearance of the area and would not be more intrusive in the landscape compared to either the original dwelling or the development which was approved in 2011. The proposed development would otherwise not harm the amenity, security or privacy of any neighbouring property or land use or have any harmful impact upon highway safety. The proposed development is therefore considered to be in accordance with relevant Development Plan policies and it is therefore recommended for approval subject to conditions.

As development has commenced on site it is not necessary to impose a planning condition specifying the statutory start date. It is, however, necessary to impose a condition requiring development to be carried out in accordance with the proposed plans along with conditions to secure appropriate design details, landscaping and to restrict occupancy of the flat above the garage ancillary to the main dwelling only.

A condition requiring parking and turning space to be laid out prior to occupation of the house and maintained in perpetuity is also considered to be necessary in the interests of highway safety. Finally, a condition to remove permitted development rights for various types of domestic development is considered to be necessary in this case because such development could, over time, have an adverse impact upon the high quality design of the dwelling which would undermine a key reason why the development is considered to be acceptable.

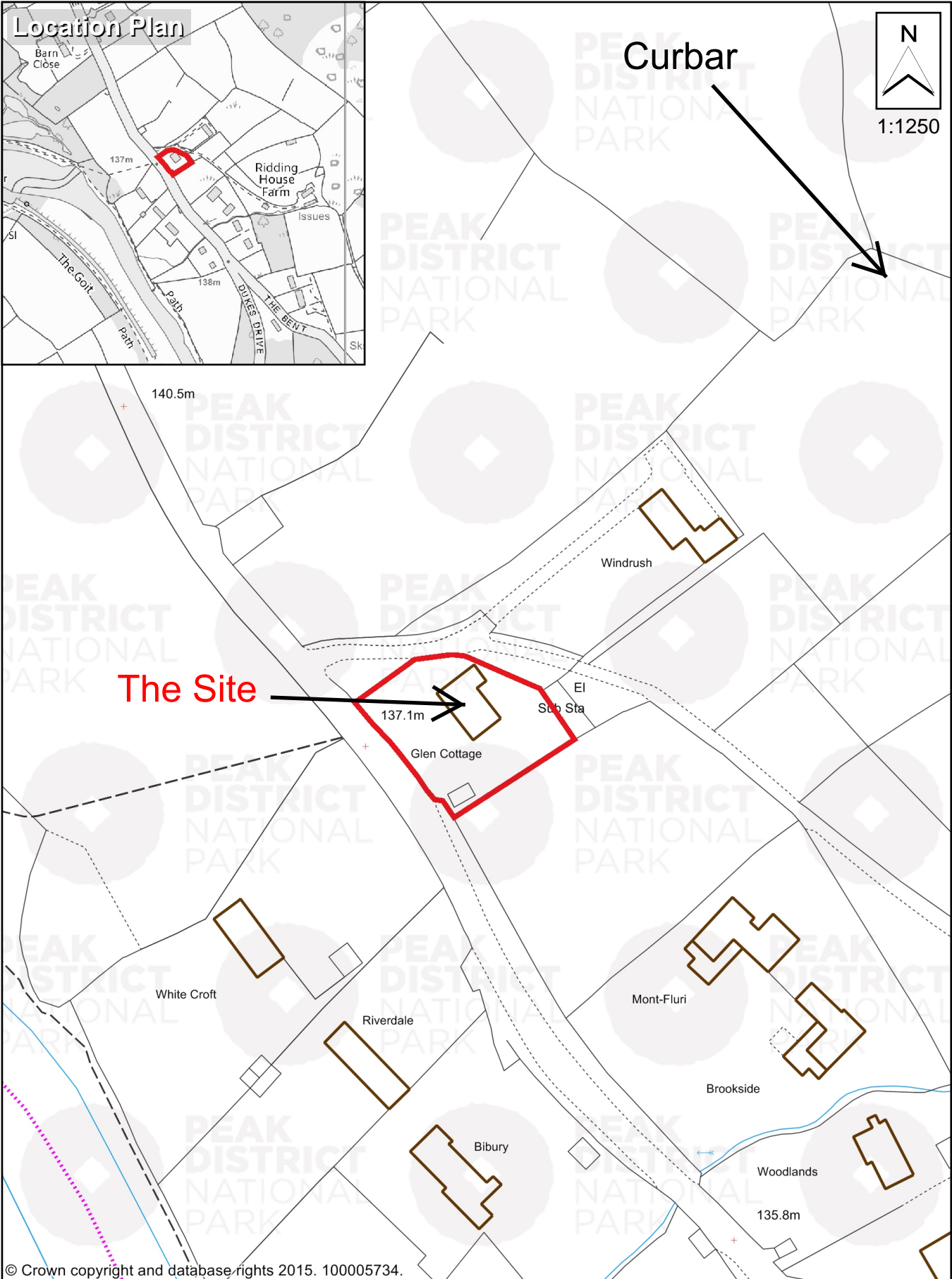
## Human Rights

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: | 15/05/2015       | <b>Title:</b> Former Glen Cottage, Curbar |  <b>PEAK DISTRICT NATIONAL PARK</b> |
| Item Number:    | 11               |   |  |
| Application No: | NP/DDD/0415/0283 |   |  |
| Grid Reference: | 424735, 375345   |   |  |

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**12. FULL APPLICATION - ALTERATION AND EXTENSIONS TO DWELLING TO INCLUDE SIDE EXTENSION, DETACHED DOUBLE GARAGE AND SEPERATE INDEPENDENT RELATIVE ACCOMMODATION AT LEA SIDE, NEW ROAD, BRADFIELD. (NP/S/0215/0120, P5416, 426873 / 391338/SC)**

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

**APPLICANT:** Mr JAMES FLETCHER

**Site and Surroundings**

Lea Side is a bungalow situated within a large mature plot on the south side of New Road, which in turn runs adjacent to the southern edge of Damflask Reservoir, approx. 0.7km north west of Low Bradfield. The dwelling was built sometime in the 1930's of red brick under a blue slate roof with bay windows to the front elevation. A single flat roofed garage lies to the west of the property, with a small outbuilding sited to the rear on the east garden boundary.

The land gradually slopes upwards from the roadside, giving the property an elevated position within the site. The land then continues to rise towards the rear of the garden with open fields beyond. The front garden is separated from the roadside by a traditional stone wall and privet hedging. Immediately to the east of the dwelling are Foxhole Cottages, a terrace of three traditional roadside properties. To the west lies a group of four dwellings which are accessed along a private track off New Road, the end one of which, 'The Coppice' is the nearest property to Lea Side and is sited approx. 40m away and at a higher level. Vehicular and pedestrian access to Lea Side is directly off New Road.

**Proposal**

Proposed are alterations and extensions (side and rear) to the bungalow, demolition of the existing flat roofed garage and its replacement with a detached new double garage together with a detached new single storey dependant relative unit in the rear garden.

Amended plans have been submitted since submission of the application and these now form the basis of the proposal.

**Side extension to property**

This is proposed to the west gable elevation of the property and would provide additional living accommodation in the form of an extended dining/kitchen space at ground floor level and a study area/snug and an entrance/utility area immediately underneath at lower ground floor level. The main entrance to the property would then be taken from the re-graded driveway via a new doorway into this lower ground floor.

**Rear extensions to property**

There is currently a recess on the rear east corner of the dwelling. The proposal is to infill this area to match the existing form and detail of the property to provide an additional bedroom with a small lean-to added on the east gable elevation to provide a WC to the bedroom.

A flat zinc roofed extension is also proposed on the rear elevation to provide space for a stair access from the lower ground floor entrance up to the main ground floor of the dwelling. To enable this development, two existing flat roofed porches, one on the rear and one on the west gable would be demolished.

### New garage

The existing flat roofed garage would be removed and replaced with a pitched roof double garage with storage space above. This would be positioned virtually over the same footprint as the existing garage.

### Dependent relative accommodation

A pitched roofed single storey dependant relative unit would be constructed in the rear garden, sited approximately 13m from the rear of the main dwelling and partially dug into the rising ground. The accommodation would comprise of a dining/living area, kitchen, bedroom with shower room, utility/wc, and carers room. Part of the roof space would provide storage.

### **RECOMMENDATION:**

**That the application be APPROVED, subject to the prior entry into a S106 agreement restricting occupation of the dependant relative unit and retaining it in ancillary use to Lea Side, and subject to the following conditions:**

- 1. 3 year time limit for commencement of development**
- 2. Adopt amended plans**
- 3. Minor building design details**
- 4. Removal of Permitted Development Rights for extensions and boundary walls fences and other means of enclosure.**
- 5. Restrict occupation to ancillary use**
- 6. Retention of garage spaces for designated parking use.**
- 7. Prior submission and agreement of an environmental management scheme including appropriate renewable energy technologies.**

### **Key Issues**

- whether the proposed development is acceptable in principle
- whether the scale, design and appearance of the extensions are acceptable
- whether there will be any unacceptable harm to the enjoyment of nearby dwellings

### **History**

Approval was gained in 1985 to extend on the east gable elevation. This was started but not fully completed, hence the infill/setback on the rear elevation.

### **Consultations**

Highway Authority - No response to date

Parish Council - Recommend refusal for the following reasons; Layout and density of buildings and garden grabbing.

## **Representations**

One letter of objection has been received from the Loxley Valley Protection Society (LVPS), summarised below:

- The property lies in a sensitive setting.
- The amount of development would be beyond the amount allowable within the green belt, and may be considered overdevelopment.
- The site is sloping which may be difficult for a dependent relative with carer to cope with.
- Concerns about removal, or future removal of trees.

## **Development Plan Policies**

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1

Relevant Local Plan policies: LC4, LH4

### National Planning Policy Framework

It is considered that in this case, there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.

### Core Strategy

GSP1 and GSP2 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.

GSP3 requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.

DS1 supports extensions to existing buildings in principle, subject to satisfactory scale, design and external appearance.

### Local Plan

Local Plan policies LC4 and LH4, state that development will not normally be permitted where it would not respect, would adversely affect, or would lead to undesirable changes in the landscape or any other valued characteristic of the area. Further stating, that an appropriate scale, siting, landscaping, use of materials and a high standard of design will all be required if consent is to be granted.

Supplementary Planning Guidance is provided in the 1987, 2007 and 2014 Design Guides

## **Officer assessment**

### Principle of development

Generally, there are no objections in principle to extending a dwelling, subject to satisfactory scale, design and external appearance. Core Strategy Policy DS1 allows for the principle of extensions to existing buildings within settlements and in the open countryside. Saved Local Plan

Policy LH4 provides the detailed policy guidance for extensions to dwellings and would in principle allow for new buildings within the curtilage of a dwelling for ancillary uses provided they do not amount to the creation of a separate dwelling.

#### Extensions to dwelling

Policy LH4 in particular allows such extensions, the pretext indicating that, in general, extensions amounting to about 25% of the original floorspace of the dwelling are likely to be acceptable. Further advice on this issue is provided in the 2007 Design Guide where it states, 'Extensions that are limited to less than 25% of the original building are more likely to be approved'.

Whilst the house extensions clearly exceed the recommended guidelines, they do not appear disproportionate in scale to the existing property, particularly within the context of the large plot (½ acre). Indeed, it is considered the west gable and rear infill extensions would produce a general balanced appearance to the property. Consequently, whilst cumulatively the extensions would clearly increase the overall massing, officers consider the form and use of matching materials (red brick) would appropriately reflect the design of the existing dwelling. Given the siting of the dwelling within a large garden plot and the extensions being set well back from the road, the overall scale and design is considered to be acceptable and would conserve the character of the locality.

#### Dependent relative accommodation

Policy LH4, which deals specifically with extensions and alterations to dwellings states that development will normally be permitted provided amongst other things, that it does not amount to the creation of a separate dwelling or an annexe that could be used as a separate dwelling.

The proposed unit is required to provide dependent accommodation for the applicant's elderly parent. Although the proposed unit contains all the facilities of a self-contained dwelling, it is set within the rear garden area and reasonably close (13m) from the rear elevation of the main dwelling. Furthermore, the proposal will share garden, parking facilities and all services, making it more difficult to sub-let or dispose of at any time. In any event, a S106 legal agreement is proposed, should Members be minded to support the proposal, which would restrict the use of this accommodation to ancillary dependant relative use only, therefore preventing any future fragmentation of the planning unit in perpetuity.

In terms of its scale and design, the proposed unit would be constructed of natural stone under a pitched blue slate roof and measure approximately 12m in length x 7m in gable width and 4.5m to the ridge. The front elevation would be fully glazed with glazed doors, one to an entrance hallway and one to the dining/living area. Four small roof lights are proposed on the rear elevation roof slope to light the shower room, utility, kitchen and carers room. In terms of its visual impact, much of the rear elevation wall of the building would be dug into the rising land, effectively reducing its massing. The height of the building would be single storey, which again would help reduce its overall impact within the site and from wider views in the locality and ensure that it is seen as a subservient outbuilding to the main dwelling.

As stated previously, the property lies within a large plot in a relatively isolated location, therefore it is believed the proposed unit would not adversely impact upon the residential amenity enjoyed by any of the surrounding properties. It is further considered that the removal of permitted development rights is necessary in this particular case to ensure that the Authority would retain control over the provision of any replacement outbuildings and boundary details to avoid any future undesirable fragmentation of the curtilage and therefore the possible creation of a separate residential unit. Consequently, it is considered that the creation of a separate dependent relative unit within this large plot is acceptable, subject to the Section 106 agreement and conditions outlined above.



### New double garage

The existing flat roofed garage is in a poor state or repair. The proposal is for its demolition followed by the erection of a traditional detached double garage with storage space above. The amended plans show the garage would measure approximately 6.5m in length x 6m in gable width and have a height to the eaves of 2.2m with an overall ridge height of 4.5m. Two roof lights are proposed in the rear elevation roof slope to light the storage space above.

The proposed garage would take advantage of the sloping site and by being partially dug into the rising ground and set on the boundary of the plot 12m from the road it therefore appears less intrusive within the plot and the immediate locality. In addition, the size and design would follow the local building tradition with the garage doors located under the eaves. Materials would be natural stone walling under a slate roof. In addition, the new garage would be sited approximately 30m away from the nearest neighbouring property (The Coppice) and at a lower level. This property is therefore not considered to be adversely affected by the development. In conclusion the new garage is considered to be acceptable in scale, siting and design such that it would reflect the subordinate and vernacular appearance of traditional outbuildings found within the National Park.

### Neighbour amenity

The garden of the property is large and enclosed by mature planting on the boundary which provides ample screening from neighbouring gardens. It is therefore considered that the siting and scale of the development will have little or no detrimental effect on the amenity of neighbouring properties.

### Other issues

Currently the existing access drive rises fairly steeply from the roadside to the garage and dwelling. The proposal is to re-grade this slope so the finished gradient will be less abrupt which in turn would afford a more level access to the proposed lower ground floor of the new gable extension and also the proposed garage. Separate flights of steps would then lead up from this level area to access the rear of the dwelling and the dependant relative accommodation respectively.

Whilst the plot has a number of mature trees, other than an overgrown holly bush, none of these will be affected by the development.

### Environmental Management

The agent has submitted the following in relation to renewables.

- The structures are all naturally ventilated, with through ventilation where possible.
- The fabric will be well insulated and sealed.
- The existing structure is being reused consolidating embodied energy.
- The structures are built into the slope adding to the thermal mass and stabilising temperatures
- Good daylighting with generous glazed areas. Potential overheating is avoided as the area of glass faces northwards.
- The existing property already has excellent levels of wall and loft insulation (completed under the government scheme for retro fitting insulation).

It is considered that the site offers potential for PV and solar thermal panels for the south rear facing roofs (i.e. not facing the road) and ground source/air source heating. Whilst these have been put to the applicant no specific proposals have been included at this stage, however the applicant has indicated they will look further into these technologies. It is therefore considered a

condition requiring the submission of a detailed scheme is attached to any permission in order to secure compliance with adopted policy.

### **Conclusion**

Whilst new build housing is normally not accepted outside of settlements, the creation of a separate dependent relative unit within the large plot and in relation to the extended dwelling house is considered acceptable in this case, provided that a legal agreement restricting the occupation of the dependant relative accommodation is concluded which also retains the accommodation ancillary to the main dwelling.

The proposed extensions and alterations are of an appropriate scale, design and external appearance in relation to the existing property. Furthermore they are in keeping with the immediate surroundings and would have no an adverse impact on nearby residential amenity.

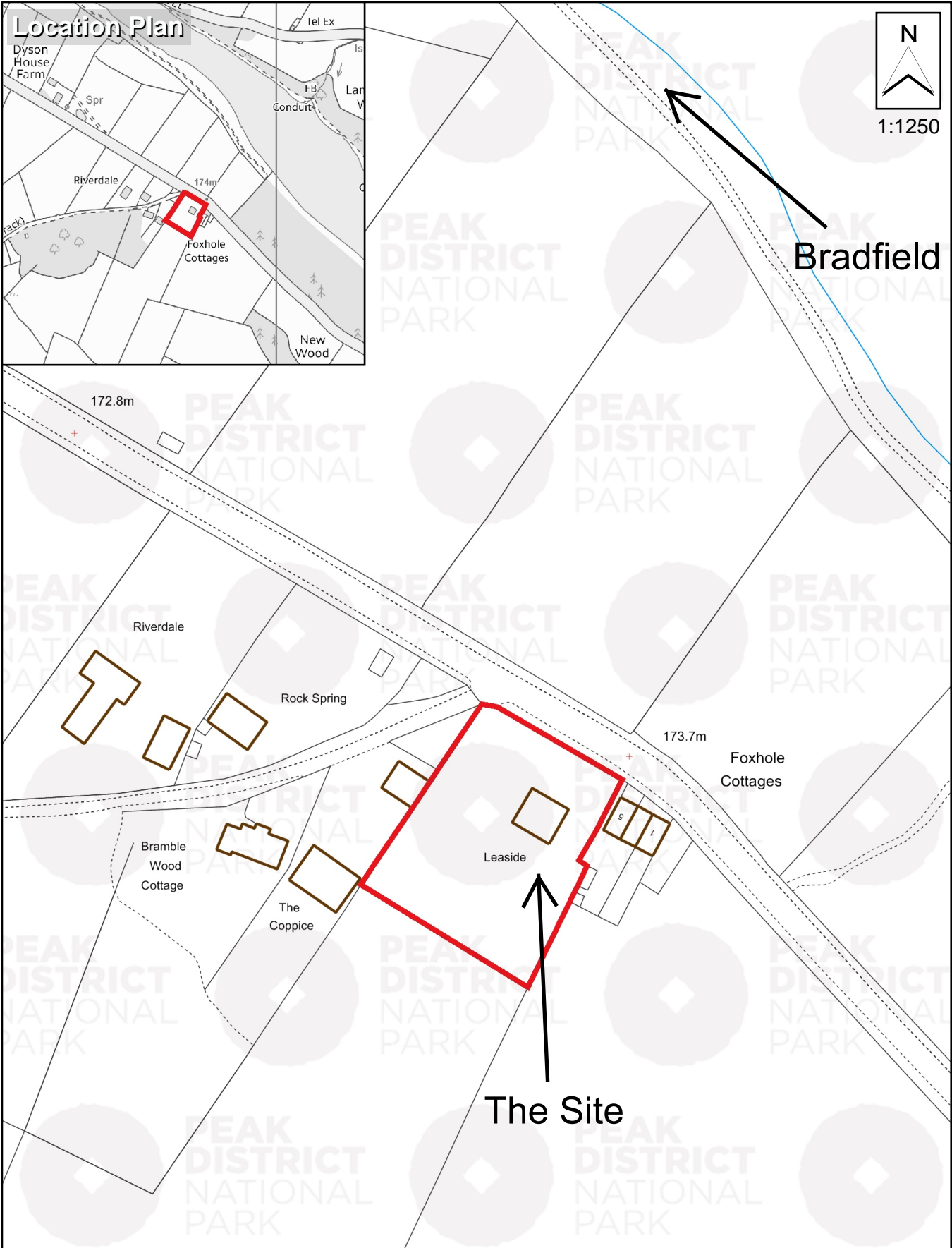
Approval of the scheme is therefore recommended subject to the above conditions and to a S106 legal agreement to 1) restrict the occupation to ancillary dependant relative use, 2) not to permit the main dwelling and the ancillary accommodation to be disposed of separately and 3) to ensure the ancillary accommodation, main dwelling and land remain in common ownership with no separation of services.

### **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: | 15/05/2015     | <b>Title:</b> Lea Side, New Road, Bradfield |  <b>PEAK DISTRICT NATIONAL PARK</b> |
| Item Number:    | 12             |   |  |
| Application No: | NP/S/0215/0120 |   |  |
| Grid Reference: | 426873, 391338 |   |  |

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**13. FULL APPLICATION – DEMOLITION OF FARMHOUSE AND ERECTION OF REPLACEMENT DWELLING; CONVERSION OF FARM BUILDING TO DWELLING AND ERECTION OF SEPARATE DOUBLE GARAGE, PINEAPPLE HOUSE FARM, BASLOW ROAD, BAKEWELL (NP/DDD/1114/1205, P.4827, 422017 369876, 24/11/2014/KW)**

**APPLICANT: MR MARK HOLMES**

**Site and Surroundings**

Pineapple House Farm is a traditional farmhouse with a complex of traditional and modern farm buildings situated in a prominent roadside position on the south-eastern side of the A619 Bakewell-Baslow road, on the northern edge of Bakewell and about 50m north-east of the bridge over the former railway, which is now the Monsal Trail.

This is now a redundant farmstead and comprises a traditional farmhouse with nearby detached traditional outbuildings to the north. There are further detached modern farm buildings further to the north of the traditional outbuildings, which are constructed mainly of corrugated sheeting painted black. The property has a fairly extensive garden area to the south-west of the farmhouse.

Vehicular access is via an existing access at the northern end of the farm complex immediately to the north of the traditional detached outbuilding. In addition to the footpath which passes alongside the roadside frontage of the farm complex, there is a further public footpath, which passes through the nearby fields on the higher ground 185m to the east.

The existing farmhouse is currently vacant, is in a poor structural condition, and has a neglected appearance. It has been the subject of inappropriate additions and alterations in the past. The farmhouse is set back 13m from the roadside boundary and its main south-west facing elevation is situated at right-angles to the road. It is constructed of natural random-coursed limestone with smooth-rendered walls on the prominent roadside elevations under a modern concrete tile roof. There is an untraditional two-storey flat-roofed, rendered extension attached to the rear and the original window frames and doors have been replaced with inappropriate uPVC window frames.

There is a detached traditional single-storey farm outbuilding situated 4.5m to the north of the farmhouse, which is constructed of natural random-coursed limestone under a natural blue slate roof. The north-west facing gable of this outbuilding abuts the roadside boundary and its main frontage is situated at right-angles to the road. Attached to the external corner of the outbuilding is a smaller stone outbuilding. There are also some small corrugated/brick structures situated within the external corner between the two traditional outbuildings and also a modern concrete structure situated within the internal corner between the two buildings. These traditional outbuildings are in a reasonable structural condition, but demolition and rebuilding works of the south-west and south-east walls are required. The traditional outbuildings are considered to be 'valued vernacular' in terms of the Authority's Core Strategy policy HC1 C I, but their appearance is currently marred by the unsympathetic alterations and additions.

About 15m north of the traditional outbuildings is an untraditional two-storey farm building constructed of black-painted corrugated sheeting. There is another smaller single-storey corrugated sheet building attached to its north-west, roadside-facing gable.

## **Proposals**

The submitted scheme proposes a package of proposals which comprise three elements:

### **1. Demolition of the existing farmhouse and erection of a replacement dwelling.**

The replacement dwelling would be repositioned towards the centre of the site curtilage, 11.5m to the south of the traditional outbuilding and re-orientated at right-angles to the original dwelling position so that its main frontage faces the main road. The dwelling would be linked to the corner of the outbuilding with a 1.8m high limestone boundary wall to visually reinforce and maintain the relationship between the two buildings.

The scheme proposes a traditional double-fronted dwelling design flanked by a 1½-storey side extension on its southern side and a single-storey double garage on its northern side. A lean-to conservatory is proposed on the screened rear elevation. The dwelling is to be clad with natural random-coursed limestone with natural gritstone quoinwork and window door surrounds. The roof is to be clad with natural gritstone slates.

The gable width of the new dwelling is 6.65m and the ridge height is 7.4m. This is slightly larger than the existing dwelling, which has a gable width of 6.65m and a ridge height of 7.05m. The frontage length of the main central dwelling (10.1m) is also slightly larger than that of the original dwelling (9.6m). The footprint of the main two-storey element of the proposed dwelling (excluding the double garage), is 14.0m x 6.1m, which is only marginally bigger than the original farmhouse (14.0m x 5.7m) if the south-eastern single-storey addition, which appears on earlier maps is included, but has since been demolished.

In terms of volume, the replacement dwelling is 44% bigger than the original dwelling (excluding the double garage).

Vehicular parking/manoeuvring for the proposed replacement dwelling is proposed in a screened courtyard area behind the 1.8m high link wall proposed between the house and the converted barn.

### **2. Conversion of the detached traditional outbuilding to a separate open-market dwelling**

This element of the application relates to the existing detached traditional single-storey farm outbuilding and the smaller outbuilding attached to its external corner. Proposed are the removal of all the later inappropriate structures and the erection of a contemporary extension linking the main building to the smaller outbuilding. A contemporary linking extension is designed to retain the separate roof forms of the two buildings, thus maintaining their individual character and architectural integrity. The link extension has a relatively small footprint (4.5m x 4.3m) and in order to emphasise that this is a later addition, it has a contemporary flat-roofed form clad in lead, with the walls clad with a combination of full-length glazing and ashlar limestone.

The scheme requires only one new opening in the main barn; however, some door openings are to be restored, back to their original form and appearance. Two conservation rooflights are proposed in the south-west facing roofslope of the main barn. The accompanying structural report has concluded that the south elevation of the main barn and the eastern elevation of the smaller outbuilding need to be demolished and re-built. A small extension is proposed to the northern end of the smaller outbuilding on the footprint of a walled enclosure.

### **3. Demolition of the two modern farm buildings at the north-eastern end of the farm complex and replacement with a 1½-storey double garage building.**

The existing modern barns are constructed of black-painted corrugated sheeting and the two buildings have an overall building footprint of 15.0m x 4.9m. The replacement garage building

has a footprint of 11.35m x 6.65m. The overall eaves/ridge heights of the proposed garage building are slightly lower than the existing larger modern farm building. The garage building and first floor ancillary accommodation proposed within the roofspace are to be used in connection with the converted farm outbuilding.

This building would be constructed of natural limestone walling under a natural blue slate roof. The garage door openings are to be provided with natural gritstone segmented arches and the external corners and the first floor door opening proposed in the west (roadside-facing) elevation are to be provided with natural gritstone quoinwork.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions:**

- 1. 3 year implementation time limit**
- 2. Remove permitted development rights for extensions, alterations and outbuildings, porches, walls, fences, satellite dishes and solar panels.**
- 3. Submit and agree hard and soft landscaping scheme.**
- 4. Restrict domestic curtilage to be limited to area edged red on original submitted 1:500 scale block plan.**
- 5. Submit and agree any details of spoil removal arising from the demolition works.**
- 6. Replacement dwelling to be set into the sloping ground levels. Submit and agree plans showing the proposed ground levels.**
- 7. Development to be built to a minimum of Code Level for Sustainable Homes required of RSLs.**
- 8. Design Stage Assessment and Interim Code certificate to be submitted and agreed before work commences**
- 9. Prior to first occupation, copy of summary score sheet and Post Construction Review Certificate to be submitted.**
- 10. All stonework to be in random-coursed natural limestone. Sample panel to be agreed.**
- 11. Roofs to replacement dwelling to be clad in natural local gritstone laid in diminishing courses towards the ridge. Sample to be submitted and agreed.**
- 12. Roofs to the converted barn (except for the contemporary flat-roofed extension) and the new garage building to be clad in natural blue slate.**
- 13. Submit and agree sample of roof cladding and fascia for the contemporary extension to the converted barn.**
- 14. Dressed natural gritstone quoinwork, voussoirs, lintels, sill and surrounds to window and door openings where shown on the approved plans.**
- 15. Timber vertical sliding sash window frames to all window openings in the rebuilt dwelling.**

16. **Timber doors and timber window and door frames (including conservatory).**
17. **Prior the occupation of either of the two dwellings, the existing access to be modified in accordance with the submitted plan and provided with a 2.4m x 63m visibility splay in the north-eastern direction and a 2.4m x 61m visibility splay in the south-western direction with these splays maintained in perpetuity.**
18. **Parking and manoeuvring spaces (including garaging) to be provided and maintained.**
19. **Any new service lines to the property to be underground.**
20. **Foul water to be dealt with by a package treatment plant in the location shown on approved plans. Submit and agree details of disposal of foul and surface waters.**
21. **Minor design details.**
22. **Retain existing trees.**
23. **Submit and agree details of appropriate Environment Management measures**
24. **Submit and agree details of external lighting.**
25. **Ecological mitigation and enhancement conditions.**

#### **Key Issues**

1. Whether the principle, physical design aspects and landscape impacts of the proposed replacement dwelling comply with Local Plan policy LH5.
2. Whether the principle of the open-market barn conversion complies with Core strategy policy HC1 C I.
3. Landscape and visual impact and design issues.
4. Environmental Management.
5. Ecological Issues.
6. Access and Parking.

#### **History**

July 1949 – Detailed consent granted for the erection of a two-storey rear flat-roofed extension.

October 1953 – Detailed consent granted for a concrete extension within the internal corner of the two traditional farm outbuildings.

October 2014 – Pre-application discussions with the applicant who was advised by officers that the principle of the replacement of the existing dwelling was acceptable, given its poor structural condition and the unfortunate alterations and additions that had compromised its character and integrity. The applicant was also advised that the re-orientation and repositioning of the dwelling was also considered to be acceptable.

The applicant was also advised that the existing traditional farm outbuildings were of vernacular merit and their setting and appearance were currently marred by later additions and the adjacent



black tin hay barn. Consequently, the applicant was advised that the principle of the conversion of the traditional outbuildings to an open-market dwelling met the terms of Core Strategy policy HC1 C I as it comprised the conservation and enhancement of a valued vernacular building. The removal of the inappropriate modern black tin buildings and replacement with the proposed stone garage building was also considered to represent a significant enhancement of the existing traditional building complex and site.

### **Consultations:**

Highway Authority – no highway objections, subject to conditions requiring modification of the existing access; provision and maintenance of visibility splays and provision and maintenance vehicle parking and manoeuvring facilities prior to the occupation of the dwellings.

District Council – No reply to date.

Town Council – recommend acceptance of the proposal on grounds that the design and appearance along with the layout and density of the buildings appears appropriate.

Natural England – No objections in respect of any impacts upon statutory nature conservation sites within the vicinity of the application site. In respect of protected species the proposal should be determined in accordance with Natural England's Standing Advice. The application may also provide opportunities to incorporate features into the design which are beneficial to wildlife. The application may also provide opportunities to enhance the character and local distinctiveness of the surrounding and natural and built environment and use natural resources more sustainably.

Authority's Ecologist – Initially raised concerns that the further emergency/re-entry surveys for bats recommended in the accompanying bat survey report had not been carried out. The application should not, therefore be determined until these surveys have been carried out and suitable mitigation/compensation measures have been submitted and agreed. These emergency/re-entry surveys have to be carried out during the active breeding season i.e. between May – September.

It is expected that the further surveys will be carried out in early May, but will not be submitted in time for the preparation of this report. Consequently, the findings of the further surveys and any proposed bat mitigation measures and conditions will be reported at the Committee.

### **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) 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.

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. Policies GSP1, GSP2, GSP3 and HC1 in the Authority's Core Strategy provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is also considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.

Of particular note is the fact that the NPPF says local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where such development would represent the optimal viable use of a heritage asset or where the development would re-use redundant or disused buildings and lead to an enhancement to the

immediate setting, for example, which are essentially the same criteria that are set out in CS Policy HC1.

Along with the need to give great weight to considerations for the conservation of wildlife and cultural heritage, paragraph 115 of the NPPF confirms the highest status of protection in relation to landscape and scenic beauty, reflecting primary legislation. It points out (footnote 25) that further guidance and information, including explanation of statutory purposes, is provided in the English National Parks and the Broads Vision and Circular 2010.

### **Main Policies**

Relevant Core Strategy policies: DS1, HC1, GSP1, GSP2, GSP3, GSP4, L1, L2, L3, CC1 and T7

Relevant Local Plan policies: LC4, LC8, LC17, LH5, LT11 and LT18

### **Assessment**

#### Introduction

This submitted scheme comprises a package of proposals designed to conserve and enhance the Pineapple House Farm complex. The traditional buildings within the complex, including the farmhouse, are in a neglected state and in a poor structural condition and have been subjected to a series of unfortunate alterations and additions that have severely compromised the character, setting and architectural integrity of the original traditional building group.

The submitted scheme comprise three elements, namely:

- Demolition of the traditional farmhouse and erection of a replacement dwelling;
- Conversion and extension of the adjacent detached traditional outbuildings to an open-market dwelling and;
- Demolition of the modern black tin farm buildings and replacement with a 1½ storey garage building with ancillary residential accommodation on the first floor.

Whilst some of the Core Strategy and Local Plan policies are applicable to the principle of all the elements of the proposed scheme, some aspects of the proposals involve the application of specific Core Strategy and Local Plan policies. The three elements of the scheme are therefore assessed separately in the following paragraphs of this report.

#### Issue 1 - Whether the principle, physical design aspects and landscape impacts of the proposed replacement dwelling comply with Local Plan policy LH5.

Policy GSP1 states that development will be permitted in the National Park where it reflects and reflects the statutory purposes of its designation. GSP1 also promotes sustainable development.

Policy GSP2 states amongst other things that, opportunities for enhancing the valued characteristics of the National park will be identified and acted upon. When development is permitted, a design will be sought that respects the character of the area, and where appropriate, landscaping and planting schemes will be sought that are consistent with local landscape characteristics and their setting, complimenting the locality and helping to achieve biodiversity objectives.

Policy GSP3 states amongst other things that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal. Particular attention will be paid to, amongst other things, impact on the character and setting of buildings; scale of development appropriate to the character and appearance of the National Park; design in accordance with the National park authority design guide; form and intensity of

proposed use or activity; impact on living conditions of communities; impact on access and traffic levels, use of sustainable modes of transport.

Core Strategy policy L1 states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan and other valued characteristics.

Core Strategy policy L3 requires that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or other historic assets and their settings.

Local Plan policy LC4 states 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. Particular attention will be paid to, amongst other things, the amenity, privacy and security of the development and of nearby properties.

More specifically, Local Plan policy LH5 permits the replacement of unlisted dwellings, provided that the proposals meet all the policy's five criteria, which are as follows:

- (i) the replacement contributes to the character or appearance of the area.
- (ii) it is not preferable to repair the existing dwelling.
- (iii) the proposed dwelling will be a similar size to the dwelling it will replace.
- (iv) it will not have an adverse effect on neighbouring properties.
- (v) it will not be more intrusive in the landscape, either through increased building mass or the greater activity created.

Policy LH5 (ii) specifies that a replacement dwelling will only be permitted where it is not preferable to repair the existing dwelling. In this case, the property has been the subject of an inappropriate rear extensions and unfortunate alterations, which detract from the character of the original farmhouse. The original farmhouse now has an unkempt appearance and, together with the attached extension, is in need of significant repair and refurbishment. An accompanying structural report has concluded that substantial repairs will be required to the dwelling structure, including significant underpinning works to the foundations and strengthening works to the floors and roof. The existing porch requires complete demolition and several of the stone lintels are in need of replacement.

The overall effect is of a farmhouse which has a 'tired' and neglected appearance that would require significant repair and refurbishment. The attached extension to the rear of the farmhouse is of an inappropriate design, form and materials that detract from the original character of the farm group. Officers consider that it would not be preferable to repair and retain the existing dwelling due to its present appearance, its poor structural condition and the unsympathetic additions. It is therefore considered that the site represents an opportunity for enhancement both in building and landscape terms, by an appropriate redevelopment of the site. The principle of a replacement dwelling is, therefore considered to meet criterion (ii) of Local Plan policy LH5.

Criterion (iii) of policy LH5 requires that the replacement dwelling is of a similar size to the dwelling it will replace. This aspect of the policy uses the phrase 'similar size' as a parameter to control the size of replacement dwellings to protect the landscape, instead of a simple like for like floor space or volume calculation. This enables a degree of flexibility necessary to both achieve enhancement of the National Park and to allow the scale of a replacement dwelling to respond to what is appropriate for any particular site and its setting.

Whilst this consideration cannot be divorced from landscape impact, it does need to be satisfied if the scheme is to be judged as policy compliant. The existing dwelling (as extended) has a footprint of 95.5sqm, if a south-eastern building addition, now demolished, is included. The main

two-storey element of the replacement dwelling (excluding the proposed garage) has a footprint area of 118.7sqm. In footprint terms, therefore, the replacement dwelling only slightly exceeds the original dwelling footprint (as extended) by 23.2sqm, which is a 24% increase. There is also a small amount of additional floorspace proposed within the first floor of the attached double garage building; however, as the garage itself does not count as habitable floorspace it has been excluded from the dwelling footprint floorspace comparisons.

Footprint must also be considered alongside other measures of size, and volume is a useful measure as this more closely represents the scale and massing of a proposal and is therefore more indicative of how these relate to the local building traditional and potential impact on the surroundings.

In this case the original dwelling, including the now demolished lean-to addition and the later flat-roofed addition, has a volume of around 462 cubic metres. The replacement house (excluding double garage) has an above ground volume of 630 cubic metres, which equates to a 36% increase in the size of the existing dwelling accommodation. This would therefore exceed the normally accepted allowance of 25% on top of the original dwelling, which is the guideline volume given in the Local Plan for domestic extensions.

However, some of this volume increase is taken up by the increase in gable widths from 5.6m to 6.5m and the resultant increases in the volume of the roofs. Notwithstanding these footprint and volume increases, it is considered that the overall massing and form of the rebuilt dwelling follows closely enough the character and form of the original dwelling as extended. Moreover, it is considered that the form, proportions and appearance of the main two-storey dwelling has been improved and enhanced by the use of natural limestone walling throughout and the use of natural gritstone roofing slates. The side extension is set 2.25m back from the main house frontage and has a significantly lower eaves height such that, together with the proposed double garage attached to the other gable, they read as subsidiary buildings to the main farmhouse, when viewed from the main roadside viewpoint. It is therefore considered that the replacement dwelling size is within acceptable parameters.

Moreover, it is considered, that the phrase 'similar size' in this part of policy LH5 enables a degree of flexibility necessary to both achieve enhancement of the Park and to allow the scale of a replacement dwelling to respond to what is appropriate for any particular site and its setting. So in this case, whilst the replacement dwelling would be larger than the existing, it is considered that its acceptability depends upon whether the proposals would contribute to the character of the area or offer up other planning gain that would outweigh any concerns about the increase in size.

Clause (i) in policy LH5 requires that the replacement dwelling must contribute to the character and appearance of the area and clause (v) states that it should not be more intrusive in the landscape either through increased building mass or the greater activity created. In this case, given the flexibility in clause (iii), officers consider that a slightly larger dwelling could be accommodated on this site without causing harm to the landscape.

The main change in respect of the replacement dwelling is its repositioning further southwards along the site than the present dwelling and also its reorientation through 90°, so that its main frontage elevation faces towards the road, rather than facing southwards down the site. Officers were initially concerned about the degree of separation of the house from the adjacent traditional farm outbuildings. Following pre-application discussions, the proposed replacement dwelling has been re-sited closer to the traditional outbuildings and the nearest double garage element is now 11m away from the outbuildings. The relationship between the buildings is to be further strengthened through the erection of a 1.8m high link wall. The reorientation of the dwelling through 90° will make the main dwelling frontage and footprint more visible from the adjacent road; however, the dwelling is set within a fairly extensive residential curtilage and will be of a much improved design and appearance. Consequently it is considered that the repositioning and

reorientation of the dwelling are acceptable and the proposed dwelling is sufficiently close to the adjacent traditional outbuildings for them to read as a coherent building complex.

Overall, therefore, it is considered that the form, character and integrity of the original courtyard complex will be retained and enhanced through the use of traditional materials and improvements to the proportions and detailing, particularly in respect of the original farmhouse and its inappropriate additions.

In respect of the design concept of the dwelling, this is based on the double-fronted form of the existing, but with a subsidiary side extension attached to its south gable. A double garage building is to be attached to the northern gable and there is also a lean-to conservatory situated in a fairly screened position to the rear of the main dwelling. The erection of the replacement dwelling enables an improved design and detailing and the use of natural roofing/walling material throughout, together with the introduction of full natural gritstone surrounds to the majority of the door and window openings and natural gritstone quoinwork to all external corners. A further significant enhancement is the use of natural gritstone roofing slates on all roofs of the proposed replacement dwelling, including the double garage building.

Overall, it is considered that the replacement dwelling scheme is appropriate in terms of its repositioning and reorientation within the site. The proposed design, massing and detailing and also represents a significant enhancement of the site and the landscape. It should also be noted that the scheme has evolved through pre-application discussions with the Authority's officers.

If planning permission is granted, conditions securing the amended plans and minor design details would be recommended to ensure that the proposal robustly complies with the requirements of policy LC4. A condition removing permitted development rights for extensions, alterations, extensions, porches, walls, fences, satellite dishes and solar panels would also be recommended to allow the Authority to retain control to protect the visual amenities of the site and its setting.

It is therefore considered that the proposed replacement dwelling would contribute positively to the character and appearance of the area and would not be more intrusive in the landscape and therefore the proposals, as amended comply with criteria (i) and (v) of LH5.

It is considered that the proposal meets criteria (iv) of policy LH5 (and policy LC4) as, due to the isolated position of the property, there will be no impact on the residential amenities of neighbouring properties.

#### Issue 2 - Whether the principle of the open-market barn conversion complies with Core Strategy policy HC1 C I.

For the purposes of the Development Plan, the Pineapple House Farm complex is situated just outside the physical confines of Bakewell, but immediately on the northern edge of the town, which is clearly defined at this point by the former railway line (Monsal Trail), which passes underneath the Bakewell – Baslow road. The farm complex, including the traditional barns, occupies a prominent roadside position. Although the complex is situated on the edge of the town, it is classed as being within open countryside in policy terms.

In this case, the proposed dwelling house conversion is intended to meet general demand rather than any functional need or local need. Therefore, the special circumstances in which permission could be granted for the current application are set out in CS Policy HC1 which says that in accordance with core policies GSP1 and GSP2 of the Core Strategy, exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings.

The existing traditional barns comprise the main barn, which is situated at right-angles to the main road and a smaller outbuilding at the eastern end attached to its external corner, forming an 'L' plan layout. These buildings are constructed of natural random-coursed limestone under a natural blue slate roof. The north-west facing gable of the main barn abuts the roadside boundary. There are also some small corrugated/brick structures situated within the external corner between the two traditional outbuildings and also a modern concrete structure situated within the internal corner between the two buildings. These traditional outbuildings are in a reasonable structural condition, however demolition and rebuilding works of the south-west and south-east walls are required. The traditional outbuildings are considered to be 'valued vernacular' in terms of the Authority's Core Strategy policy HC1 C I, but their appearance is currently marred by the unsympathetic alterations and additions. Given their prominent position adjacent to one of the main road entrances into the town, it is considered that they require an appropriate use that will ensure their retention and future upkeep.

The submitted scheme relates to the existing detached traditional single-storey farm outbuilding and the smaller outbuilding attached to its external corner. Proposed are the removal of all the later inappropriate structures and the erection of a contemporary extension linking the main building to the smaller outbuilding. The contemporary linking extension is designed to retain the separate roof forms of the two buildings thus maintaining their individual character and architectural integrity. The link extension has a relatively small footprint (4.5m x 4.3m) and in order to emphasise that this is a later addition, it has a contemporary flat-roofed form clad in lead, with the walls clad with a combination of full-length glazing and ashlar limestone.

The scheme requires only one new opening in the main barn; however, some door openings in the demolished and rebuilt south-west wall are to be restored, back to their original form and appearance. Two conservation rooflights are proposed in the south-west facing roofslope of the main barn. A small extension is proposed to the northern end of the smaller outbuilding on the footprint of a walled enclosure. The accompanying structural report has concluded that the south-western elevation of the main barn and the south-eastern elevation of the smaller outbuilding need to be demolished and re-built.

Whilst the rebuilding of two of the walls of the traditional barns is unfortunate, it is considered that this amount of rebuilding is acceptable and provided that they are faithfully restored back to their original appearance, this will incorporate some enhancements to these elevations which have been the subject of later alterations.

The barn conversion scheme also includes the demolition of the two modern farm buildings at the north-eastern end of the farm complex and replacement with a 1½-storey double garage building. The existing buildings are visible from the road and are constructed of corrugated tin sheeting painted black. Due to their proximity to the traditional barns these buildings detract from the character and setting of the traditional buildings.

The submitted scheme proposes the demolition of these building and their replacement on a similar footprint with a stone-built, 1½-storey double garage building. The overall eaves/ridge heights of the proposed garage building are slightly lower than the existing larger modern farm building. First floor ancillary accommodation is proposed within the roofspace, which is to be used in connection with the converted barn.

The proposed garage building is to be constructed of natural limestone walling under a natural blue slate roof. The garage door openings are to be provided with natural gritstone segmented arches and the external corners and the first floor door opening proposed in the west (roadside-facing) elevation are to be provided with natural gritstone quoinwork. It is considered that the proposed replacement garage building will enhance and compliment the setting of the adjacent traditional barns.

Overall, therefore, it is considered that the submitted scheme serves to conserve and enhance the original traditional buildings and their setting. The conversion of the traditional barns to a single open-market dwelling is, therefore, considered to be compliant with Core Strategy policy HC1 C I as it is a sympathetic scheme which facilitates the conservation and enhancement of a 'valued vernacular' building and its setting.

#### Issue 3 - Landscape and visual impact and design issues.

As stated in issue 1 above, Policies GSP2, GSP3, L3 and LC4 state amongst other things that, when development is permitted, a design will be sought that respects the character of the area, and where appropriate, landscaping and planting schemes will be sought that are consistent with local landscape characteristics and their setting, complimenting the locality and helping to achieve biodiversity objectives.

Core Strategy policy L3 requires that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or other historic assets and their settings.

Policy LC8 states that the conversion of a building of historic or vernacular merit to a use other than for which it was designed will be permitted provided that it can accommodate the new use without changes that would adversely affect its character. Such changes include significant enlargement or other alteration to form and mass, inappropriate new window spacings or doorways, and major rebuilding.

Policy LC8 also requires that such traditional building conversion schemes should not lead to changes to the building's curtilage or require new access or services that would adversely affect its character or have an adverse impact on its surroundings.

The Pineapple House farm complex occupies a prominent roadside position adjacent to one of the main approach roads into Bakewell. The whole complex is presently in a neglected state and the character appearance and settings all the traditional buildings have been marred by later alterations, unfortunate additions and new detached modern farm buildings. Notwithstanding that the existing farmhouse is in a poor structural condition, which justifies its demolition and replacement, it is considered that the erection of the replacement dwelling in its revised position, together with the retention and sympathetic conversion of the existing traditional barns and the replacement garage building will enable the comprehensive enhancement of the site and the locality in compliance with the above-stated Core Strategy and Local Plan policies.

#### Issue 4 - Environmental Management.

Core Strategy policy CC1 states that all development must make the most efficient and sustainable use of land, buildings and natural resources, must take account of the energy hierarchy and must achieve the highest possible standards of carbon reductions and water efficiency. A minimum sustainability standard equivalent to that required by the government of affordable housing shall be achieved unless it can be demonstrated that this is not viable.

As required by the SPD a condition requiring the development to be built to a minimum of Code Level 3 (the current level required of Registered Social Landlords) is considered to be necessary and reasonable.

The current submission proposes a range of environmental management measures in order to reduce carbon emissions, where these can be accommodated without compromising the architectural integrity of the scheme. These measures include the following:

- South-facing roofslope of the proposed garage building to be clad with 'built-in' solar slate/panels for the generation of 'green' electricity.

- Sustainable surface water drainage systems.
- The use of materials sourced locally.

These measures are all considered to be acceptable in principle, but the cladding of the proposed garage building with solar slates or panels needs to be handled with care as officers do not consider that the standard solar panel would be appropriate for this building, given that this roof slope will be visible from the main road. For this reason, it is considered that a higher specification solar slate or panel needs to be used and accommodated within the lower part of the roof slope, with margins of natural blue slate retained at the outer ends of the roof. It is considered that this detail can be controlled through a planning condition.

Subject to the attaching of appropriate planning conditions, therefore, it is considered that the proposed scheme complies fully with the requirements of SPD and Core Strategy policy CC1.

#### Issue 5 – Ecological Issues

Core Strategy policy L2 and Local Plan policy LC17 require that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate to their setting.

The Authority's Ecologist initially raised concerns that the further emergence/re-entry surveys for bats recommended in the accompanying bat survey report had not been carried out. Consequently, the Authority's Ecologist advised that the application should be determined until these surveys have been carried out and suitable mitigation/compensation measures have been submitted and agreed. These emergence/re-entry surveys have to be carried out during the active breeding season i.e. between May – September.

It is expected that the further surveys will be carried out in early May, but will not be submitted in time for the preparation of this report. Consequently, the findings of the further surveys and any proposed bat mitigation measures and conditions will be reported at the committee.

Unless these further surveys reveal significant ecological constraints or concerns it is envisaged that the impact on protected species can be adequately mitigated for and further ecological enhancement can be achieved, subject to the attaching of appropriate ecological conditions. The scheme therefore complies with the terms and objectives of Core Strategy policy L2 and Local Plan policy LC17.

#### Issue 6 - Access and Parking

Core Strategy policy states, amongst other things, that residential parking and operational parking for service and delivery vehicles will be the minimum required for operational purposes, taking into account environmental constraints and future requirements. Local Plan policy LT18 states that the highest standard of design and material should be used in transport infrastructure and the provision of safe access arrangement will be a prerequisite of any development. LT11 states that the design and number of parking spaces must respect the valued character of the area.

In respect of the vehicular access, the Highway Authority has confirmed that the achievable visibility splays of 2.4m x 63m in the northerly direction and 61.0m in the southerly direction are satisfactory. The entrance gate width is also to be widened from 2.5m to 3.6m to facilitate manoeuvring into and out of the entrance. Subject to a condition requiring the provision and maintenance of these visibility splays and the widening of the entrance, the joint vehicular access for the two proposed dwellings is considered to be acceptable.



There is sufficient parking proposed, with double garages being provided for each dwelling and further courtyard parking available. The garaging and parking provision for the proposed replacement dwelling is in a well screened position screened by the proposed 1.8m high link wall.

It is therefore considered that access and parking arrangements are acceptable and comply with the above-stated Local Plan policies.

### **Conclusion**

In conclusion, it is considered that the erection of the replacement dwelling in its revised position, together with the retention and sympathetic conversion of the existing traditional barns and the replacement garage building will enable the comprehensive enhancement of the site and the locality in compliance with the above-stated Core Strategy and Local Plan policies. Together with the proposed enhancements and environmental benefits (which would be difficult to achieve in a scheme to retain and repair the existing dwelling), these weigh in favour of approval in this case. It is therefore considered that the proposed development accords with Core Strategy policies GSP1, GSP2, GSP3, DS1, HC1, L1, L2, L3 CC1 and T7 and Local Plan policies LH5, LC4, LC8, LC17, LT11 and LT18 as well as guidance in the NPPF.

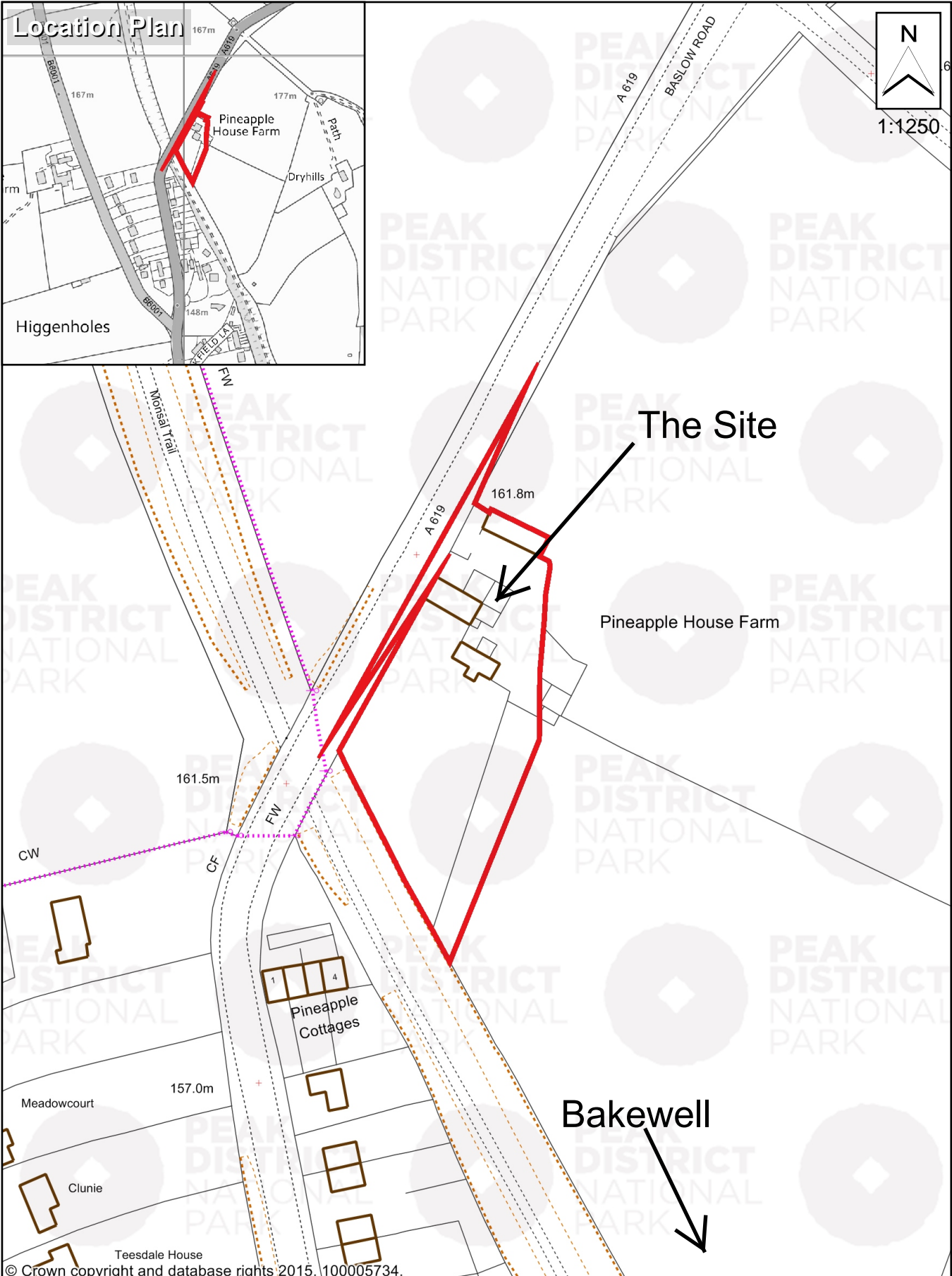
### **Human Rights**

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: | 15/05/2015       | <b>Title:</b> Pineapple House Farm, Baslow Road, Bakewell |  <b>PEAK DISTRICT NATIONAL PARK</b> |
| Item Number:    | 13               |   |  |
| Application No: | NP/DDD/1114/1205 |   |  |
| Grid Reference: | 422017, 369876   |   |  |

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**14. FULL APPLICATION: CONVERSION OF 3 AGRICULTURAL BUILDINGS TO 2 SELF-CATERING HOLIDAY UNITS AND GARAGES/GAMES ROOM ANCILLARY TO DWELLING, IVY HOUSE FARM, UPPERTOWN, BIRCHOVER (NP/DDD/0315/0244, P.9270, 414217 361642, 30/04/2015/CF)**

**APPLICANT: MR & MRS D LENG**

**Site and Surroundings**

Ivy House Farm is situated in a relatively isolated position on the northern side of Clough Lane in open countryside about 480m south-east of Birchover village. It comprises a large detached traditional farmhouse with a range of four detached modern agricultural buildings situated around a courtyard to the western side of the farmhouse.

Although recently constructed, the modern farm buildings have been built to a high standard in the local building vernacular style using traditional materials. These buildings are all single-storey with the exception of the laneside two-storey workshop/office building. There is also a modern agricultural building (sheep and poultry shed) situated on the opposite side of Clough Lane. This building has vertical-boarded timber wall cladding and a corrugated sheet roof.

The main approach road to the site from the village is via Uppertown Lane, a tarmacked single vehicle width lane which provides access to the local recreation ground and is used by walkers. This section of the road is sign-posted at the village end by the Highway Authority as being 'unsuitable for motor vehicles'.

The last 280m section of access track is off Upper Town Lane via Clough Lane, which is narrow winding section of lane surfaced with gravel, which serves a working farm (Cowley Knoll Farm) and a private dwelling (Upper Town) in addition to Ivy House Farm. Clough Lane is also a popular footpath route and beyond Ivy House Farm is unsuitable for vehicular traffic.

**Proposal**

The current application seeks permission for the change of use of two detached single-storey agricultural buildings in the courtyard to two self-catering holiday units. Consent is also being sought for the change of use of the two-storey agricultural building in the courtyard to ancillary garaging for the farmhouse with a games room on the first floor.

**RECOMMENDATION:**

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

**Statutory Time Limit**

- 1. The development hereby permitted shall be begun within 3 years from the date of this permission.**

**Approved Plans**

- 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plans, Drawing No.s 1272-10D, 1272-11C, 1272-13B and 1272-14A, subject to the following conditions or modifications:**

**Ancillary Uses**

3. **The garaging/games room building hereby permitted shall remain ancillary to the existing house at Ivy House Farm and shall be used solely for garaging of domestic vehicles on the ground floor, and solely for purposes incidental to the ordinary domestic use of the existing house on the first floor.**

#### **Holiday Occupancy Restriction**

4. **The accommodation hereby permitted (i.e. holiday unit A and holiday unit B) shall be retained as short-let holiday residential use ancillary to Ivy House Farm and shall not be occupied by any one person for a period exceeding 28 days in any calendar year. The existing house and the approved holiday accommodation shall be maintained as a single planning unit.**

**The owner shall maintain a register of occupants for each calendar year which shall be made available for inspection by the National Park Authority on request.**

#### **Parking and Access**

5. **No development shall take place until precise details, including a timetable for its implementation, of improvements of Clough Lane, to include limits of the surfacing improvement and proposed construction have been submitted to and approved in writing by the National Park Authority. Thereafter, the scheme shall be implemented in accordance with approved details and timetable and retained throughout the life of the development hereby permitted.**
6. **Prior to the commencement of any other works on the conversion of the two buildings hereby permitted, a new vehicular access shall be created to Clough Lane in accordance with the approved plans, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.**
7. **Prior to the first occupation of either of the two houses hereby permitted, space shall be provided within the application site in accordance with the approved plans for the parking and maneuvering of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.**

#### **Foul Water Drainage**

8. **Foul drainage associated with the new houses shall be disposed of to a private treatment plant, the details of which shall be first submitted to and approved in writing by the National Park Authority. The provision of the private treatment plant shall thereafter be carried out in accordance with the approved details and shall be completed prior to the first occupation of either of the houses hereby permitted.**

#### **Design Details**

9. **Prior to the installation of any glazed panel, full details of their precise design including external finish, recess from the external face of the wall, and glazing bar detail shall be submitted to and approved in writing by the National Park Authority. The development shall thereafter be carried out in accordance with the approved details and shall be permanently so maintained.**
10. **All new doors and door shutters shall be constructed from vertically boarded timber and shall be stained dark brown to match the existing timberwork at the time of their installation.**

11. The external staircase to the garage/games room building shall be constructed of natural gritstone to match the existing walling in terms of stone colour, size, texture, coursing and pointing.
9. The handrails to the external staircase to the garage/games room building shall be painted black at the time of installation and shall thereafter be permanently so maintained.
10. All pipework, other than rainwater goods, shall be completely internal within the building.
11. Any new rainwater goods shall be cast metal, painted black. The gutters shall be fixed directly to the stonework with brackets and without the use of fascia boards. There shall be no projecting or exposed rafters.
12. The rooflights shall be fitted flush with the roofslope.

#### Permitted Development Rights

13. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order) no alterations to the external appearance of either of the three buildings subject of this application shall be carried out other than those expressly authorised by this permission and no extensions, porches, ancillary buildings, gates, fences, walls or other means of boundary enclosure shall be erected on the site without the National Park Authority's prior written consent.

#### Key Issues

- Whether the proposed conversion of two buildings to self-catering accommodation would demonstrably harm the amenities of the local area.

#### Relevant Planning History

The following planning history is relevant to the grouping of farm buildings, which are the subject of the current application:

June 1998 – GDO Prior Notification Approval granted for Units 1 & 4. No conditions were attached requiring the buildings to be removed when no longer required for agricultural purposes. This approval also granted consent for the modern timber sheep shed on the other side of Clough Lane opposite the main complex of stone buildings.

March 2004 – GDO Prior Notification approval granted for the erection of a feed storage building (Unit 2). No conditions were attached requiring the buildings to be removed when no longer required for agricultural purposes.

December 2004 – Planning permission granted for the erection of a sheep building (Unit 3). Consent granted subject to a conditions requiring that the building to be used solely for agricultural purposes and to be removed when no longer required for agricultural purposes.

November 2007 – GDO Prior Notification Approval granted for the erection of an agricultural building (pig sty) attached to the western end of Unit 4. This was withdrawn as the applicant was advised that full planning permission would be required as the proposal was for a livestock building.

February 2008 – Full Planning Permission granted for the erection of an agricultural building (pig sty) attached to the western end of Unit 4. A condition was attached requiring that the building

shall not be used for any other purpose than a livestock building in accordance with the submitted details without the National Park Authority's prior written consent. This consent was not implemented.

March 2008 – GDO Notification Approval granted for a small agricultural building extension between Units 2&3. This consent was not implemented but amongst the conditions was condition 'g' which required that when the approved buildings hereby were no longer required for the purposes of agriculture they should be dismantled, removed from the site and the site shall be restored to its original condition.

This condition was imposed as whilst the buildings were to be of a traditional form and constructed of natural materials, GDO Notification Approval permitted to the use of the buildings solely for agricultural purposes. The officer's report stated that the applicant and agent may have been better advised to apply for full planning permission if they did not wish to be bound by this condition. However, it further stated that the opportunity existed for the applicant's to apply for planning permission to retain the building in any case should it no longer be required for the purposes of agriculture.

December 2013 – Full planning application submitted for the conversion of Units 1-4 to seven holiday units and a shop/café. This application was subsequently withdrawn following concerns raised about the scale of the proposed scheme, particularly with respect to highway issues and the principle of the proposed shop/café use, given its remote position well outside the village confines. Following discussions with the Authority's officers the applicant was advised to reduce the overall scale of the proposal and to omit the shop/café element.

May 2014 - Full planning application submitted for the change of use of three detached single-storey agricultural buildings in the courtyard to six units of holiday accommodation, and for the change of use of the remaining two-storey agricultural building in the courtyard to ancillary garaging for the farmhouse with a games room on the first floor. This application was withdrawn prior to determination by the Authority's Planning Committee in June 2014.

March 2015 - Planning permission refused by the Authority's Planning Committee for the change of use of two detached single-storey agricultural buildings in the courtyard to open market dwellings and the change of use of the two-storey agricultural building in the courtyard to ancillary garaging for the farmhouse with a games room on the first floor.

The following planning history relates to alterations and extensions to the existing house at Ivy House Farm:

August 1998 – Full Planning Consent granted for renovation of the farmhouse and conversion of a detached outbuilding to ancillary living accommodation.

December 2004 – Full Planning Consent granted for the erection of a rear two-storey extension to the farmhouse (implemented).

July 2005 – Full Planning Consent granted for the erection of a single-storey extension linking the farmhouse to the adjacent detached dependant relative annexe.

September 2008 – Full Planning Consent granted for the erection of a single-storey utility/laundry room extension between the annexe and Unit 1 (not implemented and now expired).

**Consultation:**

County Council (Highway) – The Highway Authority is concerned about the state of Clough Lane and the additional traffic using Clough Lane and the current proposals have the potential of generating additional traffic.



The Highway Authority goes on to say whilst this current application is only for 2 holiday lets, they are substantial in size (1 x 4 bed and 1 x 3 bed). Also, whilst the proposals will obviously be changing the use of these buildings, the farming traffic associated with this site/land will remain as the applicant leases out the surrounding land to a third party. Therefore, if this third party accesses the land via Clough Lane, then in theory the holiday traffic would be additional to the farm traffic not a replacement.

However, on an as-submitted basis, the Highway Authority would be able to support the current application subject to conditions and providing Clough Lane is improved by the applicant, including works to improve its surface and maintain it fit for purpose.

District Council – No reply to date.

Parish Council – No response to date on this application but the Parish Council have previously commented that an increase in traffic along Clough Lane is undesirable, particularly as more vehicles would pass the recreation ground to gain access to Ivy House Farm. The Parish Council have also pointed out previously that Uppertown Lane is marked as unsuitable for traffic, there are no footpaths and there is an increasing problem with off-road users which the applicant has complained about on several occasions.

### **Representations**

Five letters of objection have been received from nearby residents of this part of Birchover village, which raise a number of issues including:

- highway safety concerns, increase in use of a narrow lane that is unsuitable for motor vehicles, that has no passing places or traffic calming measures, and is the main access route for pedestrians, particularly young children, to the recreation ground;
- disturbance to properties from vehicles travelling up and down the lane late at night;
- increase in traffic will be a significant risk to elderly residents and young children.
- the traffic will also pass directly adjacent to a working farmyard adjacent to Clough Lane and the proposal would have a massive impact on that business and the quality of life to the family that own it in respect of privacy and disruption of extra traffic;
- original planning consents stated that the buildings would only be used for agricultural purposes. The new owners would have been aware of this stipulation when they purchased the property; and
- the highway is signposted unsuitable for vehicles, so altering the amount of traffic would contradict what the highway is designed for.

One resident also comments that 'each time planning is refused, another one goes in immediately with only slight alterations each time to the previous ones, hoping the Authority will eventually change their minds and give in to these plans'. Several letters also comment on the adverse impact of increased traffic movements along Uppertown Lane whilst the B5056 was closed from Birchover to Winster recently for maintenance.

## **Main Policies**

### National Planning Policy Framework ('the Framework')

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. Paragraph 17 of the NPPF sets out core planning principles including supporting sustainable economic development and high standards of design taking into account the roles and character of different areas, recognising the intrinsic character and beauty within the countryside and supporting thriving rural communities. The Framework is otherwise supportive of the re-use of existing buildings for leisure and tourism development.

The most relevant policies in the Development Plan (below) are consistent with national planning policies in the Framework because they promote the conversion of existing buildings in the Peak District where the proposed use of the building and associated development would be consistent with the conservation and enhancement of the National Park's scenic beauty, cultural heritage and wildlife interests, and would not harm the valued characteristics of the local area.

### Development Plan

The policies in the Authority's Core Strategy that are most relevant to the current application include policies: DS1, GSP1, GSP2, GSP3, Rt2, and L1. These policies are supported by saved Local Plan policies: LC3, LC4, LC8, LC24, LH1, LH4, LH6, LR6, LT11 and LT18. Of these policies, RT2, LR6 and LH6 are most directly relevant to the acceptability in principle of the proposals in the current application.

Firstly, RT2(A) says the change of use of a traditional building of historic or vernacular merit to serviced or self-catering holiday accommodation will be permitted, except where it would create unacceptable landscape impact in open countryside. The change of use of entire farmsteads to holiday accommodation will not be permitted. Policy LR6 says where self-catering accommodation is acceptable outside of named settlements, its use will be restricted to holiday accommodation.

Policy LH6 says the conversion of an outbuilding within the curtilages of an existing dwelling to ancillary residential use will be permitted provided that:

- (i) it would not harm the character of the building, the dwelling and the surrounding area; and
- (ii) it would not result in an over-intensive use of the property, an inadequate standard of accommodation or amenity space, or the need to replace outbuildings at a later date; and
- (iii) the site is large enough to meet the parking and access requirements of the proposed development; and
- (iv) the new accommodation provided would remain under the control of the occupier of the main dwelling.

## **Assessment**

### Conversion of farm building to garage and games room

This proposal concerns the former machinery store, which is a substantial stone-built two-storey building that runs parallel to Clough Lane and is to the immediate west of the existing house at Ivy House Farm. The submitted plans show that it is intended to use the ground floor of the building for the garaging of three domestic vehicles, and the first floor would become a games room. The physical works to achieve the proposed conversion comprise the installation of three

new rooflights in the courtyard-facing roofslope, minor alterations to the boarded doors in the large door openings facing the courtyard and an external stone staircase would be provided on the east facing gable (nearest the existing house) to provide access to the games room.

In design terms, the proposed conversion is acceptable as there would be only very minor changes to the external appearance of the building which has been constructed to a particularly high specification of design, and the external stair case would be typical of many rural outbuildings. Therefore, there are no concerns that the proposed conversion would have any significant visual impact on the character of the surrounding landscape also taking into account the building is situated within an existing courtyard that is contingent with the curtilage of the farm house. The proposed uses of the building would not intensify the use of the property given that the garaging and games room is intended for the use of the occupants of the existing house, and the proposed conversion would not in itself generate additional vehicular movements to and from the property.

It is therefore considered that this proposal accords with the provisions of policy LH6 and the wider range of design and conservation policies in the Framework and the Development Plan, including policies GSP1, GSP2, GSP3, L1 and LC4, subject to conditions securing minor design detail and a condition that the converted building would remain under the control of the occupier of the main dwelling at Ivy House Farm.

#### Conversion of 2 farm buildings to 2 self-catering holiday units

These proposals relate to the former feed store and sheep amenity building that are located at the western end of the courtyard at Ivy House Farm. These buildings, like the former machinery store, have been constructed to a high standard, with coursed natural gritstone walling under Staffordshire Blue natural plain clay tile roofs. The buildings are provided with dressed coped gables and quoinwork to the external corners and have large arched openings with dressed natural gritstone segmented arch details and dressed quoinwork surrounds. All pedestrian door and window openings are provided with dressed lintels and sills and dressed quoinwork surrounds.

Therefore, the buildings closely follow the local building tradition in terms of their size, form and detailing and have the character and appearance of stone-built farm buildings found within the National Park that often contribute positively to its landscape character. In these respects, the subject buildings are suitable candidates for conversion to holiday accommodation within the provisions of Core Strategy Policy RT2. In these respects, if permission were to be granted for the self-catering accommodation, a holiday occupancy restriction should be imposed on any permission in accordance with the requirements of saved Local Plan policy LR6.

In this case, the current application proposes the conversion of the food store to a four-bedroom holiday unit (with an internal floor area of c.160m<sup>2</sup>) and the sheep amenity building to a three-bedroom holiday unit (with an internal floor area of c.97m<sup>2</sup>). The works required to convert the food store comprise the installation of a single rooflight in its north-facing roofslope to light a mezzanine bedroom and one boarded full-length arched opening and all the pedestrian door openings would be replaced with full-length glazing. All boarded openings on the east and west facing elevations of the sheep amenity building would be provided with full-length glazing with boarded timber shutters used on the west facing elevation that overlooks open countryside.

In design terms, there are no objections to the proposed changes to the external appearance of the buildings because it is considered that the conversions would be sensitive to the character and appearance of the original buildings. Equally, in landscape terms, the proposed conversions would have a negligible visual impact on their landscape setting, and the proposed parking spaces for the new dwellings would otherwise be sited discreetly adjacent to Clough Lane amongst the existing group of buildings. There are no other concerns that the proposals would adversely impact on any protected species, or any heritage asset.

Providing the south facing arched opening remains boarded in the former sheep amenity building (as shown on the submitted plans), there are no concerns that the two new units would impinge on each other's privacy, and the two holiday units could sit side by side without being unneighbourly. The two buildings are sited far enough away from the existing house to avoid the proposed conversions having any substantial impact on the residential amenities of the existing house at Ivy House Farm. There are no other neighbouring properties that would be directly affected by the proposed conversions other than it is acknowledged there are local concerns that additional vehicular movements would have a harmful impact on the amenities of the local area.

However, providing works are carried out to improve a section of Clough Lane, the Highway Authority has no objections to the current proposals, and officers also consider that access and parking provisions for the two new dwellings would be appropriate. In this case, officers do not consider that the extra vehicular movements along Clough Lane, Uppertown Lane and Main Street that would be generated by the two new holiday units would give rise to such substantial adverse impacts or cause such highway safety concerns that refusal of planning permission could be justified on these grounds.

It is therefore considered that the proposals accord with the wide range of design and conservation policies in the Development plan and the Framework that require high standards of design and are permissive of development that would not detract from the valued characteristics of the local area and would be sensitive to its landscape setting within the National Park. Consequently, it is considered that the impact of the development on the amenities of the local area would not be so substantial to warrant refusal of the current proposals, which are otherwise acceptable in principle, despite the buildings being relatively recently built and were granted permission on the basis that they were required for agriculture.

It is considered that whilst it is highly unlikely that these buildings will be brought back into use for agriculture, any condition requiring their demolition would be difficult to enforce. This is because demolition of a substantial stone built building that has actually been granted planning permission would be an overly onerous requirement even though the justification for the original approval may now seem particularly weak with the benefit of hindsight. It is therefore appropriate for the Authority to consider approving a new use for the buildings at Ivy House Farm that accords with Development Plan policies rather than insist that they are demolished or retained for agriculture.

It is also relevant to the planning merits of the current application that the Highway Authority is concerned about the state of Clough Lane and has recommended conditions securing improvements to Clough Lane if this application were to be improved. The applicant has previously expressed a willingness to carry out these works that would address any residual concerns that the existing vehicular access is unsuitable or unsafe and these works would provide an enhancement to the amenities of the local area, improving Clough Lane for the benefit of other highway users as well as facilitate the change of use of the buildings proposed in this application.

### **Conclusion**

It is therefore concluded that the benefits of granting planning permission for the current application outweigh the likely adverse impacts of doing, so subject to appropriate planning conditions. As such, it is considered the current proposals constitute a sustainable form of development that are consistent with planning policies in the Development Plan and the Framework when taken as a whole. Accordingly, the current application is recommended for conditional approval.

In this case, a holiday occupancy restriction should be imposed on the proposed holiday units as required by LR6 also taking into account it has been demonstrated in the determination of the previous application at Ivy House Farm for conversion of these buildings that this Authority does not consider conversion of the two buildings to permanent dwellings would comply with housing policies in the Development Plan or national planning policies in the Framework.

A condition securing the improvement works to Clough Lane proposed by the highways authority would also be reasonable and necessary to ensure the benefits associated with approving this application would be achieved and to make the proposed development acceptable in planning terms. It would also be reasonable and necessary to restrict the use of the converted workshop building to uses ancillary to the existing house in accordance with the provisions of LH6 and to retain control over any further intensification of the use of this building in the interest of safeguarding the amenities of the local area.

Conditions imposing the statutory time limit for commencement of the proposed development and compliance with the submitted would be reasonable and necessary in the interests of the proper planning of the local area. Conditions addressing design details, architectural specifications and foul water drainage would also be reasonable and necessary in the interests of the character and appearance of the completed development and minimising the impact of the development on its landscape setting.

Finally, it is considered that exceptional circumstances exist in this case that justify removing permitted development rights for external alterations, including extensions, from the three converted buildings. In particular, these buildings have been built to a high standard of design and occupy a prominent position in the landscape adjacent to a public right of way.

Therefore, it would be a reasonable and necessary for the Authority to seek to manage any future changes to these buildings and their immediate settings by removing certain permitted development rights. It would also be important to ensure that future changes to the either of the two new holiday units are carefully considered in neighbourliness terms because of their close proximity to each other and the proximity of these units in relation to the farmhouse and associated curtilage.

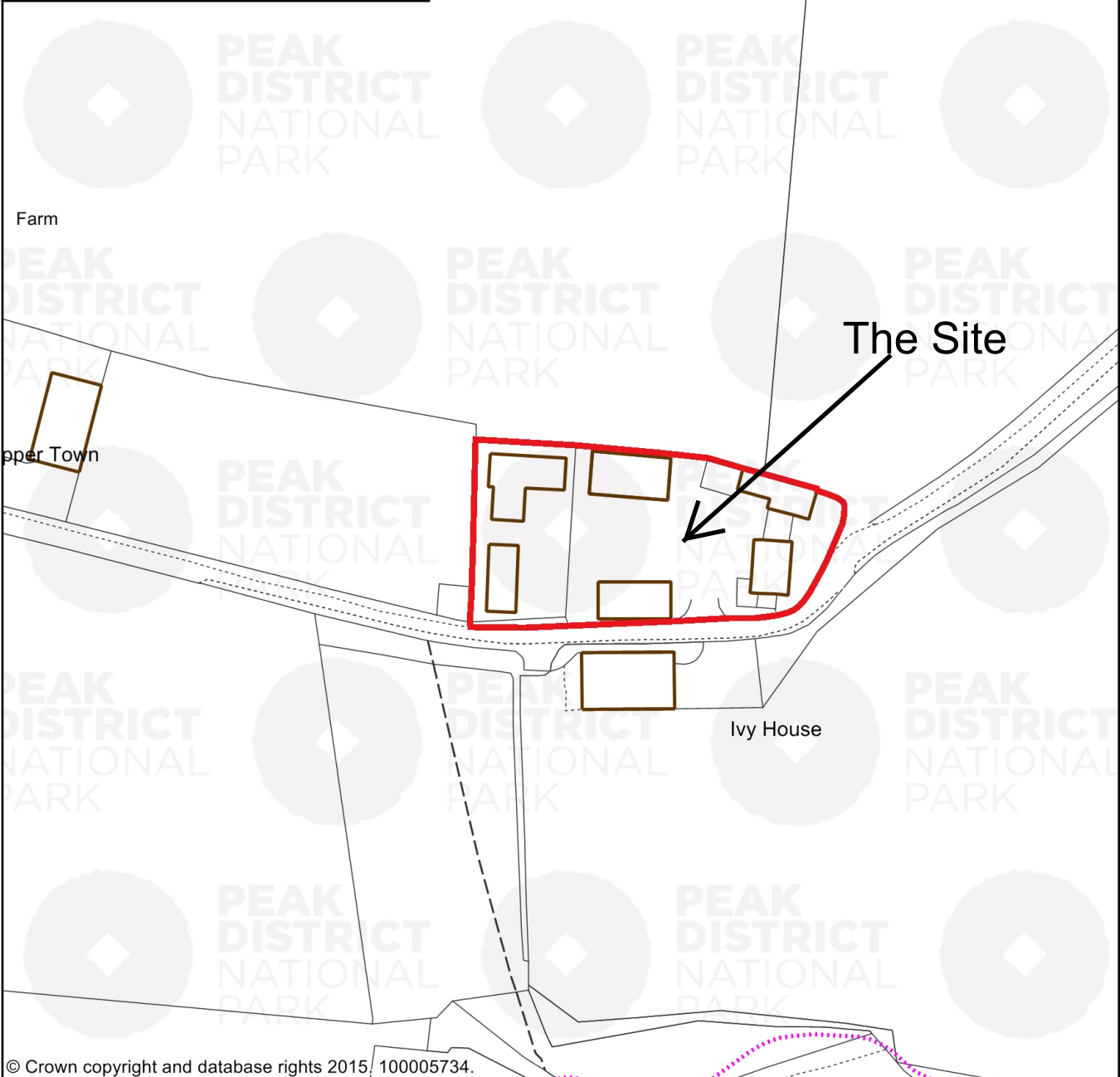
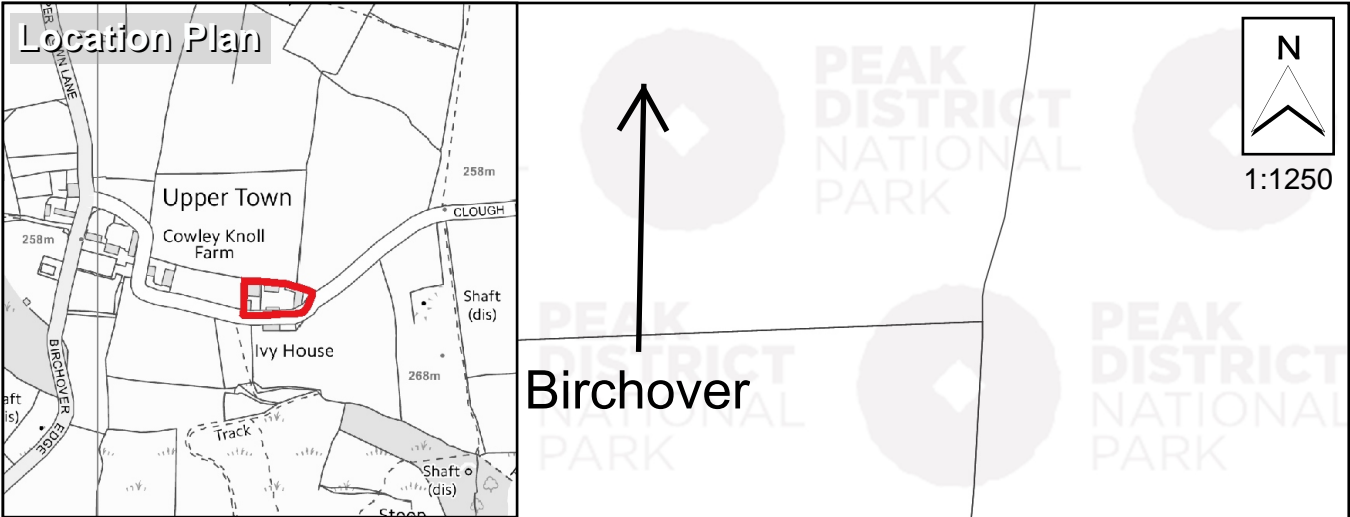
### **Human Rights**

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: | 15/05/2015       | <b>Title:</b> Ivy House Farm, Birchover |  <b>PEAK DISTRICT NATIONAL PARK</b> |
| Item Number:    | 14               |   |  |
| Application No: | NP/DDD/0315/0244 |   |  |
| Grid Reference: | 424217, 361642   |   |  |

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**15. FULL APPLICATION: CHANGE OF USE OF 'CROFT' TO DOMESTIC CURTILAGE, ERECTION OF GRITSTONE CLAD RETAINING WALL AND ASSOCIATED GROUND WORKS AT THE FORMER GOLDCREST ENGINEERING SITE, MAIN ROAD, STANTON IN PEAK (NP/DDD/0215/0074 P.2530 424040/364384 01/02/2015/CF)**

**APPLICANT: PETER HUNT**

**Site and Surroundings**

The current application concerns the site of the former Goldcrest Engineering Works, which closed around 2007. The site is located on the north western edge of Stanton in the Peak and lies on sloping land behind the houses which run alongside the main street through the village. The site is accessed from by a narrow lane fro the main road through the centre of the village, which is shared with three residential properties, and is set back from the road by approximately 40m northwards from the road. The site lies within the designated Stanton in the Peak Conservation Area, and is designated as an Important Open Space within the Conservation Area.

In 2009, planning permission was granted for the re-development of the site, which then comprised the former works building and a grassed area to the north of the building bounded by gritstone walls. Permission was granted for demolition of the pre-existing industrial building and the erection of a three bedroom dwelling. The 2009 permission was renewed in 2012 subject to amendments to include a fourth bedroom that was achieved by altering the internal layout of the approved house. The house is now nearing completion and whilst it is constructed primarily from local building materials, it has several contemporary design features so the new house is quite different in character and appearance to many other properties in the village that are more in keeping with the local vernacular.

However, it is particularly relevant to the current application that the permission granted in 1999, and the subsequent permission granted in 2012 sought to retain the grassed area to the north of the former engineering works as agricultural land. This area shown as 'The Croft' on the approved plans for the new dwelling is subject to planning conditions that seek to prevent The Croft being used as a garden for the new house. The approved curtilage for the new house includes a small area of garden immediately adjacent to the eastern side of the property.

**Proposal**

The current application seeks planning permission for the change of use of The Croft to domestic curtilage and retrospective planning permission for the erection of a retaining wall and associated engineering works carried out in The Croft. It should be noted that this application supersedes the original submission of an application that sought retrospective planning permission solely for the retention of the retaining wall.

In this case, the retaining wall has been constructed 5m away from the eastern boundary of The Croft and runs parallel to the original eastern boundary of this parcel of land for almost its full length. The wall stops short of the northern boundary of the parcel by around 3.6m, leaving space to access the remainder of The Croft. The wall also reduces in height from 2m to 0.5m to deal with the changing levels of the associated engineering works that have created a relatively flat platform close to the house before the levels are ramped down as the wall gets closer towards the northern boundary of The Croft.

The retaining wall has been laid with randomly coursed gritstone so it now has the appearance of a drystone wall. The submitted plans show that it is intended to install estate-style fencing along the length of the wall. The railings would be cast iron and painted black. Information in the covering letter submitted with the application states that during the construction process, it became evident that the graded solution for The Croft (as approved) would not be practical in reality due to stability issues and that a more robust engineering solution was required instead.

The covering letter also states that a fence would be needed above the height of the existing wall because of the relative low height of the wall on one side and the height of the wall above the remainder of The Croft.

### **RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions:**

- 1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plans, Drawing No. P10 Revision A, subject to the following conditions or modifications:**
- 2. Prior to the extended curtilage hereby permitted being taken into a domestic use, a detailed scheme for landscaping (including tree and shrub planting and seeding and/or turfing) shall be submitted to and approved in writing by the National Park Authority. Once approved, the planting or seeding shall be carried out to the reasonable satisfaction of the Authority within the first planting seasons following the land being taken into a domestic use. Any trees dying, being severely damaged or becoming seriously diseased shall be replaced within the next planting season with trees of an equivalent size and species or in accordance with an alternative scheme agreed in writing by the Authority before any trees are removed.**
- 3. The estate railings shall be cast metal, and painted black at the time of their installation. Thereafter, the railings shall be permanently so maintained.**
- 4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order) no buildings or enclosures, swimming or other pools required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or any containers used for domestic heating purposes for the storage of oil or liquid petroleum gas shall be erected on the site without the National Park Authority's prior written consent.**

### **Key Issues**

- The effects of the change of use of The Croft to residential curtilage and the retention of the retaining wall and associated engineering works on the setting of the designated Conservation Area and the character and appearance of the surrounding landscape; and
- Design and amenity.

### **History**

The following planning history is the most relevant to the current application following the closure of the former Goldcrest Engineering Works in 2007.

- |      |   |
|------|---|
| 2009 | Planning permission granted for demolition of former engineering works and erection of a 3 bedroom house of a contemporary design (NP/DDD/1208/1109).                   |
| 2011 | Approval of non-material amendments to NP/DDD/1208/1109 to alter cladding from copper to lead, relocation of garage and retention of boundary walls (NP/NMA/0411/0294). |
| 2012 | Renewal of 2009 planning permission granted conditionally (NP/DDD/0112/0075).   |

- 2012 Approval of non-material amendments to NP/DDD/0112/0075 to vary window design, add two additional windows, change the cladding materials from lead (as approved by NP/NMA/0411/0294) to zinc, alteration to the garage roof, and add a fourth bedroom (NP/NMA/0912/0890)
- 2013 Approval of non-material amendments to NP/DDD/0112/0075 to alter windows and relocate door in east elevation (NP/NMA/0513/0428).
- 2015 Approval of non-material amendments to NP/DDD/0112/0075 comprising the addition of copper cladding to the south elevation; an additional cladding panel to the west of the main entrance; the addition of a solid front door with a small glazed inset panel; and the change of colour of the window and door frames on the north elevation from the agreed Anthracite Grey to RAL8000 (NP/NMA/1015/0069).
- 2015 Conditions 1, 2, 4 and 5, and conditions 8-13 attached to the 2012 renewal permission discharged (NP/DIS/0115/0070).

### **Consultations**

County Council (Highway Authority) - No objections to the original submission

District Council – No response to date

Parish Council - Stanton in Peak Parish Council objected to the original submission as it could not see any reason why the originally approved plan could not be achieved using a similar "robust engineering solution" (retaining wall) at the originally agreed wall (east to west) forming the border between the residential curtilage and the agricultural Croft. The Parish Council also objects to the encroachment on the agricultural field and considers this will create a dangerous precedent for all other properties bordering agricultural land if allowed to continue. The original bordering wall has now been completely removed from the new application plans so no longer divides the residential from the agricultural side.

The Parish Council went on to say the new retaining wall would need a fence (running directly out from the residential curtilage into the agricultural Croft) to make safe the newly created drop, this and the fact that applicant has also laid paving from the garden into the croft and erected a summerhouse (since removed) meant the Parish Council had good reasons to believe that the only reason for building this new retaining wall in this position would be to extend the garden and increase the value of the development.

In these respects, The Parish Council noted that the area of the agricultural croft has, throughout the whole of the planning process, been repeatedly stated only to be used for agricultural purposes as it would "undermine the enhancements achieved by demolition" of the original building, as stated in all the Delegated Item Reports and Planning Consents from the very start. Even when the number of bedrooms were increased from three to four the Delegated Item Report stated the area "would not need to be taken into use as domestic curtilage to provide sufficient amenities for a larger house".

The Parish Council concluded their comments on the original submission by saying the policy considerations quoted by the applicant in the covering letter submitted with this application would be better served by sticking to the original graded plan for the agricultural land than the new proposed retaining wall (even if clad in gritstone).

In response to consultation on the revised application, the Parish Council continues to object to saying that the original application (for redevelopment of the site) and others up to now have insisted that the frontage and garden of the original plans were as required for a property of this size and therefore consider allowing an agricultural field to change use to expand the garden for the new house is not justifiable.

In addition, the Parish Council object to this development cutting into the "important open space" classed area of the Stanton in Peak Conservation Area, citing the Conservation Area Appraisal where it says: *"Looking north from the village, extensive open views add much to the attractiveness of Stanton and should be safeguarded for the future"*. The Parish Council conclude that the agricultural land should not be classed as domestic to safeguard it from future development.

### **Representations**

At the time of writing, one letter of objection had been registered by the Authority against the original submission. This letter from the owner/occupier of a neighbouring property pointed out that planning permission for the site was granted on the basis that the croft area followed the contours of the adjacent field and this application would fundamentally change the natural landscaping of the croft in relation to the surrounding area. The letter went on to say that with the deep excavation works bordering (and immediately above) the author's garden over the last two years, the land has appeared to be stable throughout.

Therefore, the author of this letter considered the only reason for the retaining wall and fence, in their proposed position, appears to be to flatten the top area for paving and now that the Authority have required the paving to be removed (as it breached the original planning permission), there is no reason not to return to the original planned landscaping which distinctly separates the croft from the domestic garden.

### **Main Policies**

Relevant Core Strategy policies include: GSP1, GSP2, GSP3, L1 & L3

Relevant Local Plan policies include: LC4, LC5 & LH4

There are no policies in the Development Plan that provide specific criteria to assess proposals to extend the garden of an existing dwelling house. The Local Plan says that this type of development should be assessed with reference to the Authority's design and conservation policies but this assessment should also be made taking into account relevant policies in the National Planning Policy Framework ('the Framework'). In this case, the key issues in the determination of the current application include design and amenity considerations and the effects of the proposed change of use of The Croft and the retention of the retaining wall and associated engineering works on the setting of the designated Conservation Area and the character and appearance of the surrounding landscape.

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 Policy GSP3 and saved Local Plan policy LC4, which set out a range of criteria to assess the suitability of all new development within the National Park.

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 that would affect the setting of a Conservation Area, which are set out in policy L3 of the Core Strategy and saved Local Plan policy LC5.

## **Assessment**

Condition 6 attached to the permission for the new dwelling on the site of the former Goldcrest Engineering Works says the area within the red-edged application site, as shown on the submitted site plans, and labelled 'CROFT' on the approved drawings shall not be taken into use as domestic curtilage and the croft shall not be used for any purpose, other than for agriculture, at any time during the lifetime of the development hereby permitted. Any permission for the current application would override this condition, which was imposed to minimise the impact of the development on the surroundings and to safeguard the landscape character of the area.

In the associated officer report written in 2012, it was said that the use of the enclosed croft, as shown on the approved plans, would need to be restricted by condition to prevent it being taken into use as residential curtilage. The use of this area for domestic curtilage and the presence of domestic paraphernalia would undermine the enhancements achieved by demolition of the existing building alongside giving rise to potential neighbourliness issues.

In terms of neighbourliness issues, it is considered the only property that would be now directly affected by the proposed change of use of The Croft would be a dwelling known as Croft View, to the immediate west of the new house. The southern boundary of The Croft overlaps the garden at Croft View, which gives rise to the potential for overlooking from The Croft into the garden at Croft View and a potential loss of privacy. However, the garden at Croft View is a generous size and The Croft is a minimum of 20 metres from the house itself at the nearest point between the boundary of The Croft and the house at Croft View.

It is therefore considered that the proposed change of use would not have a significant impact on the living conditions of the owner/occupants of Croft View other than the end of the garden furthest from the house would feel less of a private space than it does now. It is considered this issue can be resolved by the provision of additional planting along the southern boundary of The Croft to safeguard the privacy and amenities currently enjoyed by the owner/occupants of Croft View. This type of boundary treatment would otherwise address any residual concerns that the amenities of the nearby West View and Laburnum Cottage to the south of the application site would be affected by the proposals. By virtue of the orientation of The Croft, the nature of the proposed use, and the distance between The Croft and other nearby house, there is no likelihood that the proposals would have any significant impact on any other property within the local area.

In terms of the potential visual impact of the proposed development, the surrounding landscape is characterised in the Authority's Landscape Strategy and Action Plan as a small-scale settled agricultural landscape characterised by limestone villages, set within a repeating pattern of narrow strip fields bounded by drystone walls within the Limestone Village Farmlands. In these respects, the proposals would not impact on the existing field boundaries around The Croft, which would prevent the proposals having a significant impact on the character of the surrounding landscape.

The Croft is a relatively small field parcel and reads as the edge of the settlement when viewed from public vantage points. The retaining wall and associated engineering work including the alterations to the levels in The Croft and the provision of a ramp do not otherwise have a significant visual impact on the surrounding landscape and cannot be readily picked out from distant vantage points looking towards the village. Therefore, it is highly unlikely that changing the use of The Croft would be seen as a visually intrusive development in the wider landscape providing permitted development rights are removed for development within the extended residential curtilage.

Furthermore, The Croft lies within a designated Important Open Space within the surrounding Conservation Area albeit neither the inset map that shows the designation nor the map attached to the Conservation Area Appraisal show the boundary walls around The Croft or that The Croft is an enclosed field parcel within the area designated as Important Open Space. It is clear from

the planning history of the site that the enclosed field parcel now known as The Croft was not created recently and it is not considered that taking this field parcel into a domestic use would significantly undermine the special qualities of the much larger extent of open fields beyond The Croft. The fact that the Croft appears to be the only enclosed small field parcel in this area of Important Open Space means it is highly unlikely approval of this applicant would create a precedent that could be easily followed by others.

It is also considered that the domestic use of The Croft would have no substantial impact on the extensive open views looking north from the village, which add much to the attractiveness of Stanton. This is because existing developments including the new house on the site of the former industrial building already block views of the countryside to the north of the village from public vantage points within the Conservation Area, such as Main Road, for example. In these respects, from within the Conservation Area, the application site The Croft is most readily seen from School Lane around 80m to the east of the site.

Subject to the removal of permitted development rights for development within the extended residential curtilage, it is not considered that the proposed development would have a significant impact on the appreciation of the Conservation Area from this vantage point. It is otherwise acknowledged in the submitted application that the presence of domestic paraphernalia such as large outbuildings within The Croft could undermine the enhancements achieved by demolition of the former industrial building. Therefore, it is considered that exceptional circumstances exist that warrant removing permitted development rights also taking into account the Parish Council would strongly oppose further development of this site alongside objecting to the current application in the first instance.

However, the retaining wall and associated engineering works are not especially conspicuous from this viewpoint, and it is not considered that the estate railing would be visually intrusive or significantly increase the visual impact of the development on the surrounding Conservation Area.

In terms of the design, the retaining wall, estate fencing and associated works do not give rise to overriding concerns because the retaining wall does have the appearance of a typical drystone wall, and estate railings are a reasonably common feature within the local area. Although it is acknowledged these features and the associated engineering works would not necessarily be justified in terms of whether such substantial works were required to maintain the integrity of the pre-existing boundary wall, in design terms, they harmonise with their surroundings and would facilitate the use of The Croft as a garden. In summary, this means these works can be approved if the change of use of the land is also accepted because these works may not otherwise be acceptable if The Croft were to be retained as an agricultural field.

However, officers cannot see any likelihood of The Croft being used for agricultural purposes in the future and there is no evidence to suggest that The Croft was used extensively for agriculture in the recent past. There does not appear to be any particular reason why it would be important to retain The Croft in agricultural use, or why The Croft would be particularly valuable to any person farming the adjacent fields. Taking The Croft into a domestic use would not otherwise compromise the use of the surrounding fields for agriculture.

## **Conclusion**

It is therefore concluded that Condition 6 attached to the permission for the new dwelling on the site of the former Goldcrest Engineering Works, which requires The Croft to be retained as agricultural land, does not serve a proper planning purpose. It is also concluded that The Croft could be used as extended residential curtilage for the new dwelling without having any significant impact on the surrounding Conservation Area or its wider landscape provided permitted development rights are removed for householder development within the extended curtilage, as proposed.

The proposed use of the land would not be unneighbourly subject to additional landscaping, which should be secured by a planning condition, and there are no overriding objections to the retention of the retaining wall and associated engineering works on design grounds, or in terms of their visual impact. The railings that would be added to the wall are also considered to be acceptable subject to a condition requiring the railings to be cast metal and painted black. Consequently, it is considered the current application meets the requirements of the relevant design and conservation policies in the Development Plan and national planning policies in the Framework subject to appropriate planning conditions.

Accordingly, the current application is recommended for conditional approval.

### **Human Rights**

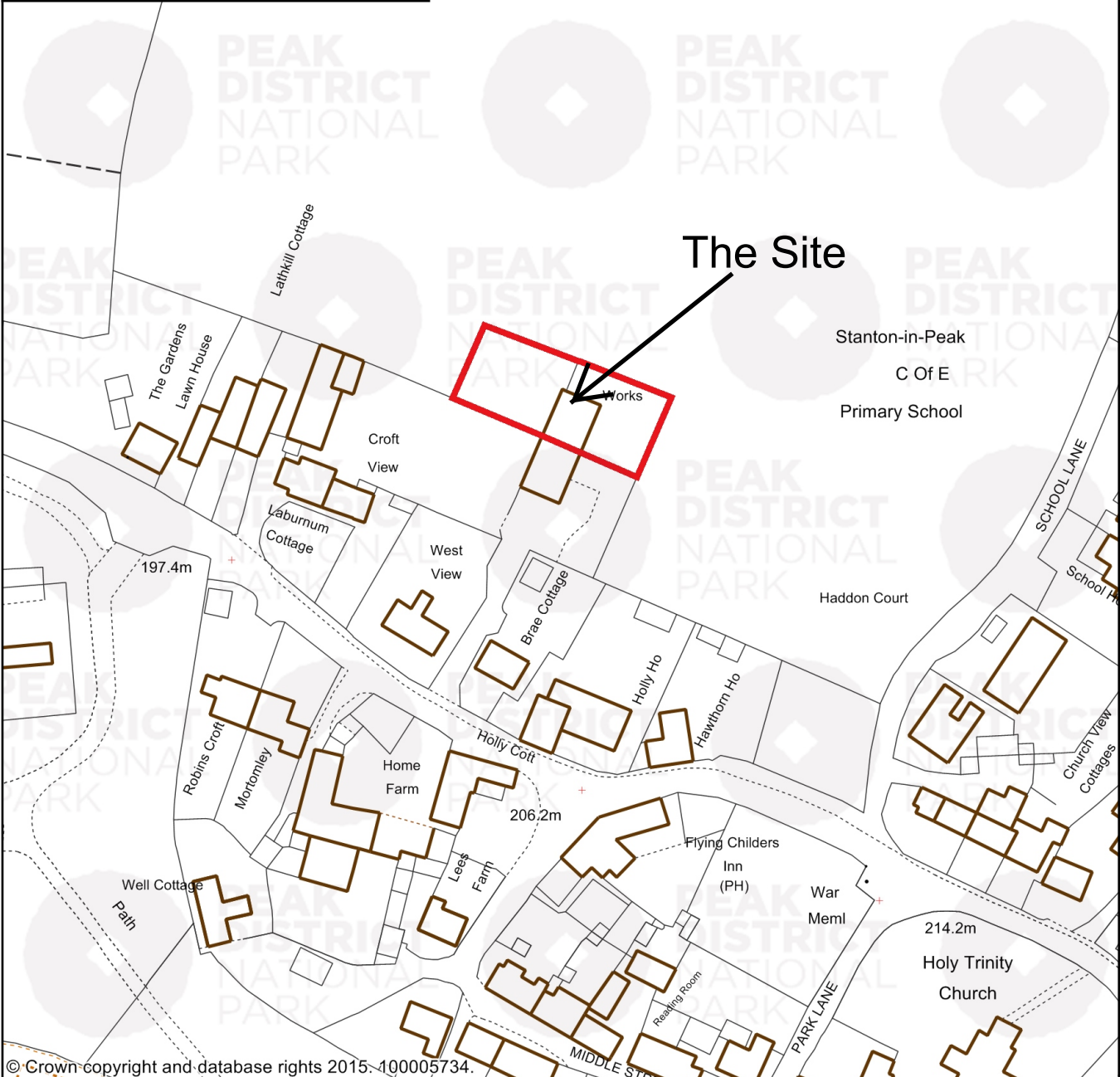
Any human rights issues have been considered and addressed in the preparation of this report.

### **List of Background Papers** (not previously published)


Nil

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| <p>Committee Date: 15/05/2015<br/>         Item Number: 15<br/>         Application No: NP/DDD/0215/0074<br/>         Grid Reference: 424040, 364384</p> | <p><b>Title:</b> Former Goldcrest Engineering, Stanton in Peak</p> |  <p><b>PEAK DISTRICT NATIONAL PARK</b></p> |
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**16. ANNUAL REPORT ON PLANNING APPEALS 2014/15 (A.1536/AM/JRS/KH)****Purpose of Report**

This report summarises the work carried out on planning appeals from 1 April 2014 to 31 March 2015.

**Information on Appeals Process**

In this period 45 new appeals were received, of which 8 were still in hand as of the 1 April. During the year 35 appeals were decided and 2 were withdrawn.

Of the total 45 new appeals:

- 4 were to follow the informal hearing procedure (one of which was withdrawn) (9%)
- 33 were to follow the written representation process (73%)
- 4 were to follow the householder appeals procedure (9%)
- 4 were to follow the enforcement appeal process (one of which was withdrawn) (9%)

**Outcome of Appeals**

The chart below shows the outcome of appeals over the last five years. The percentage of appeals allowed in the year 2014/15, at 43% is higher than the previous 5 years, although the context for this is analysed in more detail below as the basic figures do not necessarily reflect the full position.

|                  | <b>2014/15</b>          | 2013/14   | 2012/13   | 2011/12   | 2010/11   | 2009/10   |
|------------------|-------------------------|-----------|-----------|-----------|-----------|-----------|
| <b>DECISIONS</b> | <b>35</b>               | 33        | 38        | 38        | 51        | 67        |
| Allowed          | <b>15</b><br><b>43%</b> | 11<br>33% | 10<br>26% | 15<br>39% | 15<br>29% | 15<br>22% |
| Dismissed        | <b>20</b><br><b>57%</b> | 22<br>67% | 28<br>74% | 23<br>61% | 35<br>69% | 52<br>78% |

The national average for appeals allowed (according to the figures from the Planning Inspectorate) for 2014/15 was 41% for householder appeals and 45% for all other appeals excluding householder.

Of the 15 appeals allowed during this period, 12 (80%) were dealt with by written representations, 2 (13%) by the householder appeals procedure and 1 by Informal Hearing (7%).

**Enforcement**

During the period 4 enforcement appeals were handled, of these 1 was withdrawn, 1 was dismissed and 2 are awaiting determination.

**Householder Appeals**

In the year to 31 March 2015, 4 householder appeals were submitted. Of these 1 was dismissed, 2 were allowed and 1 is awaiting determination.

## List of Appeals Allowed

Each appeal decision, whether allowed or dismissed, has been reported to Committee during the year. The following is a list of all the appeals which were allowed or partially allowed during 2014/2015. Those marked with an # were refused contrary to the officer recommendation.

| Appellant name & site                         | Development subject to appeal  | Mode of appeal   | Decision date | Delegated/ committee   | Main issue  |
|---|--|------------------|---------------|--|---|
| Hanson Grange, Ashbourne                      | Agricultural building to house cattle and feed   | Written Reps     | 30/04/14      | Delegated  | Impact on the visual and landscape character of the locality                            |
| White House Farm, Wardlow                     | Change of use of agricultural building to storage area for mobile toilets and storage tank for the storage of waste from the toilets | Written Reps     | 06/05/14      | Committee #  | Impact on the living conditions of nearby residents                                     |
| Moorlands Lane, Froggatt                      | Demolition of industrial shed unit and erection of a private dwelling house  | Written Reps     | 08/05/14      | Committee #  | Impact on the character and setting of the CA and living conditions of nearby residents |
| The Old Coach House, Tissington               | Installation of 22 solar panels on rear elevation  | Written Reps     | 08/05/14      | Committee  | Impact on CA/LB   |
| Media House, Deepdale Business Park, Bakewell | Removal of a Condition on the Planning Permission given for Phase 1 Office Block   | Informal Hearing | 21/05/14      | Delegated  | Impact on character of the area and interests of nearby residents                       |
| Riverside Business Park, Bakewell             | Free standing sign to signpost   | Written Reps     | 06/06/14      | Delegated  | Impact on the character and appearance of the area and public safety                    |
| Ivy Cottage, Wensley Cottage, Winster         | Conversion of garage/workshop into holiday accommodation without complying with conditions attached to planning permission           | Written Reps     | 18/06/14      | Delegated<br>(Note: This appeal has been listed as allowed, but it was dismissed on the key issue contested by the Authority and was only allowed in respect of an uncontested | Whether the conditions were reasonable and necessary and regard to Policy and Guidance  |

|                                   |   |                          |          | matter)     |  |
|-----------------------------------|---|--------------------------|----------|-------------|--|
| Vicarage Farm, Wheston, Tideswell | Alterations to and change of use of stable building to disabled person holiday accommodations                         | Written Reps             | 01/07/14 | Delegated   | Impact on character of area and Policy                               |
| Reading Room, Peak Forest         | Single storey extension to provide new entrance and accessible toilets  | Written Reps             | 23/07/14 | Delegated   | Impact on CA/LB  |
| Rowan Close, Peak Forest          | Extension to existing shed/garage   | Householder Appeal (HAS) | 18/08/14 | Committee   | Impact on CA/LB  |
| Toll Bar Cottage, Owlter Bar      | Creation of a Manege  | Written Reps             | 24/09/14 | Delegated   | Impact on the character and appearance of the area                   |
| Stone Breck Workshop, Longnor     | Conversion of workshop to residential use ancillary to the existing house, and rebuild of garage and lean to workshop | Written Reps             | 02/12/14 | Delegated   | Impact on character and appearance on the CA                         |
| Braemar Farm, Earl Sterndale      | Construction of a roof over an existing silage clamp  | Written Reps             | 17/12/14 | Delegated   | Impact on the character and appearance of the area                   |
| The Nook, King Street, Bakewell   | Removal of an existing window and replacement by a breakfast bar  | Written Reps             | 15/01/15 | Committee   | Impact on LB   |
| Ibbotsons Croft, Hathersage       | Single storey extension and porch   | Householder Appeal (HAS) | 28/03/15 | Committee # | Impact of proposal on character and appearance on terrace row and CA |

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## Delegation / Planning Committee

Total number of planning applications decided between 1 April 2014 and 31 March 2015 was 1143 of which 836 (73.1%) were determined under delegated powers.

Of the 35 appeals decided:

- 27 (77%) related to applications determined under delegated powers. Of these 17 were dismissed and 10 were allowed
- 8 (23%) appeals were determined by Planning Committee. Of these 3 were dismissed and 5 were allowed

Of the total 45 appeals received in this period:

- 11 (24%) were determined at Planning Committee
- 29 (64%) were decided under delegated powers
- 3 (7%) were against an enforcement notice
- 2 (5%) were withdrawn.

## Costs

The Planning Inspectorate awarded one partial application of costs in favour of the Appellant. This was at Braemar Farm, Earl Sterndale, and was awarded against the Authority whom by its actions had directly caused the Appellant to incur unnecessary extra expense in having to dispute one element of the appeal.

## Comment

The percentage of appeals allowed against the Authority's decisions in 2014/15 is higher than last year, at 43% rather than 33%. However, this includes the appeal at Winster which was actually dismissed in respect of the main issue (the Authority did not object to a minor part of the proposal, so the Inspector allowed this whilst dismissing the key issue). Had this been categorised as a dismissed appeal, the figures would have been better at 60% dismissed, 40% allowed. The total number of appeals has dropped, particularly from the very high level of 2009/10, so the absolute number of appeal allows is similar to last year. This also means that single decisions can have a more significant impact on the overall performance figures. Whilst any increase in the percentage of appeals allowed may be a cause for concern, the analysis of each case shows that there are no underlying policy concerns. Those appeals which have been allowed have been cases where a site specific judgment by the Inspector has been different from that of the Authority. There have been no appeals allowed which were fundamentally contrary to policy or which raise wider policy issues. This is welcome and shows that the Authority's decisions and its policies are generally being supported by the Planning Inspectorate. It is particularly worth noting that the Planning Inspectorate has supported the Authority's position on all appeal decisions which raise housing policy issues. This includes five appeals where the proposal was to remove holiday occupancy conditions to allow unrestricted open market residential use and where no physical changes were proposed.

Members will be aware of any issues raised by specific appeal decisions (both allowed and dismissed) as the Director of Planning now sends all members a short analysis of each decision, together with the decision letter itself, when an appeal is determined. Three appeals were allowed in cases where Members overturned the officer recommendation of refusal, but in one of these (White House Farm, Wardlow) the permission was only granted for a further one year trial period. In each of these three cases the decision was a balanced judgement based on planning considerations.

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There has been a decrease in the number of enforcement appeals this year: 2 are currently being handled, 1 was withdrawn and 1 was dismissed.

At the Authority there has been a decline in the number of appeals heard at public inquiries and informal hearings, with an increase in those dealt with by written representations. Nationally the figures for public inquiries, hearings and written representations have plateaued, with public inquiries accounting for 3% of all appeals in 2014/15, whilst hearings accounted for 5% in 2014/15 and written representations accounted for 93% in 2014/15.

The householder appeal service continues to be a success, allowing a more expedient process and the opportunity for officers to use the delegated report as the essential evidence to defend the appeal. To date no problems have occurred with the processing of appeals electronically. However, it is important to note that the Planning Inspectorate is currently advising that there are delays of up to 10 weeks in registering planning appeals.

### **Human Rights**

The appeals procedure is consistent with human rights legislation.

### **RECOMMENDATION:**

**That the report be noted.**

**Background Papers** (not previously published):

Appeal statistics

**Appendices** – None

### **Report Author, Job Title and Publication Date**

Andrea McCaskie, Head of Law, John Scott, Director of Planning & Karen Harrison, Democratic & Legal Support Assistant

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**18. PLANNING APPEALS (A.1536/AMC)**

1. **APPEALS LODGED**

The following appeals have been lodged during this month.

| <b><u>Reference</u></b>     | <b><u>Details</u></b>   | <b><u>Method of Appeal</u></b> | <b><u>Committee/<br/>Delegated</u></b> |
|-----------------------------|---|--------------------------------|--|
| NP/DDD/0914/1014<br>3007996 | Use of yard for parking 2 lorries, in addition to retention of use of yard for agricultural purposes at Five Acres Farm, Narrow Gate Lane, Wardlow, SK17 8RP  | Written<br>Representations     | Committee                              |
| NP/DDD/0115/0001<br>3011473 | Siting of two shepherd's huts for use as room only holiday accommodation. Existing forecourt to be utilised as car parking and change of use of land from agricultural to commercial on Land off The Lodge, Tideswell | Written<br>Representations     | Delegated                              |

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2. **APPEALS WITHDRAWN**

There have been no appeals withdrawn during this month.

3. **APPEALS DECIDED**

There have been no appeals decided during this month.

4. **RECOMMENDATION:**

**That the report be received.**

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