

Public Document Pack

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



Our Ref: A.1142/1343

Date: 4 June 2015



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 12 June 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 15 May 2015 (Pages 1 - 16)**
3. **Urgent Business**
4. **Members Declarations of Interest**
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
5. **Public Participation**
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
6. **Full Application – 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, 1/6/2015/KW/CF) (Pages 17 - 36)**
Site Plan
7. **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 01/06/2015/CF) (Pages 37 - 48)**
Site Plan
8. **Full Application - Proposed Extension of Existing Small Scale Stone Extraction**

Operation on Bretton Moor, Eyam Edge, Foolow, Derbyshire NP/DDD/0914/0990 M2326 420057/377930 (NH) (Pages 49 - 76)
Site Plan

9. **Householder Application - Demolish Existing Garage and Rebuild to Same Size to Form Utility. Refurbish Cottage Including Replacement Windows, Insulating and Re-Rendering Side and Rear Walls, and Installation of Flue Pipe Above Existing Flue at 1 Hall Bank, Hartington (NP/DDD/0415/0309 P.9393 412954/360355 29/05/2015 /DH) (Pages 77 - 84)**
Site Plan
10. **Full Application - Demolition of Flat-Roofed Extension, Construction of Dependant Relative Accommodation and Lean-to Extension, Barley Cross, Church Lane, Great Longstone (NP/DDD/0315/0259, P.6942, 420159/371943, 30/03/2015/KW) (Pages 85 - 96)**
Site Plan
11. **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 1/6/2015/SC/CF) (Pages 97 - 106)**
Site Plan
12. **S.73 - Variation of Conditions 4 - Working Area and 5 - Personnel Numbers on NP/S/0110/0072 for Change of Use to Use Upper Floor of Garage as an Office, Birch Lea, Hollow Meadows (NP/S/0313/0241 P.2285 426968/387129 1/6/2015/CF) (Pages 107 - 116)**
Site Plan
13. **Full Application - Continued Use of Land Facing The Grouse Inn, Chunal for Clay Target Shooting at Land Facing The Grouse Inn, Chunal (NP/HPK/0315/0169, P.4043, 403354 / 390501, 28/05/2015/AM) (Pages 117 - 132)**
Site Plan
14. **Full Application - Construction of Horse Exercise Arena at Land Immediately Adjacent to Ford House, Chapel-en-le-Frith (NP/HPK/0315/0205, P.3571, 407581 / 382275, 29/05/2015/AM) (Pages 133 - 140)**
Site Plan
15. **Head of Law - Planning Appeals (A.1536/AMC) (Pages 141 - 142)**

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 .

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.

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 or on request from Democratic Services 01629 816362, email address: 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.

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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 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 G Weatherall
Cllr D Williams	

Constituent Authorities

Secretary of State for the Environment
Natural England

Peak District National Park Authority
Tel: 01629 816200
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Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



MINUTES

Meeting: **Planning Committee**

Date: Friday 15 May 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 Mrs H Gaddum, 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: None

46/15 MEMBERS DECLARATIONS OF INTEREST

Item 6

It was noted that all Members had been sent correspondence from the applicant and other interested parties

Cllr David Chapman declared a personal interest as he knew the applicant but had not discussed the planning application with them.

It was noted that Cllr Mrs Kath Potter had spoken to officers about representations from Bakewell Town Council.

Item 7

It was noted that all Members had been sent correspondence from the applicant with some also receiving a telephone call. Members had also received correspondence from other interested parties

Item 8

It was noted that all Members had been sent correspondence from Mrs J Middleton, objector

Cllr David Chapman declared a prejudicial interest as he knew the applicant well and will leave the room during this item.

It was noted that although Cllr Mrs J Twigg and Cllr P Brady had received a telephone call regarding this application neither had discussed it in detail and both came to the meeting with an open mind.

Item 10

It was noted that all Members had been sent correspondence from interested parties in relation to this matter.

Cllr D Chapman stated he had received a telephone call from an objector but he expressed no views on the application and came to the meeting with an open mind.

Item 11

It was noted that all Members had been sent correspondence from the applicant and that some Members had received an email from Dr Owens.

In addition Cllr D Chapman had received a telephone call from the applicant who had wanted to know if she could send an email to Members of the Planning Committee.

Item 14

Cllr A McCloy declared a prejudicial interest as he knew the applicant very well and will leave the room during this item.

47/15 PUBLIC PARTICIPATION

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

48/15 URGENT BUSINESS

There was no urgent business.

49/15 MINUTES OF PREVIOUS MEETING

The minutes of the last meeting of the Planning Committee held on 17 April 2015 were approved as a correct record subject to minute 34/15 being amended to swap round the second and third paragraphs on page 3.

50/15 OUTLINE PERMISSION: PROPOSED COMMERCIAL/RETAIL-LED DEVELOPMENT MIXED USE DEVELOPMENT, ASSOCIATED WORKS AND DEMOLITION OF EXISTING BUILDINGS AT RIVERSIDE BUSINESS PARK, BUXTON ROAD, BAKEWELL

The Chair explained that this item had been brought to committee for information only as the proposals at Riverside were a material consideration in the determination of item 7 on the agenda.

The Planning Manager South Area Team explained the reasons for bringing this item to committee on the same day as item 7 and the relationship between the approval for a food store at Riverside and the improvements to the bridge to the site. The outline plan also includes additional retail units and a hotel but the hotel is not dependant on the improvements to the bridge.

Riverside Business Park is overdue for redevelopment but the success of this would be dependent on the improvements to the bridge access and the approval of a food store on site would provide funding for the bridge work.

The current proposal has several issues including compliance with planning policy and the potential impact of the proposals on a range of designated and non-designated heritage assets.

50 letters of support have been received for the proposal.

The Committee were advised of the contents of an email sent by the previous Chief Executive suggesting that the planning application for the Cintride site (which appears on this meeting Agenda as item 7) would not be heard until this application was ready to be heard. The Committee were advised that, following legal advice taken by planning officers, any decision to defer that item for consideration alongside this application was a matter for Members when they consider item 7. If a decision to defer item 7 is made then this could lead to an appeal by the applicant in that application for a deemed refusal.

The recommendation to note the report to planning committee was voted on and carried.

RESOLVED:

To note the report and the planning merits of the proposals for a foodstore at Riverside Business Park to 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.

51/15 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,

It was noted that Members had visited the site on the previous day to examine the impact of the proposals setting on the townscape and their relationship to the Riverside site.

The Planning Manager South Area Team reported on a further letter of objection received from a solicitor acting on behalf of Riverside Business Park requesting a deferral of the consideration of this application so that the Planning Committee can compare this scheme to the Riverside application described at item 6 on the Agenda fully and accurately.

The letter raised the following points:

1. The email sent by the previous Chief Executive suggesting that the Cintride site application would not be heard until the Riverside application was ready to be heard gives rise to a legitimate expectation.

2. The application should be deferred so that the Planning Committee can fully compare this scheme to the Riverside application; each application should be a material consideration. The report on the Riverside application was hasty, inaccurate and misleading.
3. The report fails to provide the necessary heritage asset assessment.
4. Failure to give reasons for the EIA screening opinion and/or failure to carry out a cumulative assessment with the Riverside application.
5. Alleged defects in the Derbyshire County Council highways consultation response. In particular use of the incorrect design guide and as to highway safety when commenting on the access and visibility splays

The Planning Manager South Area Team, following advice from the Authority's own legal team advised as to the approach to be taken by Members in determining whether the Riverside application was a material consideration in the circumstances of this application so that this application and the Riverside application needed to be taken together, and if so what steps should be taken. In particular Members were referred to the helpful tests in the case of *Edwards -v- Secretary of State* [1994].

The Planning Manager South Area Team further advised that:-

The report noted that there were listed buildings opposite and that the current proposals would not have any significant adverse impact on the setting of these buildings.

The Planning Manager South Area Team confirmed that the EIA screening opinion had been conducted on the basis of the single application but the cumulative effect of the applications together would not alter an officer opinion that the Aldi proposals do not constitute EIA development.

That the Highways Authority had explained their approach to the highways design guides and that in particular the road is not a Trunk road. The Highways Authority had found the proposals acceptable.

Officers proposed that the recommended condition 13 (deliveries and waste collection) be amended to extend the delivery hours from 6.30am to 10.30pm.

The following spoke under the public participation at meetings scheme:

- Simon Webster, Chief Operating Officer, Thornbridge Brewery, Objector
- Nick Grayson, Pinelog Ltd, Objector
- Mark Twelves, Riverside Business Park Limited, Objector
- Mr. Hilary Young, Concerned over non-consultation over Riverside alongside the Aldi application - requesting deferral of this item
- Mr Bateman, Chair of Lumford and Holme Lane Residents Association and local resident, marginal objector
- Neil Dennison, Aldi Stores, Applicant

In considering the item Members asked for clarification about the offer to fund a new bus for Bakewell and Eyam Transport and were advised that this was considered to meet the three legal tests as set out in section 122 and 123 of the Community Infrastructure Levy Regulations and the planning policy tests set out in the NPPF.

Following discussion members approved that:

Condition 13 should be amended to authorise officers to agree delivery and waste collection times with the applicant prior to the store opening, taking into account the applicants operation needs and the impact on local residents.

Condition 17 to be amended to allow officers to discuss with the applicant options for improving access to the riverside on the site by the submission and agreement of amended plans to incorporate an amenity area within the buffer zone but without impacting on the ecological reasons for proposing a buffer zone.

An additional Condition 29 should be included requiring the submission and agreement of a plan showing the parking of the bus and layby.

The recommendation for approval of the planning application subject to conditions as detailed in the report and as amended above was moved and seconded.

The motion for approval was voted on and seconded.

RESOLVED:

To APPROVE the application 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 times to be agreed with the applicant prior to the store opening.
14. Opening hours of food store 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. Amended plans to be submitted and agreed incorporating an amenity area within the buffer zone next to the river subject to consultation with the Authority's Ecologist. 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. Roof lights 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.
29. Plan for the parking of the bus and layby to be submitted and agreed.

52/15 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

The Head of Law reminded the meeting that Cllr D Chapman had declared a personal prejudicial interest in this item and had therefore left the meeting whilst this matter was being discussed and voted upon.

It was noted that Members had visited the site on the previous day to examine the relationship of the proposal to the existing farm buildings, the village street scene together with the impact upon the conservation area.

In introducing the report the Officer replaced recommended condition 7 with the following and added to recommended condition 9 as follows:

7. 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, constructed and maintained thereafter free from any impediment to designated use.
9. In the event of the bund not being sealed the tank shall be emptied within one week and shall not be used again until the bund is sealed and the National Park Authority have provided written confirmation following inspection.

The following spoke under the public participation at meetings scheme:-

- Mrs Middleton, Objector
- Mr Atkinson, Agent

Members expressed a concern regarding bringing waste into the National Park area and the long period of storage, but this is not supported by the Environmental Health Officers report.

Following Member discussion it was agreed that recommendations 3, 4 and 6 be amended as follows:

3. Amended to make sure that the use shall cease if the land is disposed of separately from other parts of White House Farm
4. delete 'permitted' to read 'no changes'
6. amend to reflect that any changes to the odour management plan/procedure must be submitted to and approved by the Authority.

In light of Member concerns about the detrimental impact of the storage of materials and unused farm machinery on the east side of the farm it was agreed that the Chair would follow this up with the enforcement team to investigate these concerns and their impact on the conservation area.

Members also wished to see continued diligence by the Environmental Health Officer in monitoring of the site given the local community's concerns.

Recommendation for the approval of the planning application subject to conditions as detailed in the report and as amended above was moved and seconded, put to the vote and carried.

RESOLVED:

To APPROVE the application 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 the use shall cease if the land is disposed of separately from other parts of 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 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, the applicant should review and amend the odour management plan/procedure and submit it to the Planning Authority for approval. 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. 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, constructed and maintained thereafter free from any impediment to designated use.**
- 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. In the event the bund is not sealed, the tank shall be emptied within one week and shall not be used again until the bund is sealed and the National Park Authority have provided written confirmation following their inspection.**

In accordance with Standing Order 1.12(2) Cllr Mrs K Potter asked that her vote against this decision be recorded.

In accordance with the Authority's standing orders the committee voted to continue the meeting beyond 1 pm.

Cllr Mrs H Gaddum and Cllr H Laws left the meeting following consideration of this item.

Following consideration of this item the meeting was adjourned from 1.30 pm to 2.00 pm

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 A McCloy, Mrs S McGuire, Cllr Mrs K Potter, Cllr Mrs L C Roberts, Cllr Mrs J A Twigg, Cllr S Wattam and Cllr D Williams

53/15 FULL APPLICATION - ERECTION OF 2 AGRICULTURAL BUILDINGS, CLIFFE HOUSE FARM, BRADFIELD

This application was deferred from the April meeting to enable members of the committee to visit the site and assess the landscape impact. It was noted that Members had visited the site the previous day.

The Officer reported that further emails had been received by the Loxley Valley Protection Society who still objected to the application despite the submission of amended plans and that a letter had been received by the Rt. Hon. Nick Clegg MP who expressed concerns about the scale of the buildings, damage to the setting of a precedent and the facts that residents may not have seen the site notice.

The following spoke under the public participation at meetings scheme:

- Barbara Wardley, Objector
- Anna Wardley, Objector
- Jan Symington, Secretary of Loxley Valley Protection Society, Objector
- Bob Bryan, Agent

In response to comments made by the speakers, the Officer explained that whilst the delegated report for that first building contained an error in the description of the buildings dimensions, it had in fact been erected in full accordance with the approved plans and conditions.

Members discussed the possibility of an alternative site for the buildings but were concerned this would have even more impact on the landscape. Members were concerned about the prominence of the scale of building proposed for this hill top site and whether the soil quality on site would enable the trees proposed in the landscaping scheme to grow. The Officer assured Members the scheme was developed with the input of the Authority's Landscape Architect and that this would be monitored with the condition ensuring that any trees that fail to grow will be replaced during the first five years.

A motion to refuse the application was moved, seconded, put to the vote and carried.

RESOLVED:

To REFUSE the application for the following reasons:

- 1. The size and scale of the proposed development on this prominent hill top location would have a harmful impact upon the landscape.**
- 2. The proposed development would have an adverse impact upon the setting of the nearby listed building.**

Cllr Mrs N Hawkins and Cllr A R Favell left the meeting at 2.50pm and 2.55pm respectively.

54/15 FULL APPLICATION - DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF REPLACEMENT DWELLING AT MILL FIELD, DUNLOW LANE, EYAM

A Site Visit was held the previous day to examine the relationship of the proposal to its landscape setting and nearby dwellings.

The Officer provided clarification on the application of LH5 in this case and reported on an additional representation received objecting to the proposal.

The following spoke under the public participation at meetings scheme:

- Joe Simpson, Applicant

The recommendation for approval of the planning application subject to conditions as detailed in the report was moved and seconded.

The motion for approval was voted on and carried.

RESOLVED:

To APPROVE the application 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.**
- 10 **Footnote re: protected species**

55/15 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

The following spoke under the public participation at meetings scheme:

- Dr Peter Owens, Objector
- Ms Marita Oury, Applicant

It was noted that, although registered to speak, David Nicholson had been unable to attend.

Members noted the scheme proposed minor amendments to a previous application which was approved in 2011.

The recommendation for approval of the planning application subject to conditions as detailed in the report was moved, seconded, put to the vote and carried.

RESOLVED:

To APPROVE the application 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.**

During consideration of this item at 3.20pm Cllr S Wattam left the meeting.

56/15 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.

The following spoke under the public participation at meetings scheme:

- James Fletcher, Applicant

The Officer amended the report to delete condition 5 and add a restriction to the S106 preventing any separation of services for the dependant relative unit from Lea Side. He further clarified that of the two options submitted for front facing windows, option 2 is the one recommended for approval.

The recommendation for approval of the planning application subject to the legal agreement and conditions as detailed in the report and set out above was moved, seconded, put to the vote and carried.

RESOLVED:

To APPROVE the application 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 with no separation of services from 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. **Retention of garage spaces for designated parking use.**
6. **Prior submission and agreement of an environmental management scheme including appropriate renewable energy technologies.**

At 3.50pm, following consideration of this item, Cllrs P Harrison and A McCloy left the meeting.

57/15 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

It was noted that Cllr A McCloy had declared a personal prejudicial interest in this item as he was a close friend of the applicant and had therefore left the meeting.

Reassurances were given on the re surfacing of Clough Lane and that no development would take place until the surface of the lane had been improved.

The recommendation for approval of the planning application subject to conditions as detailed in the report was moved, seconded, put to the vote and carried.

RESOLVED:

To APPROVE the application 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 manoeuvring 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.
12. 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.
13. All pipework, other than rainwater goods, shall be completely internal within the building.

14. 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.
15. The rooflights shall be fitted flush with the roof slope.

Permitted Development Rights

16. 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.

At 4.00 pm, following consideration of this item, Cllr C Carr left the room.

58/15 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

The following spoke under the public participation at meetings scheme:

- Mark Holmes, Applicant

Members requested that Built Environment Team be consulted on the proposal and that garage space be included in the calculation of the proposal floor space.

A motion to defer this item for a site visit and further information was moved, seconded, put to the vote and carried.

RESOLVED:

To DEFER the application to allow the Committee to visit the site and receive further information.

59/15 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

The following spoke under the public participation at meeting scheme:-

- Ian Mortimore, Objector

A motion to defer this item for a site visit was moved, seconded, put to the vote and carried.

RESOLVED:

To DEFER the application to allow the Committee to visit the site.

60/15 ANNUAL REPORT ON PLANNING APPEALS 2014/15

Members considered and noted the report on planning appeals lodged and decided during 2014/15. The Head of Law pointed out that whilst the percentage of appeals allowed in 2014/15 at 43% was higher than the previous 5 years the national average for appeals had also increased from 35% in 2013/14 to 45% in 2014/15. In addition it was highlighted that there had been no appeals which were fundamentally contrary to policy or which raised wider policy issues.

Members thanked officers for their work in compiling this report.

RESOLVED:

To note the report.

61/15 PLANNING APPEALS

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

RESOLVED

To note the report

Before the meeting ended at 4.35 pm the Chair took the opportunity to publicly record the Committees thanks to Cllr Mrs H Gaddum for her valued contribution as an Authority Member as this was her last Planning Committee before leaving the Authority.

6. 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, 1/6/2015/KW/CF)

APPLICANT: MR MARK HOLMES

Introduction

A decision on this application was deferred at the meeting of the Authority's Planning Committee in May 2015. Members resolved to defer this item to allow for a site visit and further consultation with the Authority's Built Environment Team. Although Pineapple House Farm is not listed or within a Conservation Area, these issues were raised as the application proposes re-development of a prominent roadside site at one of the main entrances to Bakewell. This report has been updated to include and address the full consultation response from the Authority's Built Environment Team.

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 former railway bridge over 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 presently 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 pvc 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, 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, however, 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 application proposes a package of proposals which comprise three elements, namely:

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

The replacement dwelling is to be repositioned towards the centre of the site curtilage about 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 is to 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 main central 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).

In respect of the external footprint of the main two-storey element of the proposed dwelling (excluding the double garage), the footprint of the proposed dwelling (14.4m x 6.65m) is only marginally bigger than the original farmhouse (14.4m x 5.7m) if the south-eastern single-storey addition, which appears on earlier maps is included, but has since been demolished. If the garage and conservatory elements are included in the total external footprint is 164m². The external footprint of the existing dwelling, including the later rear extension, porch and the now demolished lean-to building is 95m². This represents an increase of 72%. If the garage element is omitted the increase in external footprint size is 28%.

In terms of volume, the replacement dwelling is 74% bigger than the original dwelling (including the double garage). If the double garage element is omitted the replacement dwelling is 36% bigger than the original dwelling.

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 proposal 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 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.

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 is to be used in connection with the converted farm outbuilding.

It 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.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1. 3 year implementation time limit**
- 2. The development shall not be carried out other than in complete accordance with the submitted plans.**
- 3. Existing corrugated tin sheet buildings and later additions to the detached barn to be demolished and removed from the site prior to the commencement of the barn conversion works.**
- 4. Reposition window opening to the wc in East Elevation of the barn conversion**
- 5. Remove permitted development rights for extensions, alterations and outbuildings, porches, walls, fences, satellite dishes and solar panels.**
- 6. Submit and agree hard and soft landscaping scheme.**
- 7. Restrict domestic curtilage to be limited to area edged red on original submitted 1:500 scale block plan.**
- 8. Submit and agree any details of spoil removal arising from the demolition works.**
- 9. Replacement dwelling to be set into the sloping ground levels. Submit and agree plans showing the proposed ground levels.**
- 10. Development to be built to a minimum of Code Level for Sustainable Homes required of RSLs.**

11. **Design Stage Assessment and Interim Code certificate to be submitted and agreed before work commences**
12. **Prior to first occupation copy of summary score sheet and Post Construction Review Certificate to be submitted.**
13. **All stonework to be in random-coursed natural limestone. Sample panel to be agreed.**
14. **Roofs to replacement dwelling to be clad in natural local gritstone slates laid in diminishing courses towards the ridge. Sample to be submitted and agreed.**
15. **Roofs to the converted barn (except for the contemporary flat-roofed extension) and the new garage building serving the converted barn to be clad in natural blue slate.**
16. **Submit and agree sample of roof cladding and fascia for the contemporary extension to the converted barn.**
17. **Dressed natural gritstone voussoirs, quoinwork, lintels, sill and surrounds to window and door openings where shown on the approved plans.**
18. **Timber vertical sliding sash window frames to all window openings in the rebuilt dwelling.**
19. **Timber doors and timber window and door frames (including conservatory).**
20. **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.**
21. **Parking and manoeuvring spaces (including garaging) to be provided and maintained.**
22. **Any new service lines to the property to be underground.**
23. **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.**
24. **Minor Design Details.**
25. **Retain existing trees.**
26. **Submit and agree details of appropriate Environment Management measures, including details of the 'built-in' solar slate/panels on the new garage building for the barn conversion.**
27. **Submit and agree details of external lighting.**
28. **Ecological mitigation and enhancement conditions.**

Key Issues

Two key issues arising from the deferral of this application are (i) to what extent the existing house and associated group of buildings at Pineapple House Farm should be regarded as non-

designated heritage assets and (ii) to what extent the current development proposals would conserve or enhance the significance of the existing buildings. A full assessment of these issues are contained within the analysis of the following key issues in the subsequent sections of this report:

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 tradition 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 by officers 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.

National Park Authority's Historic Buildings Officer – In the first instance says that although the property is not in Bakewell Conservation Area and not listable, the existing house and outbuildings form a very visible feature on leaving the town in the Baslow direction, providing in effect the final piece of built environment on this side of the town. For that reason alone it is an important site. The first edition ordinance survey map shows the house and outbuilding (named Pineapple House) largely as they are now (apart from the metal barn to the north).

Consequently, a more thorough assessment of the site history and potential historical significance of the buildings are required. This should have been submitted with the application and in the absence of such information, the application should not be determined.

The Historic Buildings Officer goes on to say that the proposal raises several design concerns as follows:

- The existing house is of traditional, vernacular character. It has suffered badly through inappropriate extensions and alterations (and structural problems) but not to the extent that it justifies demolition. The stone outbuilding (former byre) also retains historic character and interest despite poor alterations and extensions. Both buildings relate well to each other and to the site.
- The proposed replacement house is a poor pastiche design whose plan form bears no relation to the local tradition – e.g. rooms on the main architectural front are service rooms rather than main living spaces. The elevations are also poor pastiche with a confusion in massing terms where the side extensions and the conservatory attach themselves to the main building.
- In terms of detailing, improvement is needed generally. The main concerns at present are the NE elevation with its two garage doors beneath a ridged gable is very untraditional in appearance – there is virtually no solid walling in this side of the extension. The conservatory has an unfortunate shallower roof pitch than the house roofs (a consequence of its over-deep plan) and the duality of its two sets of entrance doors either side of a central flue makes for a weak design.
- The new house faces north west, rather than the more traditional south west aspect it presently has. On a site where it can assume any orientation this is perverse. In reality the new house is presenting a rear elevation to the road but it hasn't been detailed as such. Instead we have what looks like a main elevation facing a direction where traditionally few openings would have been present.
- Its separation from the outbuilding is also regrettable in terms of maintaining a farmstead character, as is the formation of a separate garden area for the outbuilding conversion. The proposed 1.8m walls visually reinforce that separation.
- Several aspects of the proposed conversion of the outbuilding are unfortunate. Primarily the flat-roofed, corner extension with its extremely poor detailing and the visually unresolved relationship of large areas of glazing with solid walls alongside. Secondly, the extension of the presently independent, small single-bay building northwards compromising its original character. Thirdly the poor detailing generally of the new openings and rooflights. Just one example: the placing of the new wc window in the northern extension of the single bay outbuilding is far too close to the corner rather than central in its wall.

- Setting aside the unfortunate proposed duplication of double garages on the site, the proposed new garage north of the outbuilding is visually unfortunate. It will be higher than the original outbuilding and therefore more dominant. The arched openings do not relate to anything else on site. Retaining and repairing the black Dutch barn and adapting that for garage use would retain very much more of the farmstead character and the site's distinctiveness, and also not confuse the historic development of the site with a new stone building.

The alternative approach of restoring/repairing the farmhouse, replacing the rear extension with a more appropriate single storey extension which could also provide a link to the outbuilding for use as a further extension or ancillary space would offer much better conservation of both the character of the existing buildings and the site generally. If approved as proposed, the site will not be worth looking at. The development will detract from rather than enhance the site, and the exit to the town.

National Park 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.

Main Policies

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

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

The National Planning Policy Framework ('the Framework') was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date.

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, HC1, L1 and L3 in the Authority's Core Strategy (CS) and saved Local Plan policy LC4 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 Framework with regard to the issues that are raised.

Of particular note is the fact that the Framework 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 Framework also 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 provisions of paragraph 115 of the Framework is consistent with the wider range of design and conservation policies including CS Policies GSP1, GSP2, GSP3, L1 and L3 and saved Local Plan policy LC4. The policies are also consistent with the core planning principles set out in the Framework that require high standards of design sensitive to local distinctiveness.

CS policy GSP1 states, amongst other things, where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area. Policy GSP2 states opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings.

CS policy GSP2 also states 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.

CS 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.

CS 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. CS 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.

Saved 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.

Assessment

Introduction

This submitted scheme comprises a package of proposals designed to conserve and enhance the Pineapple House Farm complex and its setting. The traditional buildings within the complex, including the farmhouse, are presently 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 comprised three elements, namely:

1. Demolition of the traditional farmhouse and erection of a replacement dwelling;
2. Conversion and extension of the adjacent detached traditional outbuildings to an open-market dwelling and;
3. 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 the 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 sections 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.

In accordance with CS policies GSP1 and GSP2, Local Plan policy LH5 specifically 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 also sets out clearly that a replacement dwelling will only be permitted where it is not preferable to repair the existing dwelling.

In this case, the original farmhouse has been the subject of an inappropriate rear extensions and unfortunate alterations, which detract from its character and appearance. 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 also 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 unkempt 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, therefore, that it would clearly not be preferable to repair and retain the existing dwelling due to its present appearance, its poor structural condition and the unsympathetic additions. In its current condition, it is difficult to recognise the existing farm house has such significance that it would be preferable to keep the existing building.

Notwithstanding this view, the Authority's Historic Buildings Officer has been consulted since the last meeting of the Authority's Planning Committee and he has strong concerns about the proposal (see Consultations section above). He considers that no proper assessment of the historical significance of the buildings has been carried and there is insufficient justification for the demolition of the existing farmhouse. Officers have carefully considered the concerns raised by the Historic Buildings Officer, but remain satisfied with their initial view that the present farmhouse is in such a poor state of repair and appearance that it would not be preferable to repair and retain the existing dwelling. Based on this premise your officers consider it reasonable to accept an alternative dwelling design approach and redevelopment of the site.

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 saved Local Plan policy LH5 and the strategic objectives of CS policies GSP1 and GSP2 that require opportunities to be taken to conserve and enhance the National Park.

In terms of an appropriate redevelopment of the original farmhouse, 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 subsequently extended) by 23.2sqm, that is, around 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 such as volumes, and volume is a particularly 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, together with the resultant increases in the volumes 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.

In this case, 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, as proposed 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 offered up in clause (iii) in terms of the dwelling being of a 'similar' rather than

the same size as the dwelling to be replaced, officers consider that a slightly larger dwelling could be accommodated on this site without necessarily 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 still 'read' as a coherent building complex.

The Authority's Historic Building Officer disagrees with this approach; however, officers still maintain that the provision of the link wall will visually strengthen the relationship between the two buildings. In these respects, 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 building, 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.

The Authority's Historic Building officer raises concerns about the positioning of the garage doors within the gable elevation of the garage building. Officers acknowledge that it is more appropriate to position the garage doors beneath the eaves of the building. In this case, the dwelling design approach is to have all the roofs of the subsidiary building elements, including the garage following the ridge line of the main dwelling. Given that the gable elevation of the garage building is adjacent the vehicle parking area and is largely screened by the 1.8m high link wall it is considered that the provision of the garage doors within the gable wall is appropriate in this case.

Overall, and notwithstanding the strong concerns raised by the Authority's Historic Buildings Officer, officers still consider 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 detailed pre-application discussions with the Authority's officers and closely follows a 'design brief' agreed by officers prior to submission.

Consequently, it is 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 otherwise 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.

It is therefore concluded that this proposal meets the specific criteria of LH5 and accords with the strategic objectives of CS policies GSP1 and GSP2 alongside the wider range of design and conservation policies in the Development Plan and national planning policies in the Framework. Accordingly, officers are recommending the proposed demolition and replacement of the original farmhouse at Pineapple House Farm for conditional approval.

In this case, if planning permission is granted, conditions securing compliance with the submitted plans and minor design details would be recommended to ensure that the proposal robustly complies with the detailed design requirements of policies LC4 and GSP3. It is also considered that as permission would be granted for a replacement dwelling to achieve the conservation and enhancement of the site and its surrounding, and taking into account the prominent roadside position of the development at an important gateway into Bakewell's town centre; exceptional circumstances exist that warrant imposing a condition removing permitted development rights for extensions, alterations, extensions, porches, walls, fences, satellite dishes and solar panels.

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.

Saved Local Plan policy LC8 otherwise sets out specific criteria to assess these proposals stating 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.

In this case, 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, however, 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, a small extension to one of the existing buildings and the erection of a contemporary extension linking the main building to the smaller outbuilding. The contemporary link 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. A small extension is proposed to the northern end of the smaller outbuilding on the footprint of a walled enclosure.

The Authority's Historic Buildings Officer considers that the design of the contemporary corner extension is unfortunate in terms of visually unresolved relationship of large areas of glazing with solid walls alongside. He is also concerned about the extension of the small single-bay building northwards compromising its original character. The positioning of a window close to the external corner of this extension is also a cause for concern.

Notwithstanding the design concerns raised, the contemporary flat-roofed link building was suggested by the planning officer in order to retain the individual character of the two outbuildings, which would be lost if a conventional pitched roof was employed. The simple combinations of full-length stonework and glazing is designed to reflect the simple outbuilding character in a contemporary form and similar design approaches to this have been accepted elsewhere in the National Park, with at least one example shown in the Authority's design guide.

The additional small extension to the existing buildings is also considered to be acceptable and is to be built so that the vertical line indicating the present extent of the building can be 'read' in the stonework. The comments relating to the positioning of the new toilet window in the extended section are acknowledged and can be addressed through the attaching of a planning condition repositioning this more centrally within the extended section.

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. 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. Notwithstanding the views of the Authority's Historic Buildings officer it is considered that the window/door detailing and number and disposition of rooflights are acceptable.

Whilst the need for 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.

Overall, it is therefore 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.

However, the submitted 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 original submitted scheme proposed the demolition of these buildings 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 was proposed within the roofspace, which is to be used in connection with the converted barn.

The proposed garage building was 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. Officers consider that the proposed replacement garage building would enhance and compliment the setting of the adjacent traditional barns and reflects a similar approach to garaging recommended in both the Authority's Building Design Guide and the more recent Design Guide.

Following consultation with the Authority's Historic Buildings officer, however, he considers that the proposed new garage north of the outbuilding will be visually unfortunate. This is because it will be higher than the original outbuilding and therefore more dominant. Furthermore, the arched openings do not relate to anything else on site. The Authority's Historic Building Officer considers that retaining and repairing the black Dutch barn and adapting that for garage use would retain very much more of the farmstead character and the site's distinctiveness, and would not confuse the historic development of the site with a new stone building.

The applicant has considered the issues raised by the Authority's Historic Building Officer and has confirmed that he wishes to continue to seek approval of the proposed new garage. In common with the original report, officers remain of the view that the existing corrugated sheet buildings are not worthy of retention and the proposed garage would be an appropriate replacement that would serve to conserve and enhance the site and its setting. In these respects, officers consider the proposed barn conversion and the new garage meet the requirements of policy HC1 when taken together because the development proposals are required for enhancement purposes and accord with the strategic objectives of CS GSP1 and GSP2, which require opportunities to enhance the National Park to be taken. Accordingly, officers consider that a recommendation of conditional approval for these proposals is justified.

As with the replacement dwelling discussed earlier in this report, if planning permission is granted for the proposed conversion and garage, conditions securing compliance with the submitted plans and minor design details would be recommended to ensure that the proposals robustly comply with the detailed design requirements of policies LC4 and GSP3. It is also considered that as permission would be granted for a new dwelling to achieve the conservation and enhancement of the site and its surroundings, and again, taking into account the prominent roadside position of the development at an important gateway into Bakewell's town centre; exceptional circumstances exist that warrant imposing a condition removing permitted development rights from the converted barn for extensions, alterations, extensions, porches, walls, fences, satellite dishes and solar panels.

However, it is also acknowledged that whilst the three proposals are considered to be acceptable on their own individual planning merits the proposed conversion and new building garage along with the proposals for demolition and replacement of the original farmhouse constitute a substantial re-development of the site and it is important to consider the cumulative impacts of the three proposals and the extent to which the proposals would affect the significance of a non-designated heritage asset.

Issue 3 - Landscape and visual impact and design issues.

As noted throughout this report, 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 will enable the comprehensive enhancement of the site and the locality in compliance with the wide range of design and conservation policies in the Development Plan and national planning policies that are relevant to this application and set out in the above sections of this report.

It is also considered that the significance of the group of buildings at Pineapple House Farm buildings may arise from the historic pattern of development of the site, but it is difficult to agree that the farmhouse in its current condition has such significant architectural merit that it may be described as a valued vernacular building. Repairing the original farmhouse may help it appear more traditional, and improve its character but it is difficult to see how this would be a preferred option not least in terms of viability if an appropriate replacement dwelling can be achieved that would contribute more positively to the landscape setting of Pineapple House Farm.

Equally, the stone-built buildings are hardly recognisable as non-designated heritage assets in their current condition and it is clear that the impetus of open market values arising from their conversion to a new open market dwelling is required to restore these buildings so they can be better appreciated. The impetus of open market values would also help to secure the replacement of the corrugated sheeted buildings at the rear of the site, which do not contribute positively to the site and its surroundings.

Moreover, it is considered that the layout of the site is not an especially fine example of a traditional farmstead that warrants retaining in its current form even though the relationship between the outbuildings and the farmhouse may have been long established. The corrugated sheeted buildings at the rear of the site are not otherwise of any significant historic or architectural interest in their own right.

It is therefore concluded that the proposed re-development would have a significant visual impact and the redevelopment of the site as proposed will not necessarily reflect the historic pattern of development at Pineapple House Farm but officers remain of the view that the current proposals are of an appropriate design and will therefore conserve and enhance the site and its landscape setting despite the Authority's Historic Building Officer's firmly stated views. This view is consistent with pre-application advice offered by officers but with the benefit of hindsight officers may agree that the Authority's Historic Building Officer's input would have been useful at a much earlier stage and there are some points made by the Authority's Historic Building Officer's that could further improve the design quality of the proposed development.

However, although he is considering some minor changes to the scheme, the applicant requires the application to be determined as submitted, and on this basis, officers are recommending conditional approval of the current application.

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, however, the cladding of the proposed garage building with solar slates or panels needs to be handled with care and officers do not consider that the standard solar panel would be appropriate for this building, given that this roofslope 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 roofslope with margins of natural blue slate retained at the outer ends of the roof. It is considered that this detail can be adequately controlled through the attaching of 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 saved 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. National planning policies place great weight on safeguarding biodiversity and the conservation and enhancement of protected species and their habitats.

The 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. 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 emergency/re-entry surveys have to be carried out during the active breeding season i.e. between May – September.

Further surveys have now been carried out on the detached barn and no bats were found to be roosting. However, the Authority’s Ecologist considers that the building holds a number of features that could be used by bats and the bat report recommends that works are carried out under a method statement found in Appendix B of the report.

To enhance the site for bat use, two ridge tile access points should also be provided in the main barn. Bitumen felting should be used in areas where bat access has been created (e.g. placed over the ridgeboard and 75mm either side, or overlapping modern breathable felts).

Works should also avoid the main breeding bird period spanning March to September (inclusive). If works are undertaken during this period a check for breeding birds shall be undertaken. If breeding birds are subsequently discovered the young shall be allowed to fledge before works proceed. Alternative provision for swallows must also be provided and details of a scheme

should be submitted to the PDNPA Ecologist prior to starting any works.

It is considered, therefore, 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 and national planning policies in the Framework.

Issue 6 - Access and Parking

Core Strategy policy T7 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. National planning policies require development proposals to be provided with a safe and suitable access.

In respect of the vehicular access, the highway authority have 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 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 considered; therefore that access and parking arrangements are acceptable and comply with the above-stated Development Plan policies and relevant policies in the Framework.

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 will enable the comprehensive enhancement of the site and the locality in compliance with the relevant policies in the Development Plan and the Framework. The proposed enhancements and environmental benefits require the impetus of open market values and would be difficult to achieve in a scheme to retain and repair the existing dwelling. These factors weigh in favour of approval in this case and are considered to offset the Authority's Historic Building Officer's firmly stated views on these proposals.

Therefore, on the basis of the planning merits of the individual proposals and on the basis of the planning merits of current application when taken as a whole, the proposals are accordingly recommended for approval subject to the conditions set out in the above report.

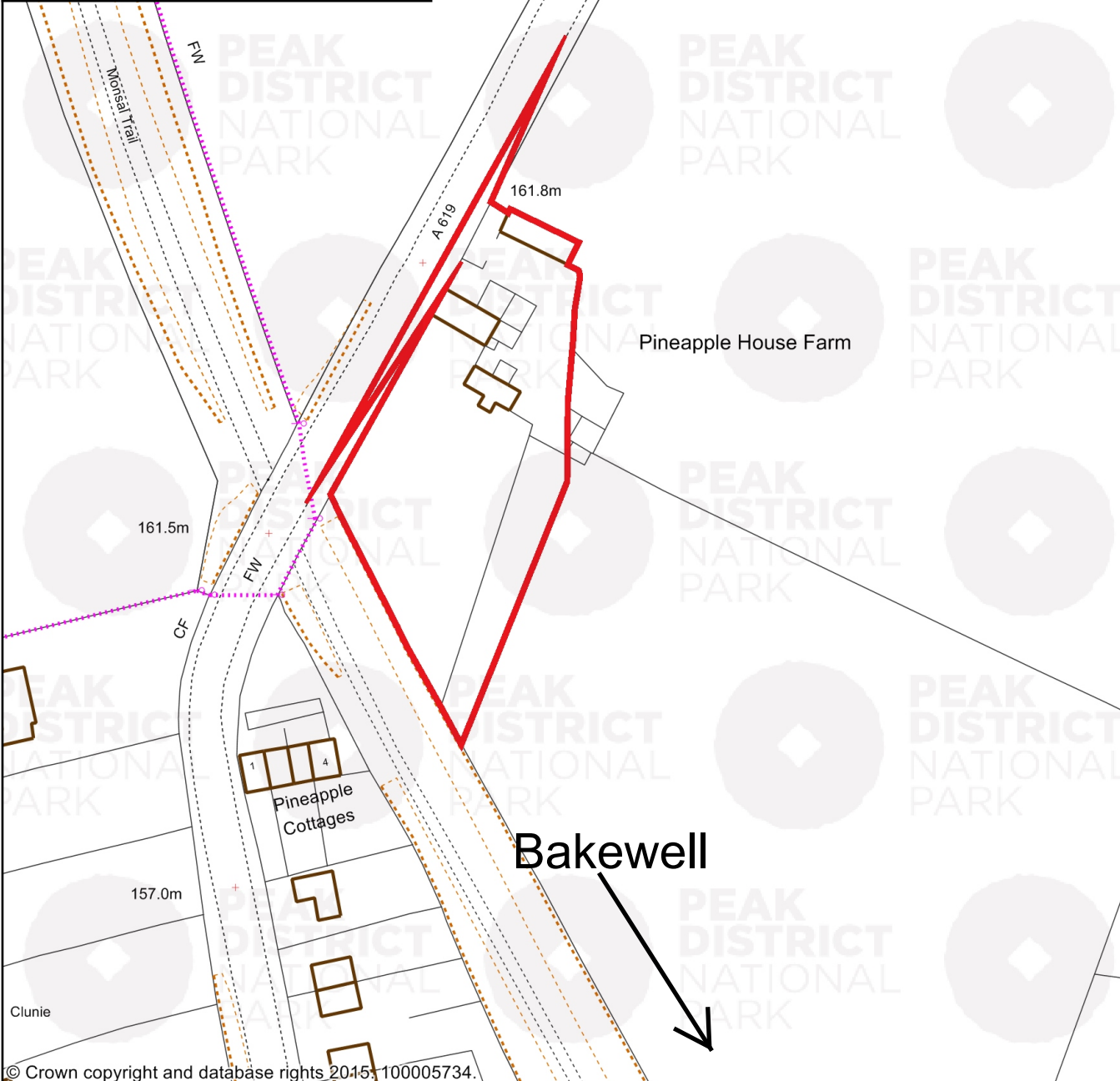
Human Rights

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:	12/06/2015	Title: Pinapple House Farm, Baslow Road, Bakewell	 PEAK DISTRICT NATIONAL PARK
Item Number:	6		
Application No:	NP/DDD/1114/1205		
Grid Reference:	422017, 369876		

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7. 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 01/06/2015/CF)

APPLICANT: PETER HUNT

Introduction

A decision on this application was deferred at the meeting of the Authority's Planning Committee in May 2015. Members resolved to defer this item to allow for a site visit and further consultation with the Authority's Built Environment Team. This report has been updated to include consultation responses from the Authority's Built Environment Team and the Authority's Landscape Architect and has been updated to include letters of representations on this application that were received by the Authority after the original report had been published.

This report has also been updated to reflect the fact that the nearest neighbouring property to The Croft is a dwelling actually known as The Byres, which is to the immediate west of the new house on the Goldcrest site and was incorrectly called Croft View in the previous report. This report also picks up on points raised by the occupant of The Byres at a recent site meeting with officers regarding the original report and the potential impacts of these proposals on the quiet enjoyment of The Byres.

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 from 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 walling, 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 walling and 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 for the retaining wall hereby permitted 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, free-standing structures such as bouncy castles or trampolines, 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

National Park Authority (Built Environment) – Having recently visited the site, the Authority's conservation officer has no objection to the scheme saying that the eastern part of this site appears to have been occupied by the previous industrial buildings, and the western part also appears to have been enclosed for some lesser time. As such, the Authority's conservation officer agrees that the conversion to domestic curtilage will not appear incongruous in the wider landscape, and will also help the new house to make its own contribution to the character and appearance of the conservation area. Therefore the Authority's in-house specialist has no conservation area objection to the current proposals.

National Park Authority (Landscape Architect) – Having recently visited the site, the Authority's Landscape Architect comments as follows:

The Authority's Landscape Architect believes that the retaining wall is excessive for the requirements required; however the wall is not a visual problem from public viewpoints. The Croft when viewed from the public footpath outside of the school appears to relate to the new house rather than being seen as a separate grazed area due to its size and location. Therefore, Authority's Landscape Architect does not have any objections to The Croft being included as part of the property boundary but would like to see the following landscape conditions:

- That the large gap in the boundary wall is closed off with a matching drystone wall and not estate fencing.
- That the beech hedging is removed and replaced with a double staggered row of hawthorn, blackthorn, holly hedge, similar to native hedges found in the locality.
- That PD rights are removed.
- That the paved area for the removed summer house is also removed.

The Authority's Landscape Architect would also like to see a landscaping/garden design for the site which includes at least one tree on the boundary.

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.

A further seven letters of objection were received by the Authority after the previous report on this application had been published. Six of these letters were from local residents and raise similar concerns, the seventh letter was written by the owner/occupier of The Byres. Taking the six letters from the local residents first, the main focus of these letters is that the change of use of The Croft to domestic curtilage would run counter to the present settlement pattern of the village where as almost all the houses in the village have small gardens that do not project out into the surrounding fields. The proposed change to the domestic curtilage would cause this garden to project out from the existing settlement line and would be particularly inappropriate given that the dwelling adjoins the conservation area of the Village. A number of these letters mention that if this application is allowed, it would set a precedent that would permit many other dwellings to apply to increase the size of their gardens and this would change the character of the village.

As noted above, the seventh letter of objection received by the Authority after the previous report was published is from the owner/occupier of the nearest neighbouring property and sets out in some detail the author's concerns about the original report and the previous objections the Authority itself has expressed previously and consistently to the use of The Croft as domestic curtilage. This letter also sets out a number of objections to the current application, which are summarised by the author in to three key points as follows:

1. The croft is in the Stanton in Peak Conservation Area and furthermore falls within an area described in the Conservation Area plan as an "important open space". Allowing the area to be developed as a garden would be contrary to the ethos of the conservation area and would detract from the established character and appearance of the local area. The boundary of the village would be extended into protected agricultural land, and this would be the only garden to protrude in this way out of the Home Farm area. The proposed garden is shown in yellow on the attached plan of the conservation area.
2. Allowing the croft to be used as a garden sets a precedent for the other properties in the village which have croft areas that have not currently been taken into domestic curtilage. There is a real risk that approval of this application will lead to the village boundary being extended more widely.

3. The garden of my property ('The Byres', erroneously described as 'Croft View' in the plans) is directly overlooked by the croft area. The effect is exacerbated by the slope of the landscape which means that the croft is at eye-level with our bedroom windows (see attached photograph). The Planning Officer's report states that the croft is a minimum of 20 metres from our house, but in fact the distance is less than 15 metres from the lounge (see the attached location plan which has been corrected to show the actual footprint of our property in relation to the croft). It overlaps almost two thirds of the garden boundary and almost the entirety of the lawned area. The proposal would therefore have a significant impact on our privacy.

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 most directly affected by the proposed change of use of The Croft would be a dwelling known as The Byres, to the immediate west of the new house. The southern boundary of The Croft overlaps the garden at The Byres, which gives rise to the potential for overlooking from The Croft into the garden at The Byres and a potential loss of privacy. It is also considered first floor windows in The Byres would overlook The Croft, which rises in terms of ground levels from The Byres and this factor exacerbates the potential for intervisibility between the higher level of part of the Croft and the facing windows in The Byres.

However, the garden at The Byres is a generous size and The Croft is a minimum of 20 metres from the first floor bedroom windows overlooking The Croft at the nearest point between the boundary of The Croft and the main house at The Byres. There is also a ground floor window serving a lounge at the Byres between 14 and 15m from the boundary of The Croft but this window is orientated in such a way as to be less directly affected by the proposed change of use of The Croft. Although it is recognised the owner/occupant of The Byres has strong objections to these proposals and it is clear a lawned area with a summer house at one end of the garden furthest from the house would feel less of a private space than it does now it should be noted that there is already a glazed panel in the gable of the new house facing The Byres. Therefore, The Byres would not suffer an outright loss of privacy if this application were to be approved because the potential for the garden and facing windows to be overlooked already exists.

Taking all these factors into account, it is considered that the proposed change of use would not have such a significant impact on the living conditions of the owner/occupants of The Byres that the current application should be refused on amenity grounds. However, it is considered the potential neighbourliness issues can be fully 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 The Byres. 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 houses, there is no likelihood that the proposals would have any significant impact on any other property within the local area including Holly House, which is a listed building set back to the immediate east of the new house on the Goldcrest site. However, with regard to the amenities of these properties and in particular the quiet enjoyment of The Byres, permitted development rights should also be removed so the Authority can retain control over the siting of any outbuildings such as summer houses to ensure they do not impact on the living conditions of nearby properties. This report goes on to explain why permitted development rights for further development in the proposed curtilage should also be removed in the interests of limiting the impact of the proposed development on the visual amenities of 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 Croft is most readily seen from School Lane around 80m to the east of the site, and from this vantage point; the proposed curtilage would also be seen within the setting of Holly House, a Grade II listed building which is set back from but to the immediate east of the application 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 or Holly House from this vantage point. Notably, the Authority's conservation officer considers that the conversion of The Croft to domestic curtilage will not appear incongruous in the wider landscape, and will also help the new house to make its own contribution to the character and appearance of the conservation area. The Authority's Landscape Architect agrees and says that The Croft when viewed from the public footpath outside of the school appears to relate to the new house rather than being seen as a separate grazed area due to its size and location and therefore does not have any objections to the application subject to conditions including conditions removing permitted development rights and requiring a landscaping scheme.

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. It is therefore 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 and taking into account this type of control is necessary to safeguard the amenities of the neighbouring properties.

In terms of the development already carried out on site, the retaining wall and associated engineering works are not especially conspicuous from public vantage points, 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. It is not considered these works give rise to any additional neighbourliness issues that would not be addressed by the landscaping scheme discussed earlier in this report.

In terms of the design, the retaining wall, estate fencing and associated works do not otherwise 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.

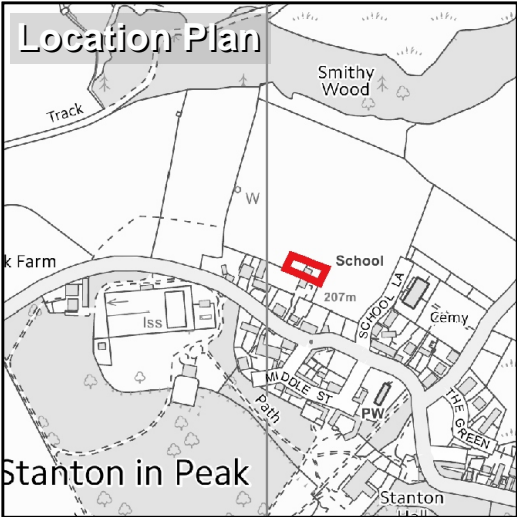
Human Rights

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

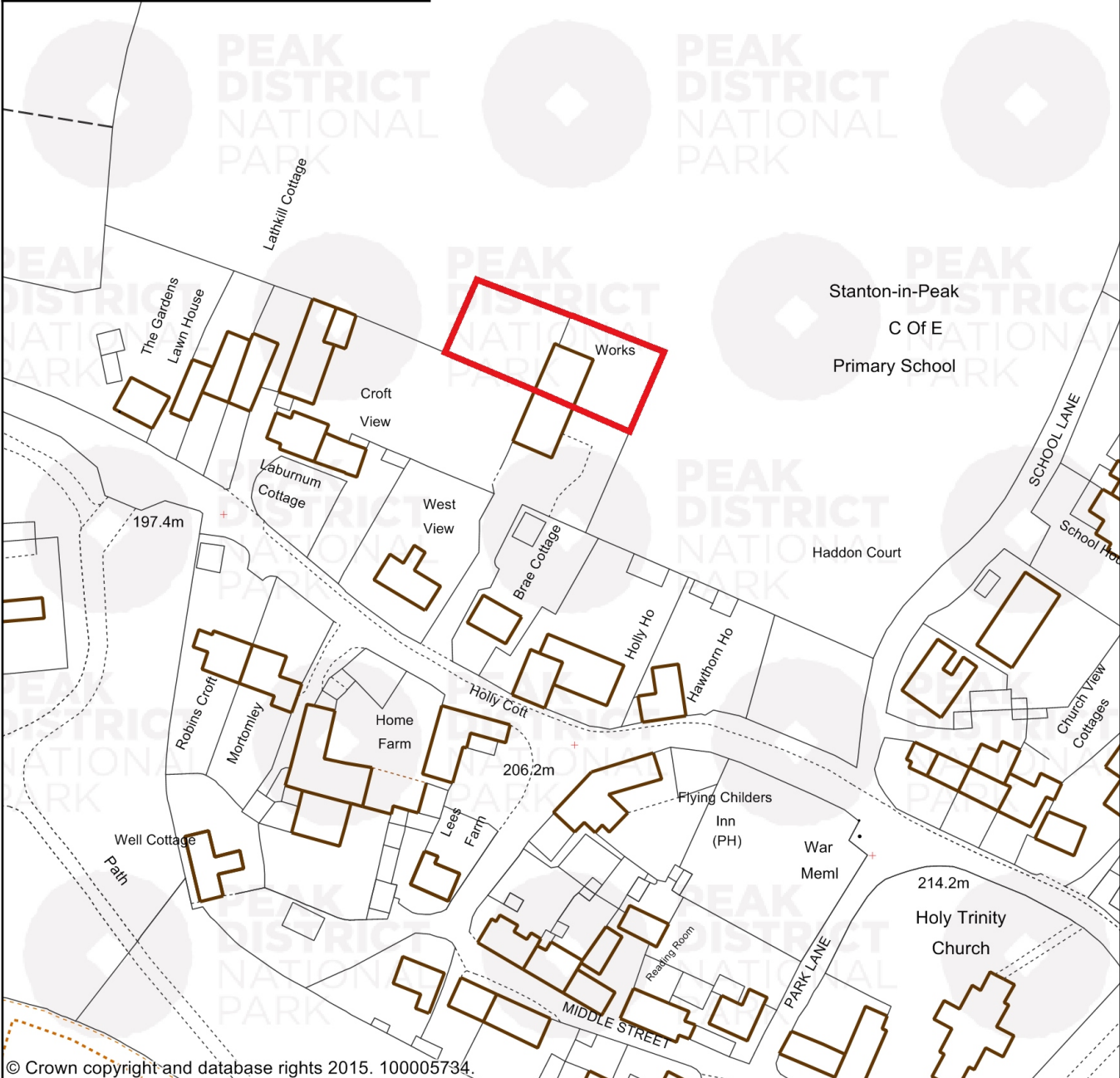
List of Background Papers (not previously published)

Nil


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Committee Date:	12/06/2015	Title: Former Goldcrest Engineering, Stanton in Peak	 PEAK DISTRICT NATIONAL PARK
Item Number:	7		
Application No:	NP/DDD/0215/0074		
Grid Reference:	424040, 364384		

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8. FULL APPLICATION: PROPOSED EXTENSION OF EXISTING SMALL SCALE STONE EXTRACTION OPERATION ON BRETTON MOOR, EYAM EDGE, FOLOW, DERBYSHIRE NP/DDD/0914/0990 M2326 420057/377930 (NH)

APPLICANT: MRS M ELLIOTT

Site and Surroundings

Bretton Moor Quarry is situated on Bretton Moor, to the north of the minor road that runs along Bretton Edge (Great Hucklow to Grindleford Road). It lies approximately 220 metres east of Bretton and 1.7km north east of Foolow village. The Barrel Inn lies about 220 metres west of the site. The Abney and Bretton Clough SSSI lies about 170 metres to the north west of the site.

Proposal

The application proposes an extension to Bretton Moor Quarry to extract gritstone. A northern extension (approx 0.82 Ha) is proposed to the existing site. The existing quarry includes the excavation area, product storage area and overburden/waste storage areas. The extension will be accessed via the existing access road which lies to the north off Sir William Hill Road. The existing site together with the extension is approximately 2.09 Ha.

The extension area comprises grazing land which is Grade 5 semi improved pasture, and current operational overburden and soil storage land.

Output and Duration

The proposed total quantity of gritstone to be extracted is 63,450 tonnes at a rate not exceeding 4,250 tonnes per annum. This is an increase of up to 1,750 tonnes per annum previously allowed at the existing site. The product will comprise block stone, flagging, walling and roofing slates and will be sold to the local market. It is estimated that this will be over duration of 15 years. The applicant estimates that a small proportion (approximately 20 - 30%) of the output would constitute stone suitable for roofing slate.

Working Scheme

The existing quarry will be extended in a progressive northerly direction. Two existing overburden mounds, OBM1 and OBM2 will be partially excavated during operations and fully removed as part of the site restoration. The current block storage area will be retained throughout the operation of the site. All storage materials will be kept at the 3 metre level.

The gritstone/sandstone is extracted generally without the need to blast, using an excavator. Acceptable stone will be stored in temporary stocking areas and transported to Shepherds Flatt farm for processing and storage. The Applicant would like to retain the option of using black powder, which is a low energy explosive, the use of which may occasionally be required. However, the Applicant states that to date this method has not been used. No explosives or shot firing associated materials will be stored on site.

As working progresses, the Applicant proposes to undertake some progressive but limited restoration with the majority of restoration taking place after the completion of extraction. No importation of waste is proposed and the site would be restored using both quarry waste and the overburden/soils stored on site.

Traffic

The maximum number of traffic movements are proposed to remain at the same level as currently permitted. It allows for permitted traffic vehicular movement (6 in and 6 out per day) with an average of 3 (i.e. 3 in and 3 out) with a maximum vehicle size of between 6 and 12 tonnes.

Restoration

It is proposed to restore the quarry floor to natural regeneration. Restoration will also include the creation of scrapes and wetland areas. Existing hedgerow and scrub will be retained and supplemented with planting to include tree and hedgerows species suitable for the landscape character area. All structures, utilities and vehicle parking areas will be removed during the final restoration of the site. There will also be opportunity to reinstate and restore dry stone walling on the site.

RECOMMENDATION

A) That the application be APPROVED subject to:

A Section 106 Legal Agreement entered into by the Applicant and land owners to include planning obligations to cover the continued operation of the quarry and associated development under the terms of the new permission from the date of that permission coming into effect, and the use of the stone for dimensional, roofing, building, walling and decorative purposes and for local uses within the Park.

- 1. Development to commence within 3 years from the date of the permission.**
- 2. Duration for the winning and working of mineral to 30 September 2030 and the removal of buildings and restoration completed by 30 September 2031.**
- 3. The site and approved details - development to be undertaken in accordance with the application details.**
- 4. Type of Mineral - No mineral other than gritstone to be worked and removed from the site.**
- 5. Output Restriction – Gritstone shall only be removed from the site for dimensional, roofing, building, walling and decorative stone uses.**
- 6. Mineral Restriction – Gritstone shall not be removed from the site as or in the form of aggregate.**
- 7. No retail sales shall take place from the site.**
- 8. Depth of working – the depth of working shall not exceed 15 metres below the current surface level shown on plan Ref: 032-001-007.**
- 9. Restoration – The site be fully restored to amenity (nature conservation) after use in accordance with the approved plan ref JA-032-001-008a.**
- 10. Decision Notice – A copy of this decision notice and accompanying approved plans and documents shall be held at the site and shall be available for inspection by the MPA throughout the duration of the development hereby approved.**

11. Prior to the commencement of the development, the area where the overburden is to be relocated will be agreed with the MPA.'(pre-commencement).
12. Working scheme including phasing – development to be undertaken in accordance with the phases of working in accordance with the approved plan Ref: JA-032-001-007.
13. Soil Mounds - Details showing the formation of soils mounds are required to be submitted prior to the stripping of any soils. Subsoils are required to be placed above topsoil.
14. Site access – No vehicular access for the development hereby permitted shall be used other than the existing access as detailed on plan ref: JA-032-001-007.
15. Surfacing - The site access shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times. A hard surface shall be provided within the site curtilage for the parking of operational vehicles and loading/unloading and manoeuvring of goods vehicles.
16. Fencing – No extraction of minerals shall take place until livestock are removed from the entire working area and stock-proof fencing has been erected in accordance with the approved plan Ref: JA-032-001-007.
17. Early cessation of working – In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme a revised restoration scheme shall be submitted in writing to the MPA.
18. Submission and implementation of landscaping scheme for quarry.
19. Biodiversity and habitat creation - submission and approval of details.
20. Restoration, aftercare and management of quarry – Submission of restoration and aftercare proposals submitted prior to final extraction phase. 5 year aftercare period.
21. Hours of working – 08:00 - 1800 daily Monday to Friday, 08:00 - 13:00 Saturdays; no working on Sundays, Bank or Public Holidays: except for environmental monitoring.
22. Noise - noise levels from site operations shall not exceed 10dB Laeq1h above background noise levels or where the background noise is below 35dB Laeq1h shall not exceed a limit of 45dB Laeq1h.
23. Blasting – No explosives shall be used on the site other than black powder explosives and these shall be for splitting stone purposes only. Blasting protocol to be submitted to the MPA for approval prior to any blasting taking place.
24. Output and resource monitoring - no more than 4,250 tonnes to be removed from the site per annum; total amount of gritstone leaving the site shall not exceed 63,450 tonnes; provision of annual output records to Authority in January of each year.
25. Site and Quarry access and transportation – no more than 6 lorry movements in and 6 out of the site per day carrying stone from the site; via the internal haul road; - the gross weight of the lorries shall not exceed 12 tonnes.

- 26. Processing - No minerals shall be imported onto the site for processing. No mineral processing shall take place at the site.**
- 27. Quarry waste control - any overburden shall be used within the site for progressive restoration.**
- 28. Noise Control – All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer specification at all times, and shall be fitted with and use effective silencers. No machinery shall be operated with the covers open or removed.**
- 29. Dust, Smoke and Fumes – make available facilities to include water bowser and locating machinery away from sensitive receptors and covering vehicle loads to control dust problems arising.**
- 30. Lighting - no lighting without Authority’s consent.**
- 31. Drainage and water pollution – prevention of slurry, no discharge of foul or contaminated drainage from the site; suitable storage of oils fuel or chemicals; no vehicle maintenance except on impermeable areas.**
- 32. Restrict permitted development rights (buildings, structures, plant machinery) colours of ancillary buildings; parking of plant and vehicles; and removal of ancillary development when no longer required.**

Key Issues

Whether there is a proven need to provide gritstone from Bretton Moor Quarry for use in building works and whether that need can be met in any alternative way. If there is a demonstrable need for compatible stone from Bretton Moor Quarry whether the environmental impacts arising from the development can be appropriately mitigated. Whether any exceptional circumstances exist to allow the development to proceed and whether the proposal represents an overall net benefit to the National Park and is in the public interest.

Planning History

Historically the quarry has been worked prior to planning controls being in place.

1998 – scheme of mineral exploration undertaken.

2000 – planning permission granted for the extraction of sandstone for stone roofing slates and ancillary building products.

2007 – planning permission granted for extension of operations to September 2019.

EIA – In accordance with the requirements of the Town and Country Planning (EIA) (England and Wales) Regulations the Authority has undertaken a screening opinion of the proposed development. It is concluded that the proposed development is not likely to have a significant impact upon the environment of the National Park by virtue of factors such as its nature, scale and location. An Environmental Impact Assessment is not required.

Consultation Responses

English Heritage: Recommend the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

PDNPA (Built Environment (Cultural Heritage): State:

‘This application proposes an extension to an existing small scale millstone grit quarry on Bretton Moor. The extension is proposed to help accommodate the need for millstone grit for the repair of buildings and construction of new build in the Peak District and its immediate setting. The application notes that the stone will be used for roofing slate, walling, kerbs and flagging.

‘Currently, Bretton Moor quarry is the only quarry in Derbyshire where stone (grey) roofing slate is won. I am aware that the stone slate has been used locally. In the last few years, stone slate from the quarry was used to make up a shortfall of slate when the roof at Shepherds Flat Farm, Eyam, was repaired.’

‘Local stone slates are desperately required to repair historic buildings in the National Park. Derbyshire stone slate has a distinctive appearance that contributes to the architectural and historic merit of numerous heritage assets and the character of settlements in the National Park. If this character is to be retained then the stone slate roofs should be repaired, and where necessary replaced, with ‘like for like’ materials.’

‘I have discussed the sourcing of stone slates with a roofing materials supplier and a number of local craftsmen. They confirm that there are problems obtaining second-hand Derbyshire stone slate. This is resulting in the use of stone slates sourced from other parts of the country, or other materials, for roof coverings on historic buildings in the National Park. Historically, roof coverings were locally-derived and these locally sourced materials are intrinsic to the character of settlements in the National Park.’

‘The applicant’s supporting evidence notes that stone could be extracted, for roofing slate, from Moorhay (Wigley), outside of the National Park. Stone from this quarry, known locally as Free Birch, is from the Wingfield Flag sequence and has a distinctive scalloped appearance. The Derbyshire roofing slates, as extracted at Bretton Quarry, have an uneven riven appearance but this is not as exaggerated as Free Birch slates. In addition, Derbyshire roof slates are more common, than Free Birch, as a roof covering on historic structures in the National Park.’

‘With the shortfall of Derbyshire slate, local craftsmen are using Yorkshire and Lancashire stone slates. Although these slates are hard wearing, they have a different appearance and smoother texture than Derbyshire slate. In turn, this dilutes the authenticity and special architectural merit of the historic buildings and the character of places.’

‘There are similar issues with the sourcing of building/dimensional stone for the repair of historic buildings in the National Park. Over recent years, the stone won at Bretton Moor quarry has been used to repair a number of designated heritage assets in the National Park, including Haddon Hall. Local stone supplies are necessary so that the historic building stock can be repaired sympathetically and that new build can harmonise with its context. In addition, the stone extracted at Bretton Moor quarry has also been used by local craftsmen to repair the traditional drystone walls in the vicinity of the site.’

‘I fully support this application to extend this small scale stone quarry at Bretton Moor because of the reasons given above.’

PDNPA (Landscape): *‘I have no landscape objections to the proposed extension but I would like to see more detail in the proposed restoration for example proposed grass mix if they are planning in creating wet areas, variation in levels, introduction of heather/gorse in places, repairs to drystone walls to help reinforce the landscape character of the area and future management of the site.’*

Following this consultation, the Applicant has revised the restoration detail. Further restoration details and aftercare will be conditioned.

PDNPA (Archaeology): No comment

PDNPA (Ecology): *In summary state: 'Ecology was consulted on the screening request for the extension of Bretton Moor Quarry in 2014. The response provided stated that the fields affected by the development were of a semi-improved nature and were not considered to be of ecological significance. Bretton Clough SSSI was also noted to be 100m north-west of the quarry site, but the proposed operations were deemed not to have an impact on the designation. Previous survey for extension area shows the field to the north as improved grassland. Ecological interest was recorded to the south of the site. A mix of unimproved acid grassland with dwarf shrub, gorse and wet areas were recorded in this area...The main area of interest falls outside of the application area, although there may be some overlap with the area where the overburden will be relocated (OBM1). A condition is required to ensure that areas of ecological interest are retained.'*

'In addition, there are records for great crested newt in the area, with small numbers recorded in a number of ponds to the north and south of Shepherds Flatt Farm. However, the extension is more than 400m away from the nearest record and there are a number of barriers between the pond and the extension (a road and quarry). Therefore conditions relating to great crested newts are not required in this case.'

'The information on restoration lacks detail, although we support the proposal for natural regeneration for this site, along with the formation of scree slopes and retention of some cliff edges. The exposed soils and rock faces are likely to be of greater ecological interest if they are allowed to vegetate naturally, therefore restoration should not involve any reseeding. A condition is required for further detail relating to restoration prior to the start of the development. We would expect the restoration proposals to show a varying topography and soil depth throughout the site which will result in a more varied flora developing here (similar to the hummocks and hollows created from former quarrying to the south of the site). We would also expect to see subsoils placed on the surface above the topsoil to create a less fertile media for natural regeneration. This should also discourage the establishment of undesirable weed species (docks, thistles, ragwort etc.). The restoration proposals should also include an outline of the 5 year aftercare plan, detailing methods of controlling undesirable species, and grazing proposals should any swards become established during this period.'

'There are other areas of interest around the edges of the field, particularly the area to the south. It may therefore be worthwhile trying to encourage the landowner into a longer term conservation agreement once the aftercare period has finished. We also support the condition that Natural England has provided relating to Abney and Bretton Cloughs SSSI.'

Please attach the following conditions:

'Prior to the start of the development, the area where the overburden is to be relocated will be agreed on the ground with the PDNPA Ecologist, thereby protecting areas of ecological interest.'

'Prior to the start of the works, a restoration plan should be submitted to the PDNPA for approval and must provide the details requested above.'

DCC (Planning): No comments.

DCC (Landscape): State:

‘The application suggests that there will be no significant impact on the landscape and visual amenity of the area by virtue of the site’s relative remoteness and small scale, with few people within close proximity. Having reviewed the application’s supporting information and through the use of Google maps and streetview, Officers would generally concur with this view. However, it is noted that an existing dry stone wall would require demolition to facilitate the proposed development. It is requested that consideration be given to this wall being reinstated beyond the quarry extension boundary to help maintain a locally distinctive landscape feature that contributes to the wider landscape character of the area. ‘

DCC (Highways): State: *‘The proposals are for a small scale extension to the existing quarry operations at this location. I understand from the submitted details that there will be no increase in the annual tonnage of stone extracted or the number of vehicle movements to and from the quarry. The existing access will continue to be used as sole means of access to the site and there are no Public Rights of Way affected. On the basis of the above this Authority would not wish to raise objections to the proposals.’*

Second consultation **DCC (Highways)** state: *‘As stated in my letter dated 14 October 2014 – the proposed extension to the operations does not appear to result in any increase in tonnage or the number of traffic movements generated and as such there are no highway objections. There does not appear to be anything in this additional submission to engender any change in those comments.’*

The proposal will result in an increase of 1,750 tonnes per annum however the maximum number of traffic movements will remain the same. **DCC (Highways)** have confirmed that *‘On the basis that the traffic movements remain the same there would no further highway objections.’*

Derbyshire Dales (EHO): State: *‘I have looked at this application and read their comments concerning noise. I can confirm that I have not received complaints regarding this site and from the description of operations it would appear that the potential noise impact on nearby properties would be limited. Obviously, without a noise survey it is difficult for me to make further observations’.*

‘Under the Technical Guidance to the National Planning Policy Framework, the recommendations for mineral workings during daytime operations is that where possible, noise from the site during the daytime (07:00 to 19:00hours) should not exceed the background noise level by more than 10dB (A). Given the low level of operation that is suggested at this site, then this would seem to be a reasonable condition. However, without knowing what the existing background noise levels are, I cannot give a specific figure.’

Second Consultation response from **EHO** states: *‘From previous conversations, I understand that there is an existing noise condition on the previous application, therefore, I would wish that it is applied to this application as well if granted as this will control the levels of noise allowed during the proposed working hours.’*

English Heritage: Recommendation: *‘The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.’*

Natural England: Natural England’s relevant comments in respect of the application are as stated below:

No objection – with condition

This application is in close proximity to the following Sites of Special Scientific Interest (SSSI); Abney and Bretton Cloughs SSSI (within 200m), Waterfall Meadows SSSI (within 1km), Bradwell Dale and Bagshaw Cavern SSSI (within 2km) and Stoney Middleton Dale SSSI (within 2km). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on these sites as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Condition

1. Dust suppression, minimisation and control measures

The application site is within 200m of Abney and Bretton Cloughs SSSI; although it is not currently possible to set an environmental benchmark for dust given the paucity of studies, dust produced during the construction phase could cause smothering effects if the designated site is within approximately 200m. Dust, or particles, falling onto plants can physically smother the leaves affecting photosynthesis, respiration, transpiration and leaf temperature. Larger particles can also block stomata.

Measures to suppress dust could include locating machinery and dust causing activities away from sensitive receptors, erecting physical barriers such as screening at the site boundary, vehicle wheel washing, covering vehicle loads, skips and stockpiles, using enclosed chutes, and using water as a dust suppressant. These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Abney and Bretton Cloughs SSSI is notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28I (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

Eyam Parish Council: State: *'At our meeting on Monday 27th October it was agreed to recommend approval of this application but it was requested by councillors that the immediate neighbours of the site are notified of any impending blasting.'*

Further comment following second consultation received by **Eyam Parish Council**: ‘Approval - important quarry - Health and Safety as a deep quarry extremely important’.

Foolow Parish Council: State: ‘In principle Foolow Parish has no objections to this application given the fact that it is already taking place. My only personal comment would be that the roads used (like many in the Peak District) are narrow and in places steep. Not ideal of course for heavy weights.’

The Parish Council made further comments: ‘Since writing my earlier reply, the village has received a copy of a detailed response sent to the PDNPA from Mr Brooke, the person who lives closest to the quarry. Mr Brooke raises a lot of material facts and factual information in his letter which are at odds with the Planning Application. We would ask that these material facts be investigated and considered when deciding upon this planning application.’

Environment Agency: The Environment Agency confirm that they have no objection to the proposed development but wishes to make the following comments. Nothing other than uncontaminated excavated natural materials shall be tipped on the site. Use of the mobile fuel bowser should be used in accordance with guidance given in PPG2.

Hours of operation

The proposed hours of working would remain the same as permitted at the existing quarry, namely 08:00 hours to 18:00 hours Monday to Friday and 08:00 hours to 13:00 hours Saturday. No working on Sundays and public holidays other than Good Friday.

The operating hours accord with standard practice at other sites. At the level of operation proposed the impact of working would be confined to within close proximity of the site. Few people are likely to be disturbed directly by operations at the site, due to its remote location and the distances from local residents.

Representations

There has been an objection received from Mr J.D Brooke, a local resident of Bretton. His property lies approximately 197 metres away (measured on earthlight from the quarries nearest point) to the north of the site, and is at a level approximately 40 metres below the quarry.

His concerns relate to noise levels and state:

‘Our house is 160m. from the site at its nearest point, not 300m. For some reason neither it nor the public highway leading to it appears to be shown on the site plan. • While we have not made formal complaints, I did complain in person to Mr Chris Elliott on three occasions - firstly in general terms, when I was assured activity would only be intermittent; secondly when operations had been continuous for over a week, when I was assured that this was exceptional; thirdly when activity was continuing as late as 14.00 hrs. on a Saturday, when I was assured that permitted hours would in future be strictly observed. • It is claimed the noise levels at our house will be minimal and not exceeding 45-55 dB (A), which if true would be no problem. However, when material is being transferred between excavator bucket/ loader/truck/trailer, the noise level is much higher and continually repeated - at times with the wind from a southerly direction (not uncommon) been it has as high as 60-65 dB(A) in my garden, and 65-70 dB(A) on the byway extending to the southeast. Proposed operations extending ever closer would undoubtedly generate even greater noise levels. if permitted, this application would potentially condemn us to an oppressive level of noise pollution throughout the day (we are retired) six days a week for 15 years...’

'PDNP Core Strategy MIN 3 requires any proposal for even small-scale operations to meet a demonstrable need within the NP which cannot be satisfied from existing permissions inside or outside the NP, and that it should be supported by demonstrable evidence which proves that alternative sources of supply are not and cannot be made available. When the original application was made (NP/DDO/0299/097), special circumstances were claimed in that the quarry was to produce roofing slates which were not readily available elsewhere. However it is now acknowledged that only minimal quantities of roofing slates have been or are expected to be produced. This new application claims special characteristics for the quarry's but offers stone not the slightest proof that such characteristics are needed, or that alternative sources are not available elsewhere. The fact that stone from the quarry has been used in a number applications within the National Park in no way constitutes such required proof.'

Following receipt of this objection, the EHO was consulted and has confirmed the following: *'I have looked at this application and read their comments concerning noise. I can confirm that I have not received complaints regarding this site and from the description of operations it would appear that the potential noise impact on nearby properties would be limited. Obviously, without a noise survey it is difficult for me to make further observations.'*

Under the Technical Guidance to the National Planning Policy Framework, the recommendations for mineral workings during daytime operations is that where possible, noise from the site during the daytime (07:00 to 19:00hours) should not exceed the background noise level by more than 10dB(A). Given the low level of operation that is suggested at this site, then this would seem to be a reasonable condition. However, without knowing what the existing background noise levels are, I cannot give a specific figure'.

The EHO has made further comment indicating that noise conditions can be applied to control the noise levels. In response to this objection and to ensure that the objectors residential amenity is maintained, conditions can be applied which control the level of noise on site. These are discussed later in the report and an assessment of the application under policy MIN3 is also addressed within this report.

The distance from Mr Brookes house to the nearest point of site has been measured using the Authority Earthlight Geographical information System and is approximately 197 metres. Further information was also sought from the applicant to quantify the amount of roofing slate that would be available from the quarry and this has been provided by the Applicant as is discussed later in this report.

A further letter of objection has recently been received by the Authority from Mr J.D Brooke. He states: *'Permission for the re-establishment of Bretton Moor quarry in 1999 was based on the claim that it would produce roofing slates, for which there is a known need. This claim has, however, proved illusory, as the wording of the current application ("extremely limited/insignificant) acknowledges. Neither the application nor the additional information submitted is able to instance a single example of a roof made with slates from the quarry, while of the only two specific examples on which slates are said to have been used for repairs, Shepherds Flatt Farm is the home of the vestry of Foolow Church, where a very few slates were used in repairs according to Mr M Marsden, who carried out the work). In the meantime the PDNPA has established its Core Strategy (2011). Policy MIN S demands "demonstrable need within the NP which cannot be satisfied from existing permissions inside or outside of the NP", and "demonstrable evidence which proves that alternative sources of supply are not and cannot be made available". Given these stiff conditions, it seems reasonable that the current application should be subjected to a critical appraisal.'*

'The application honestly admits that only "possibly minor quantities" of roofing slate would be Produced. The additional information submitted, however, tries to suggest that 10%-20% of the 1.65m. flaggy sandstone strata might "possibly be recovered. A critical appraisal would I

suggest, conclude that this is pie in the sky given that the same strata have been worked for the past 15 years without producing any worthwhile quantity of roofing slate.'

'Perhaps in anticipation of such a conclusion the application claims special characteristics for the Block stone from Bretton Moor quarry, namely that it is of a unique colouring (presumably in an attempt to prove that alternative sources of supply are unavailable). I could not profess to know whether this is true or untrue, although a critical appraisal might suggest it to be fanciful, in that the application states it to be "primarily an orange buff colour with iron staining swirls" while the additional information submitted states " primarily being light honey brown with occasional strong orange brown coloured swirls".'

'If the claim to uniqueness is not true, then there is no demonstrable evidence to prove that alternative sources of supply are not available - there are many other quarries with existing permissions inside, let alone outside the NP, that can satisfy blockstone needs, if, however, Bretton constructed of stone from the quarry, and will clash with stone from elsewhere - In that pre-1999 workings were not great in extent, and that the quarry was "originally worked for roofing slates and walling stone", the existence of such buildings is so unlikely as to rule out any demonstrable need. A critical appraisal would I suggest conclude that the requirements of the Authority's Core Strategy are not met.

'The application and additional information submitted cites a range of examples where stone from Bretton Moor quarry has been used, claiming that this demonstrates the need for this particular stone. It does not. It merely demonstrates the need for stone - which could just as readily have been supplied from previously existing permissions. If the Authority's Core Strategy Policy MIN 3 is to have credibility and not be seen as an empty gesture, I suggest that this application must be subject to a thorough and probing examination, and that such critical appraisal would lead to its rejection'.

In response to this objection, the Applicants have provided photographic evidence, assessment of stone types, volumes, tonnages and recovery. Together with an assessment of the Need for the stone. This information has been consulted upon and is assessed in the report against the relevant policies of the Development Plan taking into account consultation response. It is not for the Authority to disprove the Applicants case but to make a balanced decision based on the information that has been submitted and any material considerations.

The Applicant has responded formally in writing to his objection stating: *'The original reason for re-opening Bretton Moor quarry was at the behest of the PDNPA to produce stone roof slates for which there was a clear demand but no identifiable supply, other than by the demolition of existing building or theft from them. Implicit in the first application and subsequent one which followed on, there has always been an understanding that as a stand-alone supplier of roof slates, the operation was not viable and that the production and sale of other stone products, i.e. walling, flagging, blockstone etc was essential; this remains the situation.'*

'Stone slates have been and will continue to be produced from the quarry. The exposure of eminently suitable material is there to be seen in the central and western upper sections of the existing quarry face. Details of the site geology have been supplied to you, and is there for third parties (who actually understand the characteristics of stone necessary for the production of slates) to assess. Stone suitable for slate production is also known to continue to the north of the area which has been backfilled against and which forms a part of the proposed extension, i.e. the western end of the northern quarry face.'

'A comparison between the colour characteristics of the Bretton Moor Quarry and other consented gritstone quarries in the area has been made and there is demonstrable evidence that there is no comparable (consented stone) available...There is demonstrable evidence to show that Bretton Moor stone is unique, and this has been provided.'

There has been 3 letters of support:

A letter from the National Trust stating: *‘The Small Quarry on Bretton Moor, Eyam Edge, has been there for a number of years, it provides a source of local stone, that we value for dry stone walling restoration. And the occasional larger blocks of stone for other purposes e.g. mounting blocks for horse riders. This type of stone is increasingly difficult to source and helps to maintain the character and features of parts of the National Park.’*

A letter from A Marsden, Director of Foolow Building Services, who in summary states: *‘I am in constant touch with other local builders who all have one thing in common - we find it increasingly difficult to find local stone that matches precisely the stone that buildings in this parish are built from. We used to be able to get this stone from Stoke Hall Quarry but this is no longer possible. We are being forced into buying stone from Birchover and Stanton which are quite purple/pink in colour, Hayfield which has a tendency to grey swirls and areas from outside the Peak District which cannot possibly be the way forwards. I can take members to any number of developments that have been completed from stone that is not local. It stands out a mile. Listed building work is getting almost impossible to complete without a source of local stone.’*

One letter from M.P Marsden stating *‘Bretton Moor Quarries have been working the site for a number of years. I have used the stone on many occasions and find it a very good match for the type of restoration work I undertake. I have used it several times on listed buildings, the most recent being The Old Hall, Foolow, where several window mullions and a transom were restored. There is also considerable demand for the walling stone. This stone naturally occurs in various thickness on the bed and is easily suited to just being pulled out and used and is therefore naturally bedded and faced. I do not know of another quarry harvesting this sort of material in the area. It is very popular with local dry stone wallers matching the existing sandstone...’*

Main Policies

Relevant Core Strategy 2011 policies: GSP1 GSP2, GSP3, GSP4, DS1, MIN1, MIN3, CC1, CC5, T1, T4.

Relevant Local Plan (2001) ‘saved policies’ LM1, LM9, LC16, LC17, LC19, LC22, LT9.

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 Parks.

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.

For minerals, and specifically building stone, the NPPF (paragraph 144) states that when determining planning applications local planning authorities should:

‘Give great weight to the benefits of the mineral extraction, including to the economy; as far as is practical, provide for the maintenance of land-banks of non-energy minerals from outside National Parks; ensure no unacceptable adverse impacts on the natural and historic environment, human health, and take into account the cumulative effect of multiple impacts from

individual sites and/or from a number of sites in a locality; ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards; consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites’.

Assessment

Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise (s.38 (6) of the Planning and Compulsory Purchase Act 2004). The proposal constitutes mineral development which, in terms of the definitions provided in the Development Management Procedure Order (2015), falls under the category of ‘major development’.

The Core Strategy general spatial policies provide overarching principles for spatial planning in the National Park. They relate closely to the delivery of National Park purposes to ensure that the valued characteristics and landscape character of the area are protected. Section E of policy GSP1 states that, in securing national park purposes, major development should not take place within the National Park other than in exceptional circumstances. It goes on to state that major development will only be permitted following rigorous consideration of the criteria in national policy, and that where such a proposal 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.

The criteria in national policy as referred to in policy GSP1 are contained in paragraph 116 of the NPPF. That paragraph re-states that planning permission should be refused for major developments in 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 (NEED);
- The cost of and scope for developing elsewhere outside the designated area or meeting the need for it in some other way (ALTERNATIVES);
- Any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated (EFFECTS ON ENVIRONMENT).

In support of CS policy GSP1, policy MIN1(A) states that proposals for new mineral extraction or extensions to existing mineral operations will not be permitted other than in exceptional circumstances in accordance with the criteria set out in National Planning Policy – however, this policy excludes local small-scale building stone proposals which are covered by MIN3.

In assessing whether this application falls within the scope of a ‘small-scale’ building stone proposal, reference is made to other building stone operations in the National Park in terms of the area, duration, intensity of the development and the resultant annual/total output. The proposal seeks an annual output of tonnes of a maximum 4,250 tonnes per annum over a 15 year period. The equivalent figure for Dale View is 62,000 tonnes per year with working consistently throughout the year.

The requirements of policy MIN3 overlap to a large extent with the overarching policies of GSP1 and the exceptional circumstances test set out in the NPPF for major developments in National Parks. The policy states that proposals will only be permitted for small-scale working of building and roofing stone where:

- (i) they meet a demonstrable need within the National Park, which cannot be satisfied from existing permissions inside or outside the National Park;
- (ii) they will be confined to local use only on buildings and structures within the National Park; and
- (iii) the individual and cumulative impacts of working on the environment, amenity and communities can be appropriately mitigated.

In respect of point (i), the policy states that any proposal should be supported by demonstrable evidence which proves that alternative sources of supply are not and cannot be made available. Additionally, proposals would need to be accompanied by a suitable legal agreement to ensure the objectives of the policy were met.

In considering the above policies, the key areas of Need and Alternatives and Effect on the Environment are now considered in more detail, in conjunction with an assessment as to whether exceptional circumstances exist to permit the development. Additionally, conformity with other relevant detailed Development Plan policies is included in the assessment, alongside national policies set out in the NPPF. This is undertaken with consideration given to the overriding requirement in policy GSP1 that major development will only be permitted following rigorous consideration of the criteria in national policy.

NEED AND ALTERNATIVES

In the submission the Applicant has presented a case of need to address this particular requirement.

Geology

The Applicant confirms that the site geology is very simple comprising gently inclined Gritstone/sandstone strata, the nature of which has been well defined as operations have developed over the past 15 years. The occurrence of slate/flagging grade stone in the upper part of the sequence with blockstone below has been consistent throughout the previously worked out areas and is evident in the exposed final northern wall. The proposed extension will involve a nominal development of extraction to the north over a distance within which there is a high level of confidence that stone characteristics will remain unchanged.

The Applicant has provided an assessment of stone types, volumes and recovery tonnages to support the planning application. Photographs which show the sequence of the stone types. Ranging from ground level, soils and weathered bedrock (variable up to 1 metre thick), Honey brown flaggy sandstone – medium grained with common planar laminations along which split readily (1.65 to 2.2 metres thick), Honey brown sandstone – medium grained, thickly bedded, moderately strong. Broken by variable joining. (3.6 to 3.8 metres thick).

The observable thickness of thinly bedded flaggy sandstone varies from east to west along the exposed northern face of the current quarry void from approximately 1.65m thickening up to 2.2 metres. The area to the west of the maximum extent of the exposed northern wall has been previously quarried and is now backfilled against. Within this area the thickness of flagstone horizon is at its thickest and previously produced slates which were used to re-roof Foolow Chapel, Shepherds Flat Farm, etc. The total thickness of the exposed flaggy sandstone horizon showed there to be a thickness of useable roofing slate grade material to be 1.23 metres out of a total thickness of 1.65 i.e. 75%.

The quarry can produce a range of stone products, not solely stone roofing slates. Due to the nature of sandstone deposit, stone slates would form a relatively small proportion of the total output. The quantity of roofing slates that could be produced from the site is dependent on both the natural bedding thickness and the cleavability of the stone. Handworking methods should

maximise the quantity obtained and is the traditional and preferred method. Stone slates form a limited proportion of the value of the deposit; the Applicant has provided an assessment of the recovery rate of flaggy sandstone which confirms that potentially 20 – 30% of the potential useable strata can be recovered for stone slate.

According to the Applicant about 90% of stone from the quarry to date has been used for projects (restoration and new build) within the National Park. It is inherently difficult to predict with any accuracy the amount of stone slate versus other stone products that might be obtained from this site.

Roofing Slates – Need and Alternatives

The Authority is aware that the availability of roofing slates from local sources for the repair of historic buildings and the construction of new buildings in the vernacular style is of great importance for the conservation of the built environment and heritage of the National Park. In addition, there is a local need for new sources of stone slate to ensure continuity of supply.

The Authority was jointly responsible with English Heritage and Derbyshire County Council in establishing a research project with the aim of assessing the future of the natural stone slate industry in the South Pennines area and to consider future potential sources of supply. It resulted in the publication of a report in 1996 titled - 'The Grey Slates of the South Pennines' - Report of a study into the Potential to Re-establish the Roofing Slate Industry of the region. The report highlighted the decline of the stone slate industry over time and the lack of operational sites within the research area and encouraged a revival of the traditional stone slate industry.

The need for the product within the National Park is highlighted within the comments provided by the Authority's Built Environment (Cultural Heritage) Officer. Currently, Bretton Moor quarry is the only quarry within the Park, where stone (grey) roofing slate has been obtained, albeit it is limited in quantity. In addition, the stone slate has been used locally within the Park. In the last few years, stone slate from the quarry was used to make up a shortfall of slate when the roof at Shepherds Flat Farm, Eyam, was repaired.

Local stone slates are desperately required to repair historic buildings in the National Park. Derbyshire stone slate has a distinctive appearance that contributes to the architectural and historic merit of numerous heritage assets and the character of settlements in the National Park. If this character is to be retained then the stone slate roofs should be repaired, and where necessary replaced, with 'like for like' materials.

The demand for materials that match those originally used is particularly important for the repair and maintenance of historic and traditional buildings. It is also preferable, in attempting to maintain a vernacular style to try and utilise materials akin to those used in the local area.

Alternatives

An assessment of alternatives and sites is difficult since much depends on the particular characteristics of the stone in terms of colour, texture, grain size and bedding characteristics. The 1996 report identifies seven generic slate types which would ideally cover the historic range. Each type is visually distinct and ideally should not be inter-mixed on a roof.

Sites within the South Pennines research area capable of supplying the right types and quantities of stone slates are extremely limited. Within the National Park Officers are not currently aware of any other operational quarry that has the specific potential to produce stone slates. There is one site located near Chesterfield (Moorhay) which has recently been granted planning permission and could produce slate but this is not currently operational. However, the geological sequence and characteristics are different from the application quarry and the material is not widely used within the Park.

There are other sources available within the U.K, including Herefordshire, Yorkshire and Lancashire, however these are a different colour and serve local markets. Other alternative sources of roofing slate are imports from countries such as China and India; the salvaging and reuse of slates from redundant buildings; the use of other roofing materials (e.g blue slates) and the use of artificial slates from redundant buildings; the use of other roofing materials. Whilst all alternatives can be considered they would not necessarily be appropriate for the historic buildings of the National Park and not considered a sustainable source of supply.

Blockstone

The Applicant has confirmed that the lower part of the sequence accounts for approximately 65% of the worked horizon, comprises sandstone from which only sawn products and dry-stone walling stone can be derived. The units are devoid of the closely spaced laminations which give the upper flaggy unit its unique properties.

Recovery from the blockstone units can be split into that suitable for sawing and that for use as dry-stone walling and is likely on the basis of historical data, to have combined value of approximately 56%. It should be noted that this is an estimate only and may vary either way. The material is a natural substance which can show widely variable levels of inconsistency.

Alternatives

There are other quarries within the National Park that have substantial approved reserves of building stone for use as dimensional stone from sites within the National Park and in surrounding areas. Interpreting the policy based purely on the quantity of the resource available does not take into consideration of any other factors such as colour, quality and consistency with local building aesthetics would indicate that there is potentially no need for the sandstone. However taking into account the need for roofing slate and the lack of local suitable local supply and the need for the stone for restoration and building projects locally, there appear to be benefits to allow the development to take place.

The Applicant has provided further information in the assessment of whether there are alternative sites outside of the Park that could provide such stone. They have provided detailed information on 8 sandstone quarries within the Park including Dale View, Stoke Hall, New Pilhough, Birchover and Wattscliffe, and some within close proximity of the Park boundaries. They provide details of the colour, texture and type and geological classification of products from these quarries.

They state that the quarry has a unique colour and has established itself in the market place as a product which is extensively used within the Park on restoration and new build products. The Company has provided numerous examples of where the roofing slates and stone has been used. They are of the view that Burntwood Quarry is a similar colour, however the stone from the quarry is restricted to supplying Chatsworth House and Estate.

Blockstone has been used for the production of walling and architectural detail i.e. cills, quoins, flagging and lintels. Roofing slates have been used on several roof restoration projects and new build projects. Sources of dry stone walling are limited in and around the Peak District and the quarry has become a significant supplier of stone for local demand, citing numerous local examples within the supporting documentation, including stone roof slates at Eyam Barns and dry stone walling.

There are other quarries within the National Park that have substantial approved reserves of building stone for use as dimensional stone from sites within the National Park and in surrounding areas. Interpreting the policy based purely on the quantity of the resource available

does not take into consideration of any other factors such as colour, quality and consistency with the aesthetics of properties within the Park.

The site is already an established quarry within the local environment and is well screened and an established barely noticeable feature in the local environment. The geology of the mineral deposit at the site is well understood and there are established markets predominantly within the National Park boundary and to a very limited degree beyond for certain products. The supporting information submitted with the application demonstrates that the proposed extension area is a natural extension to the existing quarry. The geological beds are visible in the quarry face and have been proven by previous extraction.

In taking all the above factors into account, it is considered that there are exceptional circumstances to permit the proposal in terms of need and alternatives, subject to being able to adequately control any adverse effects on the environment. In terms of policy MIN3, the small-scale nature of the proposal does meet a demonstrable need within the National Park, which cannot be satisfied from existing permissions inside or outside the National Park. Additionally, the use of the stone would be confined to local use only on buildings and structures within the National Park, therefore the proposal is in line with this policy, subject to the individual and cumulative impacts of working on the environment, amenity and communities being appropriately mitigated.

Building Tradition & Restoration

The application contains evidence that there is a need to use the stone and slate from the site to restore and conserve listed, historic and non historic buildings in the National Park. It provides examples of where the products from the quarry have been utilised in prestigious developments citing renovation work at Haddon Hall and housing projects at Glebe Park in Eyam. Numerous examples have been provided of other properties within the Park where slate, walling, flagging and blockstone have been used from the site. The use of locally-derived stone is an important aspect of the architectural quality and character of many of the buildings and structures in the Park.

This is supported by policy within the Peak District National Park's Design Guide 4 – Materials states:

'New buildings should ideally be constructed from the same palette of materials used traditionally in the area. This means for the most part, natural stone for walling and slate or tile for roofs...The two predominant types of building stone in the Peak District are Millstone Grit) a buff or pink, large-grained sandstone) and Carboniferous Limestone (a grey, hard fossil rich stone). A glance at the field walls locally will tell you which of these two stones form the underlying geology of the area you are in.'

Notwithstanding the tests for major developments in National Parks, paragraph 144 of the NPPF requires local planning authorities to consider how to meet demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets and expects such authorities to recognise the small-scale nature and impact of building [and roofing] stone quarries, and the need to adopt a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites. The application for Bretton Moor quarry falls generally within this description and therefore, the Authority is required to pay particular attention to the small-scale nature of the development proposal (compared to larger, more commercial, building stone operations elsewhere in the National Park, e.g. Dale View Quarry) in making its determination.

The Applicant has confirmed that the use of the stone specifically slate in restoration and its geological properties and colour are typical of the buildings found within the Peak. This statement is also supported by the Built Environment Team and Landscape Architect within the

Peak District National Park Authority who has confirmed that there is a critical need within the National Park for slate for repairs to existing buildings and for new building. The National Trust has also made comment to this effect stating: *'The quarry provides a source of local stone that we value for dry stone walling restoration. And the occasional larger blocks of stone for other purposes e.g. mounting blocks for horse riders. This type of stone is increasingly difficult to source and helps to maintain the character and features of parts of the National Park.'*

There is conformity with the second strand of CS policy MIN 3, which requires that the stone be confined to local use only on buildings and structures within the National Park. This restriction in end use can form part of a Section 106 agreement (draft terms of which has been submitted with the application) or by planning condition. Therefore this would be in line with CS policies GSP4 and MIN3 (C).

Taking all the above factors into account, it is considered that there are exceptional circumstances and material considerations to permit the proposal in terms of need and alternatives, subject to being able to adequately control any adverse effects on the environment.

EFFECTS ON THE ENVIRONMENT, LANDSCAPE AND RECREATIONAL OPPORTUNITIES

Accepting that an exceptional circumstance is demonstrated and that the need and alternatives assessment are sufficiently addressed by the application, the third strand of the NPPF and GSP1 major development test is an assessment of any detrimental effects on the environment, the landscape and recreational opportunities, and the extent to which those effects could be moderated. This ties in with the assessment of the development against policy MIN3 (part iii) which states that the Authority will only permit small scale working of building and roofing stone where the individual and cumulative impacts of working on the environment, amenity and community can be appropriately mitigated. There are several areas to be considered in terms of environmental impact, which are set out below.

Biodiversity and Ecology

The proposed extension would disturb part of an area which is presently classed as semi-improved pasture land, which is used for sheep grazing. This type of pasture land is not considered to be rare or valuable habitat. As such the impact on biodiversity is not considered to be significant. The proposed extension lies about 115 m to the south west of Abney and Bretton Clough SSS1 but it is not considered that the proposed development will have significant impact on this designated area in view of the distance and the nature, scale and extent of the proposed development.

Appropriate planning conditions can be used to minimise the impact upon of operations on the ecological interest of the area in accordance with Core Strategy Policy and LDF policy LC17 and LC19.

Water

There are no surface watercourses within or near the site and the excavation will not penetrate the water table. No groundwater has been encountered to date. Water would not be used in the quarry working activity and no on-site processing is proposed. There is no fuel or chemical stored on the site. The Environment Agency has been consulted and there have made no objections subject to the imposition of certain planning conditions. Other conditions can also be imposed in line with standard quarrying practice and would be in accordance with Core Strategy policies CC1, CC5 and MIN3. The hydrological and hydrogeological aspects of the development proposal will not result in harm and therefore complies with policies MIN3, CC5 and LM1.

Landscape & Visual

The NPPF (paragraph 115) gives the National Park the highest status of landscape protection. LDF Policy L1 stipulates development must conserve and enhance valued character identified in the LSAP. Policy L2 seeks to conserve and enhance sites biodiversity and geodiversity importance. Policy MIN1 indicates that restoration schemes should focus on nature conservation afteruses and should include a combination of wildlife and landscape enhancement, recreation and recognition of cultural heritage and industrial archaeological features.

The site and extension area is located in an elevated position at approximately 390 and 380 metres respectively, AOD on Bretton Moor. To the north and in the direction of the extension area, the land falls towards Bretton Clough. Although elevated and relatively exposed, views onto the area are limited and no properties overlook the site.

The nearest residential properties are situated between approx. 200 – 280 metres from the quarry and lie at a lower level. The site is visible from the south along Bretton Edge, although the uneven nature of the topography helps to break up these views. There are no public rights of way which run across or within close vicinity of the site and the land is not Access land. Longer distance views can be gained from Abney and beyond to the north, although at these distances (1 – 1.5km) the visual impact would be minimal due to the distance.

The site is well screened to the south, when viewed from off the Great Hucklow to Grindleford road, by old spoil mounds which rise from 1 – 2 metres above surrounding ground levels.

The location of the soil and overburden storage mounds to the north west of the working area, and their seeding to grass, would significantly reduce views into the site from those locations to the north west. The two settlements immediately to the north of the site lie about 35 – 40 metres below the site and are visually screened by the natural topographical landform.

The only periods of time where operations will be visible will be whilst the storage mounds are being extended, when operations are being undertaken at a short distance below ground level and when stone is hauled out of the void for temporary storage and transportation off site. These impacts will be minimal due to the location of the site with respect to receptors and the low level of activity.

Conditions can be imposed, as previously attached, which limit the height of the mounds to a maximum of 3 metres, along with suitable grading and treatment. The mounds would remain in situ for the duration of working. Consequently, it is considered that the proposed workings will have no significant impacts on the landscape and visual amenity of the area in view of the limited scale and extent of the proposed development.

The small scale of the quarry development, the nature of activities involved and the location of the site will minimise the effect upon the broader landscape character area to negligible.

The proposed development would have no effect upon any designated landscapes, conservation areas, listed buildings or local scheduled monuments.

Taking the assessment into consideration overall the landscaping impact is considered to be small and the proposed development can be controlled to minimize the effects on the characteristics and amenity of the area, in terms of landscape impact. The proposal has not attracted objection from the Authorities Landscape Officer. The proposal is in accord with policies L1, MIN1, LM1 and the relevant landscape and restoration policies of the NPPF.

Countryside Access and Recreation Impact Assessment

The LDF Core Strategy (chapter 10) supports recreation and sustainable access and development should not prejudice the informal quiet enjoyment of the National Park (Policy RT1). There are no footpaths which run across or near to the site which would be affected by the proposal.

The PDNP Landscape Officer has confirmed no objections to the scheme, and is satisfied that the impacts have been assessed, including access and recreational impacts, and are not significant. Further restoration details are required and this is conditioned accordingly.

Traffic

The application site is accessed from the road running along Bretton Edge which is a single track rural road. There is good visibility in both directions and the access is gated.

Vehicles leaving the site travel west down to Foolow. The route is narrow and winding with limited visibility along certain sections, particularly along Bradshaw Lane, between Bretton and Foolow. The material would be moved by tractor and trailer and a small lorry capacity of which varies from 6 – 12 tonnes. Drystone walling stone is transported to the farm by tractor and trailer, stored and then onwards by lorry as sold. Blockstone is taken by Capital Stone Masons and Harris Quarries for processing and then distributed throughout the Peak Park. There is no processing on the farm.

No more than 6 in and 6 out lorry movements are proposed to take place at the site with the average being 3 in and 3 out per day.

Taking into account the increase in tonnage together with the intermittent nature of working the site, the Applicant estimates that the same level of vehicle movements as permitted in 2007 (6 maximum 3 average) would be generated per working day. As far as Officers are aware no complaints have been received about the level of vehicle movements associated with the site.

Core Strategy policy T1 seeks to conserve and enhance the National Park's valued characteristics in a number of ways, including minimising impacts of traffic within environmentally sensitive locations. Policy T4 specifically relates to freight traffic stating that facilities should be related to the needs of the National Park based businesses, and should be located to avoid harm to the valued characteristics of the National Park or compromise to the routes which are subject to weight restriction orders.

In assessing the proposal, it is considered that the development does not conflict with development Plan policies T1 and T4. Local Plan policy LT9 states that depending on the nature of the business, planning permission may be given to business subject to an agreement about the size of vehicles used. The development proposal accords with this policy as there is already consensus on the size of vehicles to be used to transport stone from the site. It is considered that the access, lorry types and numbers can be covered by conditions. Consequently the proposal is considered to be in accordance with policies Min 3, T1, T4 and LT9.

As such lorry traffic associated with the development would have limited impact upon the environment of the area.

Noise, Blasting and Dust

The site is located in a quiet location with the nearest property being the Barrel Inn, which is located more than 200 metres away to the west and is well screened both visually and acoustically from the site and the extension area by the topography and vegetation. Other residential properties lie either beyond the Barrel Inn or a Bretton Clough. The Croft lies within 200 metres (approx. 197m) to the north of the site at a lower level.

The potential sources of noise and disturbance at the site would arise from the levering and movement of stone, plant, equipment and vehicle movements and occasional black powder blasting. The plant likely to be used on site is a hydraulic excavator, a tractor with tipper trailer and a front end loader. Black powder blasting is low impact blasting most commonly used and insignificant amounts of ground vibration and air-overpressure are generated. The detonation is audible but not of high volume. If blasting is necessary it will have to take place in accordance with the relevant mines and quarries regulations.

Although the Applicant has confirmed that to date there has been no requirement to undertake block reduction by blasting methods, they wish to retain the ability to do so.

It is not proposed to store shot-firing materials on site. A condition requiring a blasting protocol be submitted to the MPA is proposed.

The very low output of the site combined with the method of working and phasing means that the occasions when mobile plant will be operating on the surface will be minimal. In addition, a condition will restrict the hours of operation.

Whilst there has been an objection to the proposals on the grounds of oppressive noise, the EHO Officer has been consulted regarding the objection and is satisfied that noise can be satisfactory controlled on the site through the imposition of planning conditions, and these are proposed. Such conditions can cover noise emission levels, restriction of reversing beepers and hours of operation. It is considered that a noise limit of 45 dB LAeq (1hr free field) can be added to the new permission.

The NPPF (paragraph 143) and Local Plan Policy LM1 seek to ensure that operations do not have unacceptable adverse impacts from dust on the natural and historic environment or human health.

The method of working at the quarry employs traditional techniques of splitting the rock rather than the use of blasting. No crushing or screening takes place and there is the occasional use of mobile plant. There are therefore far fewer dust sources than in larger quarrying operations and very little to generate fine dust particles.

It is therefore concluded that the proposal will not give rise to any unacceptable vibration, dust or noise effects and can be appropriately mitigated, so will be in conformity with the environmental protection policies contained in LM1, MIN3 and the relevant paragraph in the NPPF which seeks to ensure that any unavoidable blasting vibrations are controlled, mitigated or removed at source.

Archaeology

The NPPF identifies cultural heritage assets including those most at risk as an irreplaceable resource and that their conservation in a manner appropriate to their significance should be given great weight in National Parks. The LDF paragraph 9.40 promotes consideration of qualities and local distinctiveness of the historic environment and how these contribute to the spatial vision, and seek to conserve heritage assets most at risk.

Core Strategy policy L3 seeks to ensure that development conserves and, where appropriate, enhances or reveals the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations. Development will not be permitted, other than in exceptional circumstances, where it is likely to cause harm to the significance of any such asset. Policy L1 relates to landscape character, and includes the history and archaeology of the area and the historic buildings and registered parks and gardens as key aspects of the overall landscape character of an area. The policy states that development must conserve and enhance valued landscape character.

There are no identified areas of archaeological interest within the proposed quarry extension area. It is considered that there will be no impacts on the archaeological interests and the proposal complies with development plan policy.

Operating hours

With the relatively low annual output of stone, the operational activities would take place on a limited number of days per year and hours per day sufficient to meet production targets. The quarry is not usually worked during periods of bad weather. To give operational flexibility however, permission is sought to maintain the previously permitted hours of working: 0800 – 1700 hours weekdays and 0800 – 1200 hours Saturdays. There would be no working on Sundays or Bank and public holidays.

The operating hours accord with standard practice at other sites. At the level of operation proposed the impact of working would be confined to within close proximity of the site. Few people are likely to be disturbed directly by operations at the site, due to its remote location and the distances from local residents. The proposals are therefore considered to be in accordance with Core Strategy policy MIN3.

Economic

The LDF (para 4.28) states “the challenge is to manage down the adverse environmental impacts of the (minerals) industry respecting the fact that it provides jobs and building materials that are valuable locally and nationally. The 2011 National Parks Census identifies 185 residents employed in Mining and Quarrying (1% of all employment) in the Park District National Park, the second highest number and second highest percentage of residents employed in this sector out of the 13 England & Wales National Parks.

The site makes a contribution to the local economy and will provide local employment and spend in the local area.

Cumulative Impact

The NPPF (para 143) requires account to be taken of the cumulative effects of multiple impacts from individual mineral sites and/or a number of sites in the locality. CS policy MI3 and Local Plan LM1 also require an assessment of the cumulative impacts of operations.

Examination of the public register establishes that there were no development proposals with planning permission in the wider area which would have a material effect on the development proposal concerned. The application proposes to extend the quarrying operations for 15 years, up to 2030. Quarrying has been undertaken at the site prior to the introduction of planning legislation and from 1999, following the grant of planning permission, and appears to have operated as a good neighbour and in line with planning conditions. The environmental impacts arising from the operations have been minimal and adequately controlled by planning conditions.

Restoration and Aftercare

The quarry restoration proposals are considered acceptable having regard to Policy MIN1 of the Core Strategy which sets out criteria for the restoration and after-use of minerals development. Restoration of all minerals and waste development is expected to contribute to the general spatial outcomes of the plan. These outcomes are expected to focus on amenity (nature conservation) after uses rather than agriculture or forestry.

The restoration scheme includes using quarry waste and overburden stored on site. Some progressive restoration is proposed infilling and contouring of the exhausted sections of the void. The final landform feature will comprise a shallow basinal structure with an exposed rock face on

its northern side, graded slopes on its western and eastern side and a gently inclined slope extending from the southern side to north into the final void area. The restoration scheme also includes the creation of a reconstructed dry stone wall and a seasonal wetland area with small areas of blockstone piles.

Conditions are proposed which require an ecological management plan and aftercare programme to secure the proposed restoration and its management for a period of five years. A further condition requires the applicant to submit an aftercare management plan every year during the aftercare period.

The proposal is considered to be in accordance with policies GSP2, MIN1, MIN3 and LM1.

Section 106 Agreement

If Members wish to approve the application, the planning permission would need to be accompanied by a Section 106 legal agreement, as required by policy MIN3 (C), since there are additional material planning considerations which could not be secured by planning condition.

The legal agreement would be required to cover the following items:

- Restriction on the primary end use of extracted stone to prevent it being used as aggregate.
- Restriction on the type of mineral extracted from the site i.e. gritstone.
- Restriction on the stone exported from the site and its destination.

The NPPF (paragraph 204) states that planning obligations should only be sought where they meet all of the following tests:

- (i) necessary to make the proposed development acceptable in planning terms;
- (ii) directly related to the development; and
- (iii) fairly and reasonably related in scale and kind to the development.

Considering the first item proposed to be included, the obligation would provide the Authority with an assurance that any stone won from the quarry is used for specific purposes, which would be used within the National Park and for conservation/maintenance purposes. This would ensure compatibility with the requirement to ensure that stone will be confined to local use only on buildings and structures within the National Park, as specified in CS policy MIN3. It is therefore necessary to make the development acceptable in policy terms. It is also directly related to the development, emphasising the link between the extraction site and the restoration programme and is proportionate in terms of the scale of the proposal. It is therefore considered consistent with the NPPF tests.

The proposed restriction to ensure none of the stone is extracted for primary aggregate purposes also provides assurance that there is consistency with policy MIN1. It is therefore necessary to make the development acceptable and complies with the NPPF tests in all other respects.

Conclusion

The proposal is considered major development. The policy direction in the Core Strategy and the NPPF states that major development should not take place within National Parks other than in exceptional circumstances, and where it can be demonstrated that it is in the public interest.

The proposal is to continue to work the site on a relatively small-scale basis to meet an identified need within the National Park for traditional stone roofing slate for which there is currently a shortfall in supply as detailed in this report.

Based on the details submitted and the consultation responses, it is apparent that the quarry is the only site capable of producing stone roofing slates within the National Park, and it would be prudent and in the public interest to secure a source of roofing slate within the Park.

In addition the proposal will provide for building stone of a particular colour which will enable the repair and new build of structures within the Park. It will also provide a local source of building stone and it is in the public interest to secure a local source within the Park.

Exceptional circumstances have been demonstrated to support the proposals within the National Park, and it is clear that the proposal would provide public benefits and would contribute to the achievement of sustainable development objectives through provision of heritage conservation, creating a high quality built environment, use of natural resources prudently and helping to improve the biodiversity and support for the local economy.

The NPPF also requires local planning authorities to give great weight to the benefits of mineral extraction, including to the economy. Specific reference is made to building stone and the need to consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites. Similarly the NPPF requires MPAs to recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.

The proposed working is considered to be small in scale. It is considered to be in the national and local interest to undertake the proposed development to maintain the historic and heritage environment of the Peak District National Park.

In assessing the primary end use of the stone to be extracted, it is considered that the proposal would have a substantial positive impact in enabling the restoration and new build work on properties and structures within the Park specifically the use of slate and thereby complies with the end use requirement specified in Core Strategy policy MIN3.

The development would support sustainable economic growth in this rural area, whilst seeking to protect and enhance the natural and historic environment in line with Government principles for sustainability. Given all relevant considerations the development is sustainable within the context of guidelines which trigger presumption in favour of approval. Exceptional circumstances have been demonstrated to support the proposals within the National Park.

Overall, having regard to the application and the further information submitted through consultation, it is considered that the proposed operations, in conjunction with the recommended conditions and Section 106 legal agreement, would not likely create an adverse impact sufficient to justify refusal of this application. On balance exceptional circumstances exist whereby this proposal can be considered to be in accordance with the policies of the Development Plan, that support the development of small-scale gritstone operations and the operations can be minimised in the interests of the National Park. Having assessed the proposals it is concluded that the continued operation of this quarry would not be detrimental to the landscape and environment of the National Park.

The environmental information provided does not include any material or factual evidence to provide significant weight to justify refusal of the application when balanced against the evidence submitted by the applicant and taking account of the responses from the technical consultees.

Subject to the recommended conditions and a planning obligation, the proposed development would not unacceptably (individually or cumulatively) impact upon the landscape and environment and amenity in terms of landscape character, visual appearance, noise, dust,

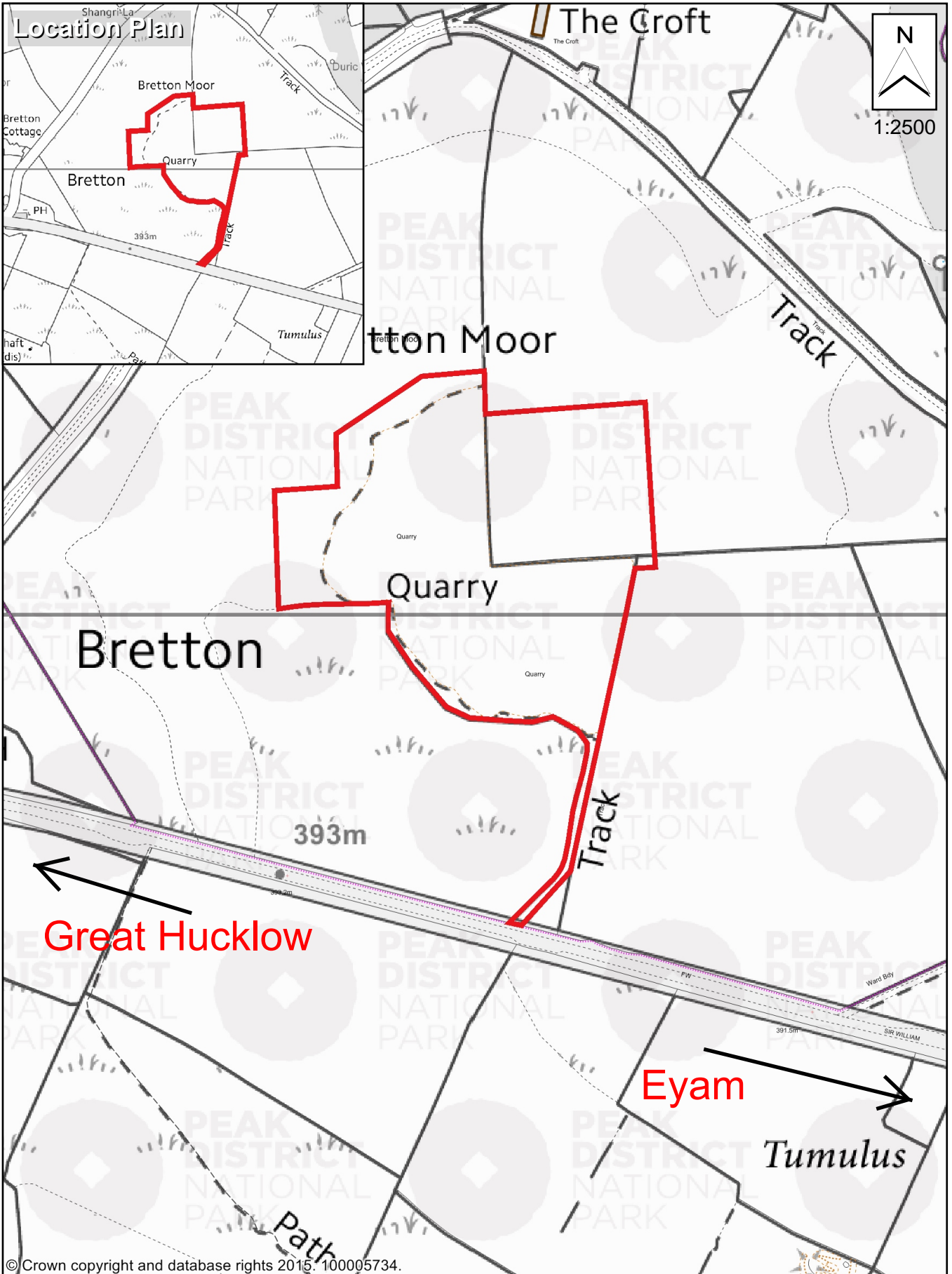
blasting, lighting, nor on the water environment, archaeology, cultural heritage, ecology, recreation, residential amenity, highways and traffic.

Human Rights


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

List of background papers (not previously published) - None

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Committee Date:	12/06/2015	Title: Bretton Moor Quarry, Eyam	 PEAK DISTRICT NATIONAL PARK
Item Number:	8	Edge, Foolow	
Application No:	NP/DDD/0914/0990		
Grid Reference:	420057, 377930		

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9. HOUSEHOLDER APPLICATION: DEMOLISH EXISTING GARAGE AND REBUILD TO SAME SIZE TO FORM UTILITY. REFURBISH COTTAGE INCLUDING REPLACEMENT WINDOWS, INSULATING AND RE-RENDERING SIDE AND REAR WALLS, AND INSTALLATION OF FLUE PIPE ABOVE EXISTING FLUE AT 1 HALL BANK, HARTINGTON (NP/DDD/0415/0309 P.9393 412954/360355 29/05/2015 /DH)

APPLICANT: MR BRIAN SWINDELL

Site and Surroundings

1 Hall Bank is a two storey semi-detached cottage located on the south-western side of the named settlement of Hartington. The cottage is rendered and has a Staffordshire blue slate roof, there are a number of different window styles in the property. There was a rendered side extension with a blue slate roof and a timber front, this has now been rebuilt to the same footprint and size, and is the main subject of the current application.

The property lies on the north side of Hall Bank and is within the designated Conservation Area. The rear and west side of the property faces directly onto a downwardly sloping field occupying the corner between Hall Bank and the B5054. The village war memorial is at the junction of Hall Bank and the B5054 at a distance of approximately 56m from the application site, and this area of land is designated as being an Important Open Space within the conservation area. The principle elevation faces south onto Hall Bank across a hard surface to the foreground of the cottage which has space for off road parking.

The nearest neighbouring residential properties are The Old Chapel immediately to the west and Number 2 Hall Bank to the east. On the opposite side of Hall Bank is Reynards Close at a distance of 30m to the south, and Number 2 The Square at approximately 64m west, the rear of the property is directly onto farmland and the nearest neighbouring properties to that elevation are Ivy Dene and Church Steps at a distance of 70m.

Proposal

The application seeks to regularise the rebuilding of a side extension to the property off the west gable of block and render construction with a mono-pitched roof clad with blue slates to match the existing dwelling. Although the size and height of the side extension remains as previous, there have been two windows introduced, one facing west and one facing north.

The development description also includes the refurbishment of the cottage including insulating and re-rendering the side and rear walls and replacement windows throughout. As the cottage is not listed these repair works do not require express planning permission and have been included merely to give context to the works.

At the time of a site meeting to give pre-application advice the proposal to install a flue on the rear roofslope above an existing fireplace required planning permission as that elevation faced a highway, therefore this is included in the proposal; however, the Town & Country Planning (General Permitted Development) Order 2015, which came into force on 15 April 2015, has been amended and the proposed flue is now deemed to be permitted development.

RECOMMENDATION:

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

- 1. The development shall not be carried out other than in complete accordance with the submitted plans received by the Authority 15th April 2015.**

- 2. The development shall not be carried out other than in complete accordance with specifications for minor design details including specifications for construction materials, external doors and windows, and rainwater goods.**

Key Issues

- whether the side extension would detract from the character, appearance or amenity of 1 Hall Bank, its setting within the conservation area, or neighbouring properties.

History

The applicants bought the property in 2012, they sought advice from the Authority as to whether windows could be added to the existing side extension and were advised that as the windows were ground floor they would be permitted development for which planning permission was not required.

In August 2014 it was brought to the Authority's attention that the side extension had been completely removed and was being rebuilt, enforcement case file 14/0559 was created and the applicants advised that as the extension was being totally rebuilt that planning permission was required.

Consultations

Derbyshire County Council (Highway Authority) - No objections

Derbyshire Dales District Council – No response to date

Hartington Parish Council – Raised concerns regarding the application because they considered that:

- the plan drawings were misleading with new windows being drawn on existing elevations;
- the introduction of new windows to be inappropriate in a conservation area;
- the additional windows overlook an important open space as well as being in a conservation area;
- the significant building works to the property, which is in a prominent and central area of the village and is particularly visible to residents and tourists from the War Memorial, are inappropriate;
- the works should not have proceeded to the present level; and
- the building also appears dangerous.

The Parish Council therefore unanimously rejects the proposals at Hall Bank in light of the complete divergence of the existing building.

Representations

One letter has been received by the Authority from the owner/occupier of one of the properties neighbouring 1 Hall Bank. The letter supports the application but expresses concern about the length of time the refurbishment works are taking.

Main Policies

In principle, DS1 of the Core Strategy is supportive of extensions to existing buildings and policy LH4 of the Local Plan provides specific criteria for assessing householder extensions. LH4 says extensions and alterations to dwellings will be permitted provided that the proposal does not:

- i. detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings; or
- ii. dominate the original dwelling where it is of architectural, historic or vernacular merit; or
- iii. amount to the creation of a separate dwelling or an annexe that could be used as a separate dwelling.

The Authority has also adopted three separate supplementary planning documents (SPD) that offers design guidance on householder development namely the Design Guide, the Building Design Guide and the Detailed Design Guide on Alterations and Extensions. This guidance offers specific criteria for assessing the impacts of householder development on neighbouring properties and contains a number of suggestions for the appropriate design of outbuildings such as garaging.

Wider Policy Context

The provisions of policies DS1 and LH4 and guidance in the Authority's adopted SPD are supported by a wider range of design and conservation policies in the Development Plan including policies GSP1, GSP2, GSP3 and L1 of the Core Strategy and policy LC4 of the Local Plan, which promote and encourage sustainable development that would be sensitive to the locally distinctive building traditions of the National Park and its landscape setting. Policy LC4 and GSP3 also say the impact of a development proposal on the living conditions of other residents is a further important consideration in the determination of this planning application.

As the proposed development is within the boundary of the Conservation Area, policy L3 of the Core Strategy and Local Plan policy LC5 are also relevant. These policies seek to ensure the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced, including its setting and important views into or out of the area.

These policies are consistent with national planning policies in the Framework (the National Planning Policy Framework) not least because core planning principles in the Framework require local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Assessment

In terms of the background to this application, the owners of the cottage consulted the Authority when the refurbishment works at 1 Hall Bank commenced, initially requesting advice on whether they could insert windows into the existing side extension. Unfortunately, this advice was misunderstood, and instead of merely inserting windows in the existing side extension, which would have been permitted development, the structure was taken down almost to ground level and rebuilt, which meant that they required planning permission to re-erect the side extension, this is the subject of enforcement case file 14/0559.

The applicants have since worked with the Authority and discussed all their plans for the cottage to ensure that no other breaches of planning control occur, and the current application seeks

retrospective planning permission for the extension. In this case, the rebuilt one storey extension is the same footprint and height as previously, therefore the scale and massing are unchanged. The materials for the construction are block and render as previously used to match the cottage itself. Therefore, in general terms, the re-built extension meets the requirements of LH4 which deals specifically with householder developments and supporting design guidance because the re-built extension would be clearly subsidiary to and would harmonise with the main part of the original house.

However, the side extension previously housed a small garage, it is proposed that it will now be brought into the cottage to form a toilet and utility room, this intended use means that the design includes windows on the west and north facing elevations of the extension. The door in the principle elevation is to be a pedestrian door rather than the double doors which were in the original extension. There are no objections to these proposals because officers consider the detailed treatment of the re-built extension is appropriate and reflects the local building tradition.

In terms of neighbourliness, the orientation of the side extension at 1 Hall Bank relative to the north facing windows at The Old Chapel, which is directly west of the application site, means the extension will not have a substantial effect on the outlook from The Old Chapel, nor will the side extension obstruct or block light to The Old Chapel. Due to the intervening distance between the application site and properties directly in line with the windows in the extension, being Number 2 The Square which is approximately 64m to the west, and Church Steps at a distance of approximately 70m to the north, the windows in the extension would not cause any loss of privacy or give rise to any overlooking or amenity issues at those properties.

It is therefore considered that the side extension will not be unneighbourly and it is not considered that retention of the side extension will impact on the quiet enjoyment and amenity of any neighbouring properties, nor will it have an adverse impact on the general amenities of the local area taking into account the modest size and scale of the extension.

With regard to the proposed flue pipe on the north facing roofslope, the householder permitted development rights have been recently amended, therefore the flue over an existing fireplace no longer requires express planning permission. In the interests of the visual impact of the addition of a flue the applicants have stated that it will be black which will minimise the effect when seen against the backdrop of the blue slate roof.

The application refers to replacement windows in the cottage to give context to the works. The current windows are a range of differing styles. New windows are proposed throughout in the existing openings, they are to be recessed from the external wall as existing, some of these will be like-for-like, others will replicate the design of others in the property which are considered to be better proportioned. The new windows will be constructed from timber with a white finish. These works do not require planning permission as they are considered to be repair and maintenance.

It is therefore concluded that the rebuilt side extension, being the only aspect of the refurbishment works that requires express planning permission, will not unacceptably impact on the amenities of the area and would be of a sufficiently high standard of design to warrant approval. Therefore, planning permission should be granted for the side extension if it would not detract from the character and appearance of its landscape setting.

The Parish Council have raised concerns regarding the landscape and visual impact of the extension, particularly referencing the windows in the extension overlooking an Important Open Space within the designated conservation area.

The extension replaces one which was in place for many years, there is no increase in size, and the materials are to match the existing, the difference will be the inclusion of windows. The windows will be constructed of white finished timber and the design replicates those in the rear

elevation of the cottage which is seen from the vantage point of the B5054 and the war memorial. As such, it is considered that the addition of one extra window in the north facing elevation would not have a significantly detrimental impact on the surrounding landscape or views within the conservation area, nor will it have such a significant effect on the elevation itself as to warrant refusal.

Moreover, the extension is seen in the context of the two neighbouring residential properties to the immediate east and west, it is not a separate development seen in isolation, therefore it will not detract from the landscape setting of the dwelling to such an extent that the proposals would harm the character of the area or the scenic beauty of the National Park.

The Parish Council also raised concerns that the building also appears to be in a dangerous and unsafe condition because of the works. The applicant has had the District Council's Building Control inspector visit the site and they were satisfied that the works, which have recently involved the rebuilding of part of the corner wall, was a necessary repair and the building has since been made safe. It is otherwise acknowledged that the works have been ongoing for a long period of time, partly due to the delay caused by the applicants being advised that there had been a breach of planning control which needed to be addressed.

Additionally, some wall has had to be rebuilt to make it safe and the retrospective nature of this application does not help ease any of the Parish Council's concerns. However, the character of an applicant and/or the retrospective nature of a planning application are rarely material planning considerations and these particular concerns are not considered to weigh heavily in the determination of the current application.

Conclusion

In conclusion, it is considered that the application meets the requirements of policies in the Development Plan and national planning policies in the Framework because it would be of an appropriate design and would not harm the valued characteristics of the National Park or the special qualities of the surrounding Conservation Area. The extension meets the specific requirements of LH4 that deals with householder developments because it will be subservient to the host dwelling and it would not detract from the character, appearance or amenity of the main house, its setting or neighbouring properties.

In this case, conditions ensuring compliance with the plans would be necessary in the interests of the proper planning of the local area. It would also be reasonable and necessary to specify design details and materials in the interests of the character and appearance of the completed development. Therefore, in the absence of any other material considerations that indicate permission should otherwise be withheld, the application is recommended for conditional approval.

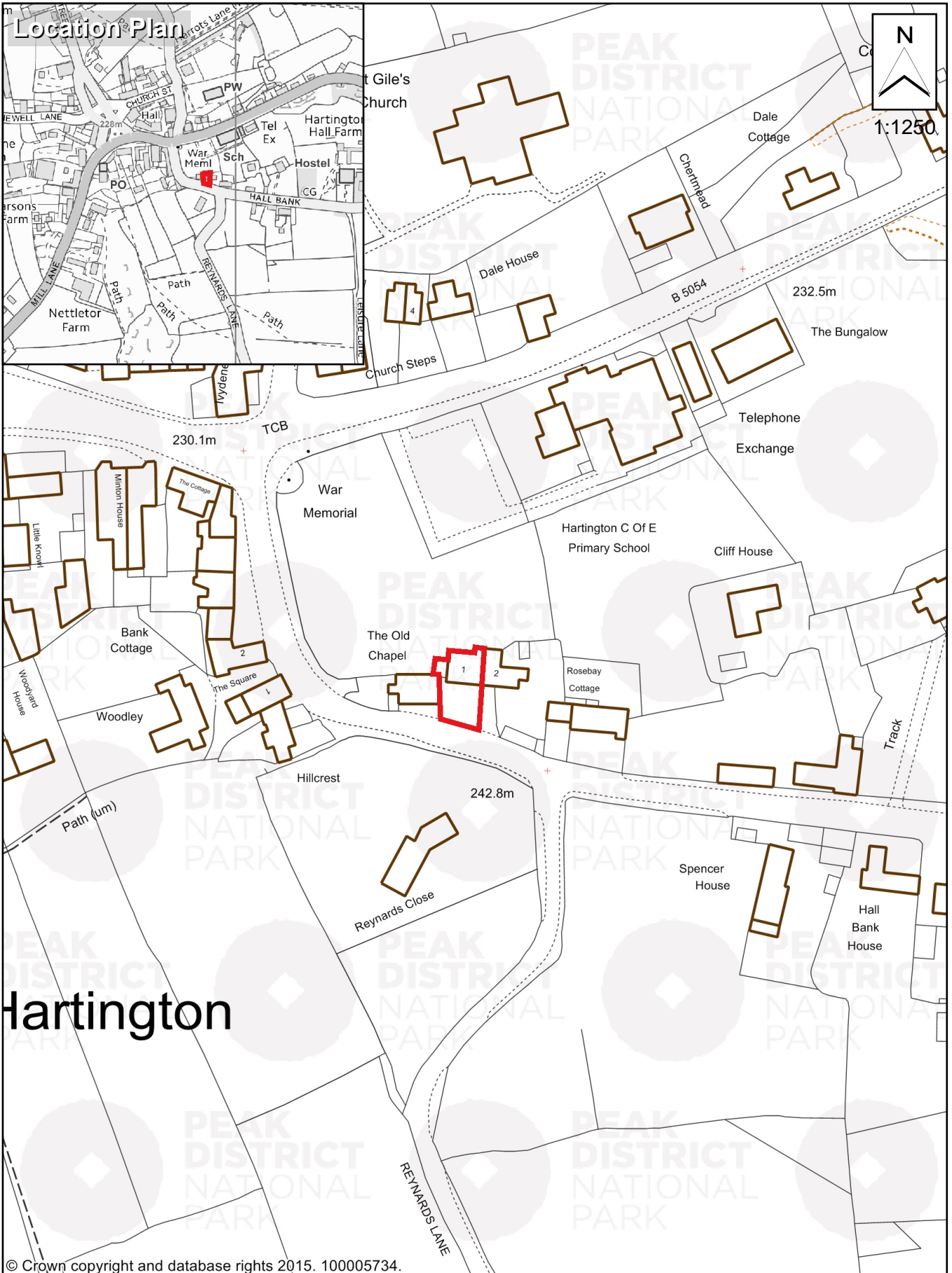
Human Rights

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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Committee Date:	12/06/2015	Title: 1 Hall Bank, Hartington	 PEAK DISTRICT NATIONAL PARK
Item Number:	9		
Application No:	NP/DDD/0415/0309		
Grid Reference:	412954, 360355		

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10. FULL APPLICATION – DEMOLITION OF FLAT-ROOFED EXTENSION, CONSTRUCTION OF DEPENDANT RELATIVE ACCOMMODATION AND LEAN-TO EXTENSION, BARLEY CROSS, CHURCH LANE, GREAT LONGSTONE (NP/DDD/0315/0259, P.6942, 420159/371943, 30/03/2015/KW)

APPLICANT: MR NEIL CROSSAN

Site and Surroundings

Barley Cross is a 1950's detached dwelling situated on the southern side of Church Lane on the northern edge of the village, and within Great Longstone Conservation Area. It is situated centrally within a fairly large garden (0.13 ha) and is set back around 23m from Church Lane.

The dwelling is bounded by fields and paddocks on its western and southern boundaries. Part of its eastern boundary abuts the garden boundary of the adjacent dwelling to the east (Croft Lodge). The remainder of the eastern boundary abuts the tree-lined rear access drive to the former Croft Hotel.

Barley Cross comprises a detached dwelling of a non-traditional design, constructed of limestone Davy Block stone under a blue slate roof. The dwelling, which was extended in the late 1950's has an unusual asymmetrical roof form and an unresolved appearance to its front elevation, with twin gables of different sizes and a higher eaves height to the later gabled extension than the original low 1½-storey eaves height of the original dwelling.

On the eastern side of the dwelling is a small, pitched roof double garage positioned at an angle to the main dwelling frontage and linked to the main dwelling via a flat-roofed link extension. There is another flat-roofed addition to the rear of the garage. To the rear of the double garage are two timber sheds positioned adjacent to the eastern garden boundary wall. This eastern boundary wall is constructed of natural limestone to a height of around 1.6m (average measurement).

There are three mature beech trees on the other side of this wall, the nearest of which is around 800mm away from the wall, the other two trees being around 2.0m away from the wall. The southern and western garden boundaries are enclosed by established hawthorn hedging to heights of 1.6m and 2.6m respectively.

Proposal

The current application proposes demolition of the flat-roofed addition to the rear of the double garage, removal of the existing nearby timber sheds and erection of a single-storey building to provide ground floor dependant relative accommodation on the ground floor and a first floor study within part of the roof space.

The main building footprint measures 10.8m x 6.3m x 3.7m/6.0m to the eaves/ridge (maximum dimensions). This main building is then linked to the rear of the garage via a smaller and lower pitched roof link building (13.5m² internal floor area), which is to provide a second bedroom and future accommodation for a carer. The internal floor area of the building (including the link building) measures around 65.5m². The dependant relative building is to be linked to the main house via a small glazed corridor link building, which is clad with a zinc roof.

The proposed building is to be constructed of natural limestone under a natural blue slate roof. Whilst the building form and materials follow the local building tradition, contemporary detailing has been incorporated into the scheme, which includes the provision of an oversailing gable roof, which extends beyond the outer gable wall of the building and provides cover for a small outdoor balcony/sitting area, which is supported on a raised decking structure. This oversailing gable feature is supported on timber piers and the triangular outer gable end section has an open

timber truss detail with full-height glazing to the main body of the building, which is recessed 1.2m back from the oversailing gable.

The application description and submitted drawings also show the provision of a 5.0m x 3.9m single-storey, rear lean-to dining room extension to the main house. Although shown on the plans, this extension is permitted development and does not, therefore, form part of this planning proposal.

RECOMMENDATION:

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

- 1. Statutory 3-year time limit.**
- 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plan no.s 14121/101 Rev E, 102 Rev E, 103 Rev E, 104 rev E & 105 Rev C, subject to the following conditions or modifications.**
- 3. The accommodation hereby approved shall be ancillary to the residential use of Barley Cross and shall not be occupied other than by members of the family of the occupier of that dwelling.**
- 4. Pile foundations and concrete slab to be constructed entirely in accordance with an Arboricultural Impact and Method Statement based on the submitted tree report prepared by John Coe Tree Services dated 2 December 2014. The Arboricultural Impact and Method Statement shall be submitted to and agreed in writing by the Authority prior to the commencement of the development. The development shall then be carried out entirely in accordance with the approved Arboricultural Impact and Method Statement**
- 5. At the time of installation, the windows to the bedrooms and wet room in the east Elevation shall be obscure-glazed and shall then be permanently so maintained.**
- 6. The parking and manoeuvring area including garaging, shown on the approved plans shall remain unobstructed for use at all times.**
- 7. The external walls of the extensions hereby permitted shall be clad with random-coursed natural limestone.**
- 8. Submit and agree stone sample**
- 9. All roofs (except for the glazed corridor link) to be clad with natural blue slate.**
- 10. All window and door frames shall be recessed a minimum of 75mm (approximately 3 inches) from the external face of the wall.**
- 11. The window openings to the carer's room on the east elevation shall be provided with natural gritstone lintels and the window openings to the bedroom/wet room shall be provided with natural gritstone lintels and sills.**
- 12. The window openings on the west elevation shall be provided with full natural gritstone surrounds.**
- 13. The external doors shall be of timber construction.**

14. The window frames shall have a white finish to match the existing.
15. The metal flue pipe shall be painted matt black at the time of erection and shall be permanently so maintained.
16. The rooflights shall be fitted flush with the roofslope.
17. The roof verges shall be flush cement pointed, with no barge boards or projecting timberwork.
18. The rainwater goods shall be cast metal style, with a black finish. 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.
19. All pipework, other than rainwater goods, shall be completely internal within the building.

Key Issues

1. The principle of the proposed dependant relative accommodation.
2. Design issues, the impact of the proposed building on the character and appearance of the existing dwelling and the Conservation Area.
3. The impact upon the residential amenities of the adjacent property (Croft Lodge).
4. The impact of the proposal on the adjacent mature beech trees.

Relevant Planning History

March 1953 – Outline and full planning consent for the erection of a detached two-storey, three-bedroomed dwelling with attached single garage (Barley Cross).

March 1958 – Full planning consent granted for the erection of a two-storey side extension (now built).

February 1963 – Full planning consent granted for the erection of a flat-roofed front entrance porch.

May 1963 – Full planning consent granted for an extension to the single garage, forming a double garage (built).

July 1964 – Full planning consent granted for a single-storey games room extension (not built, now expired).

December 1964 – Full planning consent granted for a single-storey games room/study (not built, now expired).

September 2010 – Letter from the Authority to the applicant advising that the removal of the existing flat-roofed front entrance porch and its replacement with a pitched roof porch would be permitted development, if it was constructed within the permitted size parameters for porches. The replacement porch was subsequently built.

Consultations

Highway Authority - No objection subject to all uses remaining private and ancillary, and no loss

of parking.

District Council – No reply to date.

Parish Council – Raise concerns over the scale of the extension, which is not on designated development land.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1 and L3

Relevant Local Plan policies: LC4, LC5, LC20, LH4, LT11

The National Planning Policy Framework ('the Framework') was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date.

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. In this case, policies DS1, GSP1, GSP2, GSP3 and L3 in the Authority's Core Strategy (CS) 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 Framework with regard to the issues that are raised.

As the development proposals are within a Conservation Area, of particular note is that the Framework says local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. New development involving heritage assets should make a positive contribution to local character and distinctiveness. These stated aims and objectives within the NPPF are essentially the same criteria that are set out in CS L3.

CS policies GSP1, GSP2 and GSP3 set out requirements for development proposals to be of a high standard of design sensitive to the locally distinctive and valued characteristics of the National Park. These objectives alongside the conservation and enhancement of the National Park's cultural heritage are consistent with the core planning principles set out in the Framework. CS policy DS1 otherwise states that in all settlements and in the countryside outside the Natural Zone extensions to existing buildings will be acceptable in principle.

The key policy in respect of the principle of the provision of dependant relative accommodation is Local plan policy LH4. This policy relates to extensions and alterations to dwellings, and states that these will be permitted provided that the proposal does not:

- (i) Detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings;
- (ii) Dominate the original dwelling, where it is of architectural, historic or vernacular merit;
- (iii) Amount to the creation of a separate dwelling or annexe that could be used as a separate dwelling.

Assessment

Issue 1 - The principle of the proposed dependant relative accommodation.

The agent's supporting Design and Access Statement states that the proposal is a response to the needs of the applicants to provide ancillary living accommodation for their elderly parents, both of who are in need of daily care and supervision. They have looked at the options for moving, however, no properties with suitable accommodation for their parents have been found. The scheme therefore proposes purpose built ground floor accommodation by erecting an ancillary outbuilding in close proximity to the main house, which is linked to the main house via a glazed corridor link.

The accommodation provides two separate bedrooms, a wet room and an open-plan kitchen/dining/living room space, which is designed to accommodate a wheelchair. The internal floorspace of the accommodation extends to 65.5m², which is the equivalent to a three-person local needs dwelling, however, the proposed floorspace is larger in order to accommodate wheelchair users.

The living space is open plan and all the accommodation is designed on a single accessible level. The rooms are generous enough to allow for a wheelchair user to turn. Full ramped access is configured around the side of the house and along a path to the rear entrance porch. The scheme also proposes a study area within part of the roofspace to enable the applicants to work from home, thus enabling them to care for their parents and to be on hand, if required.

In respect of criterion (i) of policy LH4 the existing dwelling has been extended in the past and is a non-traditional building of no particular architectural merit. Notwithstanding this, it has a 'quirky' charm and appearance, and is well maintained. It is well set back and on a slightly lower level to Church Lane, and is situated centrally within a large garden. Consequently, it does not presently impose on the character of Church Lane or the locality.

The proposed dependant relative building is situated behind the existing double garage, within the rear garden, but in close proximity to the house. Although the ridge of the building projects 400mm above the ridgeline of the existing garage, it will be largely screened by the garage, and as it has a single-storey form, it would not detract from the character or appearance of the original building.

Furthermore, views of the length of the building are screened by the adjacent boundary walling and the line of mature beech trees and interspersed yew planting along the neighbouring driveway on the eastern boundary of the site. Given its single-storey form and position at least 12m away from the nearest dwelling (Croft Lodge), it is not considered that the proposed building would adversely impact upon the amenity of this dwelling. Whilst this is a fairly large building, it is considered that in the context of this dwelling and its fairly large garden it would not amount to overdevelopment and would 'read' as a subsidiary traditional outbuilding when viewed from Church Lane.

In respect of criterion (ii) of policy LH4, the existing dwelling is not considered to be of particular architectural, historic or vernacular merit but, in any case, for the reasons given in the preceding paragraphs, the proposed building would not dominate the original dwelling.

In respect of criterion (iii), it is acknowledged that the proposed accommodation provides all the attributes of a separate dwelling, however, by virtue of its proximity to the main dwelling, shared access and garden facilities, and first floor study, it would not be capable or suitable for occupation as dwelling other than by members of the family occupying the main house. Moreover it is considered that the occupation of the dependant relative unit could be adequately controlled through the attaching of a planning condition requiring that the accommodation be

ancillary to the residential use of Barley Cross, and that the proposed accommodation shall not be occupied other than by members of the family of the occupiers of that dwelling.

Given the stated need for the proposed accommodation, it is considered that it will 'read' from public viewpoints as a subsidiary traditional outbuilding that will preserve the character and setting of the original building and will not amount to the creation of a separate dwelling. Consequently, it is considered that the principle of the proposal complies with all aspects of Local plan policy LH4 subject to an appropriate occupancy restriction that retains the annex as ancillary living accommodation attached to Barley Cross.

Issue 2 - Design issues, the impact of the proposed building on the character and appearance of the existing dwelling and the Conservation Area.

Core strategy policy GSP3 requires that all development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject of the development proposal; GSP4 requires the Authority to consider the contribution that a development can make to its setting including the appropriate use of planning conditions.

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 LC5 further states that applications for development within a Conservation Area or for development that affects its setting or important views into or out of the area, should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced.

Core Strategy policy GSP3 and Local Plan policy LC4 set out further criteria to assess the acceptability of all new development in the National Park. These state 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. Additionally, these policies state that particular attention will be paid to the scale, form, mass and orientation in relation to existing buildings, settlement form and character, landscape features and the wider landscape setting. Attention should also be paid to the degree to which design details, materials and finishes reflect or complement the style and traditions of local buildings.

As previously stated, it is considered that the form, massing and natural materials proposed for the building are appropriate and would not detract from the character and setting of the existing dwelling or its setting within the Conservation Area. Views of the proposed building are well screened from the only public viewpoint (Church Lane), by the existing double garage and surrounding boundary walling and established tree and hedge planting.

In terms of the opening details these reflect the local building tradition on the outer facing east elevation and amendments and amended plans have been submitted omitting a proposed external chimney stack. However, a more contemporary design approach has been adopted on the outer facing gable, which faces into the rear garden. This takes the form of an oversailing gable roof, which extends beyond the outer gable wall of the building and provides cover for a small outdoor balcony/sitting area, which is supported on a raised decking structure. This oversailing gable feature is supported on timber pier and the triangular outer gable end section has an open timber truss detail with full-height glazing to the main body of the building, which is recessed 1.2m back from the oversailing gable.

The agent considers that this contemporary detailing retains the simple form and character of the building and provides an airy internal space that is well served by natural light and provides a protected outdoor sitting space for the elderly occupants. The internal west-facing elevation, which faces across the rear elevation of the main house, is provided with large casement window openings, in order to provided ample natural light to the kitchen and dining rooms. The

need for generous natural light provision is particularly important because of the overshadowing impact of the adjacent mature beech trees.

Given the non-traditional style of the existing house it is considered that this contemporary detailing is acceptable and given the screened positions of these elevations it is further considered that the character and setting of the dwelling and the setting Conservation Area will be preserved.

Moreover, this design approach also accords with the Authority's recently adopted Supplementary Planning Document (SPD), Detailed Design Guidance on alterations and extensions. This states that in relation to the detailing and style of extensions an alternative valid approach to copying the detailing and style of the original building is to detail the extension in a more contemporary style. The SPD further states that this contemporary approach is more easily achieved if the other two variables of massing and materials are both treated in a traditional manner, that is, the correct shape of extension, built in matching materials, as is the case with the current proposal.

It is considered, therefore, that the proposed development will not adversely impact on the character and setting of the existing dwelling, and will preserve the character and setting of the Conservation Area in compliance with the above-stated Core Strategy and Local Plan policies and the Authority's adopted SPD an alterations and extensions.

Issue 3 - The impact upon the residential amenities of the adjacent property (Croft Lodge).

Core Strategy policy GSP3 and Local Plan policy LC4 state that where development is acceptable in principle, particular attention will be paid, amongst other things, to the amenity, privacy and security of the development and of nearby properties. The eastern elevation of the main building is within close proximity to the boundary of the private driveway to The Croft Hotel. The eastern elevation of the smaller link building is in close proximity to the corner of the garden boundary of the adjacent dwelling Croft Lodge).

Whilst it is considered that there are no significant overlooking issues from the windows or rooflights serving the bedrooms and wet room, the scheme proposes that the windows be obscure-glazed to resolve any perceived overlooking impacts. This is considered to be an acceptable approach and subject to the attaching of a planning condition would resolve any un-neighbourly impacts in compliance with policies GSP3 and LC4.

It should also be noted that the nearest neighbours at Croft Lodge and The Croft Hotel have been notified of the proposal by the Authority and a site notice has been displayed. The applicants have also consulted the owners of these properties separately. No third party representations have been received at the time of the preparation of this report.

Issue 4 - The impact of the proposal on the adjacent mature beech trees.

Local Plan policy LC5 further states that applications for development within a Conservation Area or for development that affects its setting or important views into or out of the area, should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced.

Additionally, local Plan policy LC20 states that planning applications should provide sufficient information to enable their impact on trees to be properly considered. Moreover this policy states that where development that involves a risk of damage to trees is acceptable, adequate space must be left for their replacement with appropriate species of trees and shrubs. Appropriate maintenance that respects wildlife interests will be required.

The proposed main building and link building are situated within the canopy and assumed root spread of three mature beech trees which are situated on the opposite side of the Barley Cross site boundary adjacent to the private rear driveway to the adjacent property (former Croft Hotel). These mature beech trees form the northern end of a larger avenue of trees along the driveway, which are prominent local feature in the landscape and contribute to the character and setting of the Conservation Area.

In acknowledgement of the proximity and possible impacts on the root spread of these trees, the application is accompanied by a tree report prepared by a qualified arboriculturalist. This states that following a site inspection he is satisfied that it is possible to build the proposed accommodation without adversely affecting the health or stability of the trees on the neighbouring land, within whose root protection area (RPA's), some of the construction would take place.

This assessment is dependent firstly on the proposed building having a specific foundation design that adheres to specific criteria and methods of construction, and secondly upon the construction process being carried out in a manner that avoids damage to roots and rooting area soils. The requirements of the arboriculturalist are in accordance with the guidance in *BS5837: 2012 Trees in relation to design, demolition and construction – Recommendations*.

These stipulations basically require that the building should have piled foundations, with the exact location of the concrete piles within the RPA's being determined following hand excavated investigation to ensure that no major roots are severed. The piled foundations will then support a raised concrete slab floor. This slab will have a void beneath, with free air movement allowing for gaseous exchange by the root system, while also preventing compaction.

It will also be necessary to incorporate a design feature whereby rainfall falling on the new building's roof area can be redirected evenly across the soil of the newly covered rooting area. Further requirements are laid out in respect of the construction methods during the build in order to prevent either compaction or contamination of soils within the RPA's.

The Authority's Tree Officer has been consulted and considers that the impact on the trees will not be significant, subject to the detailed requirements and working methods laid out in the accompanying tree report. This is particularly in relation to the need for hand digging to explore the root structure before positioning the concrete piling.

It is considered, therefore that provided the foundations for the proposed buildings are carried out strictly in accordance with the requirements laid out in the submitted tree report, there will be no significant or adverse impact upon the adjacent mature beech trees. It is considered that these requirements can be addressed through the attaching of an appropriate planning condition. Subject to these requirements, therefore, it is considered that the proposal complies with the above-stated policies LC5 and LC20.

Conclusion

In conclusion, it is considered this is a well-designed extension that 'reads' as subsidiary traditional outbuilding to the main dwelling and due to its proximity to the main dwelling and the shared access and garden is not capable of being occupied as a separate dwelling. Its design, form, massing and detailing is appropriate and will preserve the character and setting of the existing dwelling and the character and setting of the Conservation Area.

The extension is also to be constructed in a manner which will ensure that there will be no adverse impacts upon the adjacent mature beech trees, thus preserving the character and setting of the Conservation Area. The scheme also proposes measures to ensure that there will be no significant un-neighbourly impacts upon the residential amenities of the neighbouring properties. Consequently, it is considered that the proposal complies with the above-stated Core Strategy and Local Plan policies subject to appropriate planning conditions.

In this case, a condition requiring the living accommodation to remain ancillary to the host property is considered necessary to make the proposals acceptable in planning terms also taking into account an independent dwelling would otherwise be contrary to the Authority's housing policies and national policies in the Framework. Conditions are also required to ensure the mature trees on site would be retained, and to secure appropriate design details in the interests of the character and appearance of the development and safeguarding the amenities of the neighbouring properties. Finally, conditions imposing a time limit for commencement of the development and securing compliance with the approved plans are necessary in the interests of the proper planning of the local area.

Accordingly, the current application is recommended for approval subject to these conditions as listed in full in the above report.

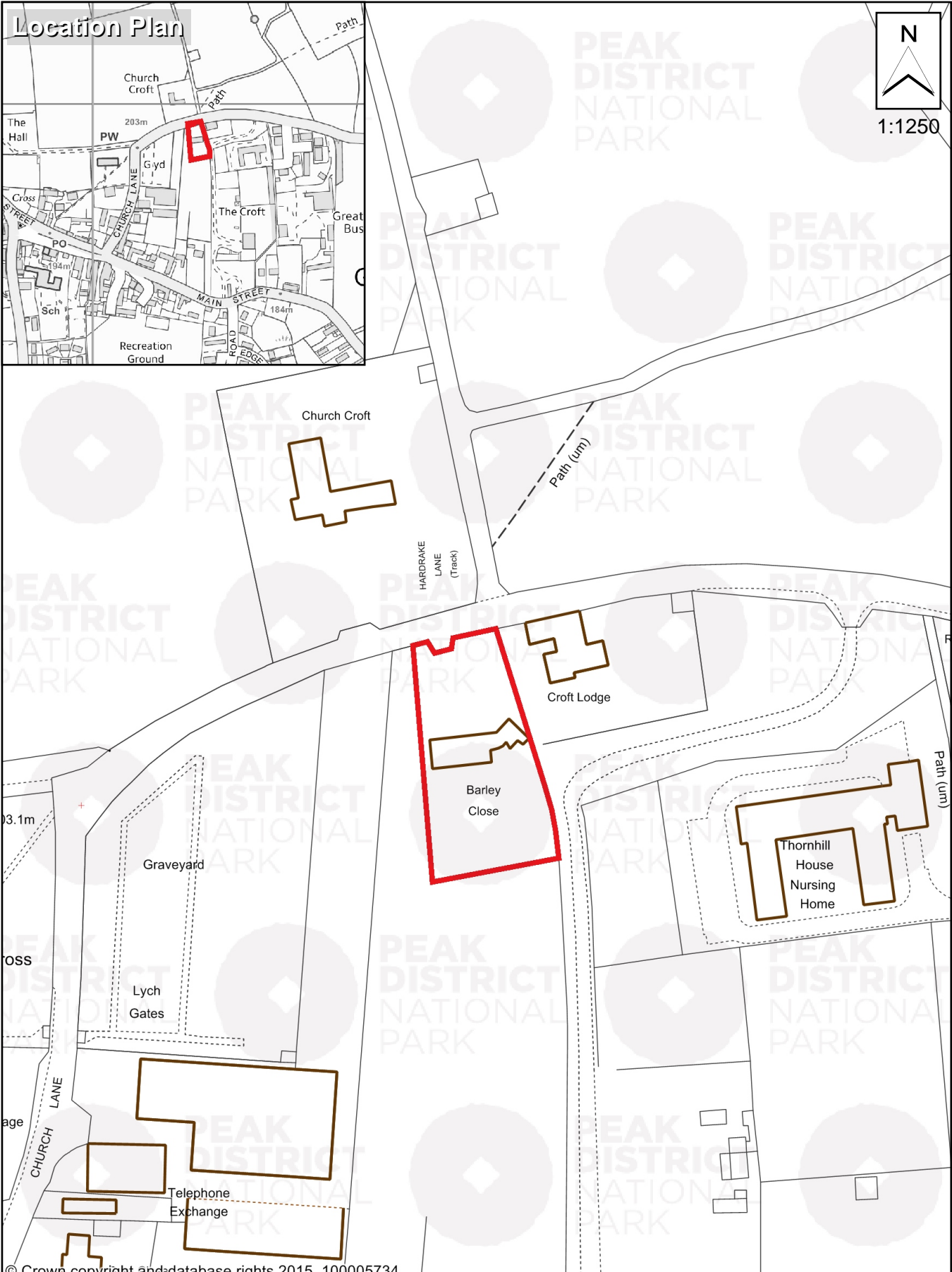
Human Rights

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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<p>Committee Date: 12/06/2015 Item Number: 10 Application No: NP/DDD/0315/0259 Grid Reference: 420159, 371943</p>	<p>Title: Barley Cross, Church Lane, Great Longstone</p>	 <p>PEAK DISTRICT NATIONAL PARK</p>
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11. 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 1/6/2015/SC/CF)

APPLICANT: MR JAMES FLETCHER

Introduction

This application was considered by the Authority's Planning Committee in May 2015 and members resolved to approve the application subject to the conditions listed in the officers report and subject to prior entry into a S106 agreement restricting occupation of the dependant relative unit proposed in this application and retaining this unit in an ancillary use to Lea Side. The applicant has subsequently requested that any permission for this application to be carefully worded in respect of the need for a Section 106 Agreement rather than enter into a legal agreement prior to the permission being issued.

The following updated report sets out how this request cannot be achieved through a planning condition but a condition could be used rather than a legal agreement. Whilst this approach would meet the applicant's requirements, this would not accord with the minuted resolution made by members on this application in May. This item has therefore been brought back to the Authority's Planning Committee to allow this matter to be considered by members prior to officers pursuing completion of a legal agreement or issuing a planning permission subject to planning conditions.

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

The current application proposes 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, and the previous decision made by the Authority's Planning Committee was also made on the basis of these amended plans. The details of the proposals shown on the amended plans are as follows:

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 following conditions:

- 1. 3 year time limit for commencement of development**
- 2. Adopt amended plans**
- 3. Occupancy restriction on the proposed dependent relative unit (i.e. restricting occupancy to a dependent relative and a carer) and a requirement to maintain the proposed annex and the existing house within the same planning unit throughout the lifetime of the permitted development rights.**
- 4. Minor building design details**
- 5. Removal of Permitted Development Rights for extensions to the proposed annex**
- 6. Removal of Permitted Development Rights for boundary walls fences and other means of enclosure within the curtilage of the property.**
- 7. Retention of garage spaces for designated parking use.**
- 8. Prior submission and agreement of an environmental management scheme including appropriate renewable energy technologies.**

Key Issues

In the original report on this item, the key issues in the determination of this application was considered to be:

- 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

In this updated report, the key issues are considered to be whether a legal agreement for the dependent relative unit as proposed in the original report would meet the three legal tests set out in the Community Infrastructure Levy Regulations 2010 and repeated as policy tests in the National Planning Policy Framework or whether a planning condition would be more appropriate in this case.

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.

Main Policies

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

Relevant Local Plan policies: LC4 and LH4

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

National Planning Policy Framework ('the Framework')

It is considered that in this case, there is no significant conflict between these policies in the Development Plan and the Authority's adopted design guidance and the Framework because the Framework promotes high standards of design sensitive to the local distinctiveness and valued characteristics of the National Park.

However, the Framework does set out specific guidance on the use of planning obligations (i.e. s.106 legal agreements) and three specific policy tests for obligations, which are almost identical to the legal tests in the Community Infrastructure Levy Regulations 2010.

At paragraph 203, the Framework says local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 204 goes on to say planning obligations should only be sought where they meet all of the following tests:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

Planning Practice Guidance

Planning Practice Guidance says it may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation under section 106 of the Town and Country Planning Act 1990. In such cases the local planning authority should use a condition rather than seeking to deal with the matter by means of a planning obligation.

Planning Practice Guidance also says a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. Ensuring that any planning obligation or other agreement is entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed. It encourages the parties to finalise the planning obligation or other agreement in a timely manner and is important in the interests of maintaining transparency.

However, in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. In such cases the six tests for planning conditions must also be met.

Assessment

In May 2015, members of the Authority's Planning Committee were satisfied that the extensions, new garage and dependent relative unit proposed in this application were acceptable in principle with regard to LH4 and of a sufficiently high quality of design to meet the requirements of the Authority's adopted policies and design guidance. In these terms, and taking into account the location of the property and the size of the plot, and the relationship between this property and the nearest neighbouring properties, members were satisfied the proposals would not harm the character, appearance or amenities of the host property or its setting.

Therefore, members considered the proposals were in accordance with LH4, which deals specifically with householder development, and the wider range of relevant design and conservation policies in the Development Plan and the Framework subject to prior entry into a legal agreement for the dependent relative unit and conditions recommended in the officer report. These conditions included a time limit for commencement and a condition securing compliance with the amended plans, which are recommended to be retained because they are necessary in the interests of the proper planning of the local area.

It is also recommended that the suggested conditions securing minor design details and restricting the use of the garage to domestic vehicles are also retained. Firstly, to ensure the development is completed to a high standard in design and secondly, in the interests of retaining control over the garaging to prevent an over-intensive use of the site beyond what is proposed in this application. Equally, it is recommended that the condition seeking submission of energy saving measures is retained to ensure the proposed development is compliant with CC1 also taking into account the nature and the scale of the development proposed in this application.

However, it was not made especially clear in the original report what exceptional circumstances exist in this case that warranted removal of permitted development rights for extensions and boundary walls fences and other means of enclosure. The case for removing permitted development rights would be much clearer if this was split in two conditions, as suggested above, one, to remove permitted development rights for extensions from the proposed annex, the second to control the erection of outbuildings, boundary walls, fences and other means of enclosure within the curtilage of the property.

In the first instance, it would be important to ensure that the dependent relative unit remains properly ancillary to the main house in terms of its size and scale and did not become larger than proposed by the unfettered use of permitted development rights. In terms of development within the curtilage of the property, as stated in the original report, it would be important to control further development of the property, again, given the scale of development proposed in this application.

It would also be important to prevent subdivision of the plot to create two separate planning units

taking into account the creation of a new house in open countryside would be contrary to housing policies in the Development Plan and the Framework. Therefore, it is recommended to remove specific permitted development rights as suggested above in two separate conditions to reflect the particular circumstances that justify these conditions. In these respects, there would be no substantial change to the resolution made by members in May if the application were to be approved subject to the conditions.

However, it was also noted in the original report that a legal agreement restricting the occupation of the dependant relative accommodation that would also retain the annex as ancillary living accommodation for the main dwelling would necessary to avoid subdivision of the plot into two separate planning units; primarily, to avoid conflict with housing policies in the Development Plan and the Framework. In this respect, it is relatively easy to see why a legal agreement containing these types of obligations were considered necessary to make the development acceptable in planning terms; and directly related to the development given that the annex would provide all the facilities for day to day living and could - in theory - be severed off from the main property. Therefore, the proposed legal agreement could be said to meet two of the three tests in the Framework for obligations.

However, what the original report did not do is take into account that a planning condition could achieve the same objectives of making the proposed development acceptable in planning terms by restricting occupancy of the annex and retaining the existing house and the proposed annex in the same planning unit. The Framework and Planning Practice Guidance very clearly state that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and where it may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation under section 106 of the Town and Country Planning Act 1990: in such cases the local planning authority should use a condition rather than seeking to deal with the matter by means of a planning obligation.

In this respect, the original report set out several good reasons why – in practice – it might be highly unlikely that the proposed unit would be severed from the main house to create a new house in the open countryside. It was pointed out that whilst 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 annex will share garden, parking facilities and all services, making it more difficult to sub-let or dispose of at any time. Nonetheless, it was also said in the original report that 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.

Therefore, the original report may not have properly explained why the proposed obligation met the third test for obligations in the Framework, and did not set out clearly why the proposed legal agreement would be fairly and reasonably related in scale and kind to the development. In particular, the original report did not spell out why a legal agreement was preferred to a planning condition with regard to Government guidance in the Framework and Planning Practice Guidance. This issue now has particular significance as the applicant is seeking an alternative to prior entry into a legal agreement as per the resolution made in May and in this case, it is not considered a pre-commencement condition requiring a legal agreement (as suggested by the applicant as a possible solution) would be appropriate when paying due regard to Planning Practice Guidance

Consequently, taking in to account Government guidance on obligations, in the absence of a policy provision in LH4 requiring a legal agreement for the annex, on the individual circumstances of the case as set out in the original report, and noting the relatively modest scale of the proposed accommodation, it is considered that a planning condition should be used to

prevent the dependent relative unit proposed in this application becoming an independent and permanent dwelling house rather than a legal agreement as per the original officer recommendation and the resolution made by the Authority's Planning Committee in May.

Conclusion

In conclusion, the planning merits of the development of the proposed development have not changed and the recommendation of approval for the current application remains in accordance with the Development Plan and national planning policies in the Framework subject to the planning conditions suggested in the above report.

The only significant difference between the proposals members resolved to approve in May and the proposals officers are now recommending for approval is that the proposed dependent relative unit would be made acceptable in planning terms by the use of a planning condition rather than a planning obligation, which is consistent with the relevant tests in the Framework and Planning Practice Guidance and consistent with the original resolution made by members.

Accordingly, the current application is recommended for conditional approval.

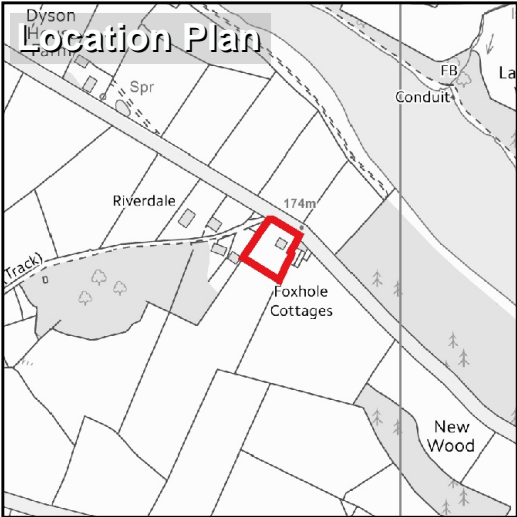
Human Rights

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

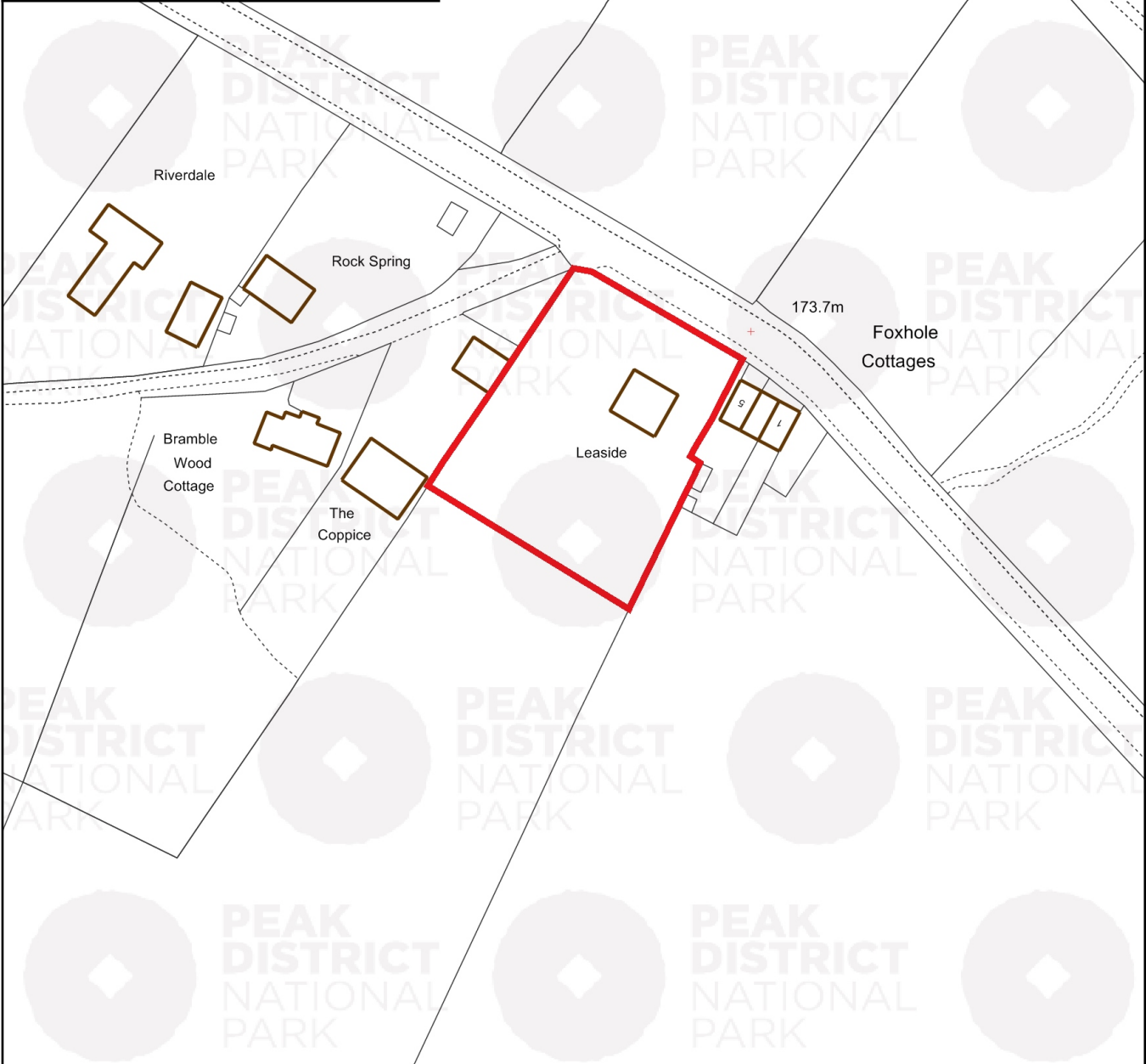
List of Background Papers (not previously published)

Nil


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Committee Date:	12/06/2015	Title: Lea Side, New Road, Bradfield	 PEAK DISTRICT NATIONAL PARK
Item Number:	11		
Application No:	NP/S/0215/0120		
Grid Reference:	426873, 391338		

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12. S.73 - VARIATION OF CONDITIONS 4 - WORKING AREA AND 5 - PERSONNEL NUMBERS ON NP/S/0110/0072 FOR CHANGE OF USE TO USE UPPER FLOOR OF GARAGE AS AN OFFICE, BIRCH LEA, HOLLOW MEADOWS (NP/S/0313/0241 P.2285 426968/387129 1/6/2015/CF)

APPLICANT: MR & MRS KEITH POPPLEWELL

Site and Surroundings

Birch Lea is a detached four bedroomed rendered property with a Hardrow tiled roof. It is one of a group of non-traditional buildings sited along a private track which runs below and parallel to the A57 Sheffield to Manchester Road at Hollow Meadows. Vehicular and pedestrian access to the property is via the private track immediately off the A57. The subject of this application is a detached triple garage, which lies immediately adjacent to the dwellinghouse at Birch Lea.

Retrospective planning permission was granted in 2010 for the change of use of the upper floor of this garage from its former use as a games room to an office (NP/S/0110/0072). The office space is used for a telephone and internet based business known as 'The Pensions Office Ltd' but the premises are currently the subject of investigation by the Authority's Monitoring and Enforcement Team because there is evidence that the business has been operated in breach of conditions attached to the 2010 permission.

Proposal

The current application seeks retrospective planning permission to vary conditions 4 and 5 attached to Planning Decision Notice NP/S/0110/0072, which in turn granted retrospective planning permission for the change of use of the upper floor of garage to an office within Use Class B1(a)

Condition 4 attached to Planning Decision Notice NP/S/0110/0072 states: "The proposed use as internet and telephone based office work, in connection with Pension Transfers shall not take place other than within the area marked in red on the submitted plan". This condition was imposed on the permission to enable the National Park Authority to retain control over the extent of the use and to prevent any adverse effect upon the character of the area and the interests of nearby residents

Condition 5 attached to Planning Decision Notice NP/S/0110/0072 states: "The use hereby permitted shall be carried out only by Keith Popplewell and two other members of staff and shall be discontinued on the date when Keith Popplewell ceases to occupy the premises". This condition was imposed because permission had been granted for the change of use of the upper floor of the garage as an exception to the National Park Authority's normal policy because of the applicant's personal circumstances. The Authority therefore wished to retain control over the form and scale of development to protect the character of the locality.

As submitted, the current application to vary these conditions by seeking permission to use the ground floor of the garage as well as the upper floor for office space. The submitted plans showed that a total of eight staff including a manager would be employed at the premises and would have been accommodated across the two floors. The application has subsequently been revised and now seeks permission to use the ground floor of the garage for storage space ancillary to the office use on the upper floor, and the amended plans now show five staff including a manager would work from the upper floor of the garage.

There are no alterations to the external appearance of the garage proposed in either the original submission or the revised application.

RECOMMENDATION:

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

1. The garage building subject of this application and the use hereby permitted shall remain ancillary to the ordinary domestic use of the existing dwelling house known as Birch Lea, and the dwelling house and the garage shall be maintained in the same planning unit in a mixed use of C3 dwelling and B1(a) office throughout the lifetime of the development hereby permitted.
2. The B1(a) office use of the garage hereby permitted shall be restricted to the upper floor of the garage, which on cessation of the use hereby permitted shall be used for no other purposes other than for a domestic use incidental to the quiet enjoyment of the existing dwelling house known as Birch Lea.
3. There shall be no more than three employees accommodated within the office space on the upper floor of the garage at anytime during the lifetime of the development hereby permitted.
4. The use of the ground floor of the garage building subject of this application shall be restricted to the garaging of domestic vehicles and storage of bicycles and shall be maintained free of any obstruction to these designated uses throughout the lifetime of the development hereby permitted.
5. The hours of opening of the office space hereby permitted to visiting members of the public (including clients, brokers, sales people or any other person not directly employed by the business operating from the upper floor of the garage) shall be restricted to 9 a.m. to 5.00 p.m, Monday to Friday. There shall be no opening of the premises to visiting members of the public on Saturday/Sundays or Bank Holidays.
6. There shall be no deliveries to or from the premises before 9am or after 5pm and no deliveries to or from the premises whatsoever on Saturday/Sundays or Bank Holidays.

Key Issues

Whether the extent of the proposed use and the form and scale of development arising from the proposed variation to the Conditions 4 and 5 attached to Planning Decision Notice NP/S/0110/0072 would result in any adverse effect upon the character and amenities of the area or the living conditions of nearby residents.

History

August 2010 - Change of use to use upper floor of garage as an office - Approved

November 1976 - Extensions to dwelling – Approved

Consultations

Bradfield Parish Council - Recommend refusal of this application as the conditions were imposed by planning for a reason.

Sheffield City Council – The City Council has no comment to make on this application from both the planning and highways viewpoint.

Representations

Two strong and detailed objections to the current application have been received by the Authority from two properties that share the access drive from the A57 with Birch Lea. These letters set out very clearly at the time the application was submitted there was a wide range of problems associated with use of the garage for office space including the amount of cars parked on site, on the access track and the A57 itself despite no waiting restrictions on the main road. It is also clear from these letters that at the time the application was submitted the use of the garage as an office was considered by the authors to be particularly harmful to the residential amenities of these properties and a more intensive use compared to that permitted in 2010 was causing a range of highway safety issues.

Main Policies

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

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

As this application has been made under section 73 of the Town and Country Planning Act 1990 the Authority must only consider whether to vary the conditions that are the subject of the application and it is not able to re-consider the planning merits of the original application. In this case, the key issues arising from the proposed variation to the Conditions 4 and 5 attached to Planning Decision Notice NP/S/0110/0072 are whether the extent of the proposed use and the form and scale of the resulting development would result in any adverse effect upon the character of the area and the interests of nearby residents.

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

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

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

DS1, E2 and LE4 are also supported by a wider range of design and landscape conservation policies in the Development Plan including policies GSP1, GSP2, GSP3 and L1 of the Core Strategy and saved Local Plan policy LC4, which seek to safeguard the valued characteristics of the National Park by promoting sustainable developments that would be of a high standard of design and sensitive to their landscape setting. GSP3 and LC4 otherwise seek to safeguard the living conditions of residents affected by development proposals and it is notable that representations on this application emphasise the harmful impacts of a more intensive use of the

site on the amenities of the local area.

Traffic management and vehicular movements associated with the existing employment uses at Birch Lea have also been raised in representations. Core Strategy policies T1 and T4 and saved Local Plan policies LT2 and LT9 presume against developments that would result in traffic generation particularly where it would result in the more intensive use of minor roads by heavy goods vehicles and large vehicles transporting goods. LT18 says that safe access is a pre-requisite of all development in the National Park.

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

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

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

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

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

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

Use of Planning Conditions

When considering an application made under section 73 of the Town and Country Planning Act 1990 the Authority may refuse planning permission, or grant planning permission for the proposed variations, and/or add new conditions beyond those imposed on the original permission provided the new conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

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

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

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

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

It is also highly relevant to the current application that Planning Practice Guidance says it is rarely appropriate to grant a ‘personal consent’ and that a condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company.

Assessment

In this case, it is considered there is sufficient evidence to demonstrate the original proposals to accommodate up to eight staff within the triple garage at Birch Lea would result in an over intensive use of the premises and cause unacceptable harm to the amenities of the neighbouring properties and give rise to highway safety issues. However, it is also considered that the revised application to accommodate five staff on the upper floor for the garage and use the ground floor of the garage for storage space ancillary to the office use would also constitute an over intensive use of the premises.

In the first instance, whereas the submitted block plan suggests that up to nine cars could be parked within the curtilage of Birch Lea, the arrangement shown on the block plan does not properly demonstrate there would be sufficient room to manoeuvre cars adequately, and fails to show how delivery vehicles might access the site and manoeuvre within the curtilage of Birch Lea. Taking into account the host property has four bedrooms, there is limited public transport links to the site, and limited accessibility to the site on a bike because of the volume of traffic on the A57, it is clear the occupants of Birch Lea, employees on site, and visitors to the site would all be dependent on a car or other vehicles and it has not been shown how this demand for parking on site could be met if there were five employees working from the garage.

Moreover, whilst it is acknowledged that the County Highways Authority have chosen not to comment on this application, it is considered that the vehicular access onto the A57 is not an adequately safe and suitable access for a more intensive use of the premises than that originally granted in 2010 .

In particular, the entrance is not especially visible when approaching the property from either direction and Birch Lea itself is not visible from the A57. Therefore, there is a high risk of 'overshooting' the access and difficulties then trying to find a safe place to turn around. There is also a risk of traffic waiting on the A57 to enter the premises as the geometry of the access is not very well-suited to allow vehicles to enter the site when other vehicles are trying to leave. There is also a high risk that a large number of comings and goings along the shared access track from the A57 would detract from the tranquillity and the quiet enjoyment of the other three residential properties adjacent to Birch Lea and cause conflict between different users because of the relatively narrow width of the track.

It is also highly relevant that these properties are located in a relatively quiet backwater of the National Park, set back from the main road in what is otherwise a relatively remote and isolated location on the edge of the National Park. Therefore, noise and disturbance and perceptions of loss of privacy and security would be keenly felt and whilst cars and other vehicles parked at Birch Lea would be screened from public vantage points, as many as nine cars parked on site would have a harmful impact on the character of the local area.

Therefore, also taking into account the potentially harmful impacts arising from the intensification of what is considered to be a less than suitable access from the A57 and less than adequate on site parking provision: it is considered the proposed variation to the Conditions 4 and 5 attached to Planning Decision Notice NP/S/0110/0072 would result in an adverse effect upon the character and amenities of the local area, detract from the living conditions of nearby residents, and would result in unacceptable risks to highway safety. In these respects, the proposed increase in staff to five from three originally permitted and the retention of the ground floor of the garage for storage space ancillary to the office use on the upper floor (as proposed in the revised application) would conflict with the specific provisions of LE4 and E2 relating to the expansion of an existing business in the countryside and the wider range of relevant traffic management and design and conservation policies in the Development Plan and the Framework.

It is also considered the fact that the original permission was only granted as an exception to policy based on the personal circumstances of the applicant adds weight to these conclusions and it is notable that the original permission was granted retrospectively. In these respects, whereas it would be reasonable to say the original permission was an appropriate compromise to resolve a breach of planning controls, this is not the same as accepting Birch Lea would be the right location to expand and develop a business. Equally, it is recognised that this application seeks to regularise a breach of planning controls but the benefits to the business and the personal circumstances of the applicants in this case are not considered to offset or outweigh the identified harm that officers consider would result from the grant of planning permission for either the original submission or the revised application.

Therefore, it would normally be appropriate to recommend refusal of this application, which cannot be considered to be proposing a sustainable form of development, but it is considered that an approval restating the conditions this application seeks to vary, adding conditions and varying other conditions on the original permission would serve a proper planning purpose and is an approach that can be taken when considering an application made under s.73 of the 1990 Act, as set out above.

In this case, taking into account Planning Practice Guidance on the use of planning conditions it would be more appropriate to place an ancillary tie retaining the garage in the same planning unit as the main house rather than retain what amounts to a personal consent for a particular type of business. It is otherwise considered this condition along with a restriction on a maximum of three employees to be accommodated on the premises and retaining a restriction on the use of the upper floor to a B1(a) office use would be necessary in the interests of safeguarding the amenities of the local area and in the interests of highway safety. These conditions would also reflect the intent of the original permission to allow a small scale business to operate from the

premises that would have similar characteristics to home working from home and would be better supported by the Authority's planning policies.

However, it would also be necessary in the interests of highway safety to retain the garage space for the garaging of domestic vehicles and storing bicycles. This condition was not imposed on the original permission but it could and should have been. This condition would ensure sufficient space is retained within the curtilage of Birch Lea for parking and manoeuvring both visitor's vehicles and vehicles used by the people living at Birch Lea also taking into account this is a four bedroomed property. Finally, it would be necessary to restate a condition on the original permission restricting working hours in the interest of safeguarding the character and amenities of the local area also taking into account the applicant has stated these hours are still kept by the business. However, a condition restricting delivery times was not included on the original permission but could have been and should be included on a fresh permission, again, in the interest of safeguarding the character and amenities of the local area.

Conclusion

In conclusion, it is considered that the extent of the proposed use and the form and scale of development resulting from the variations proposed to the Conditions 4 and 5 attached to Planning Decision Notice NP/S/0110/0072 in both the original submission and the revised application would result in a substantial and harmful adverse effect upon the character and amenities of the area and the living conditions of nearby residents and give rise to unacceptable highway safety issues. However, as discussed immediately above, it is also considered issuing a fresh permission for the change of use of the upper floor of the garage at Birch Lea to office use would mean that the proposed conditions would more robustly comply with the more recent Planning Practice Guidance than the previous conditions and the continuing use of the premises under the fresh permission would more robustly comply with the relevant policies in the Development Plan and the Framework.

Accordingly, the current application is recommended for conditional approval.

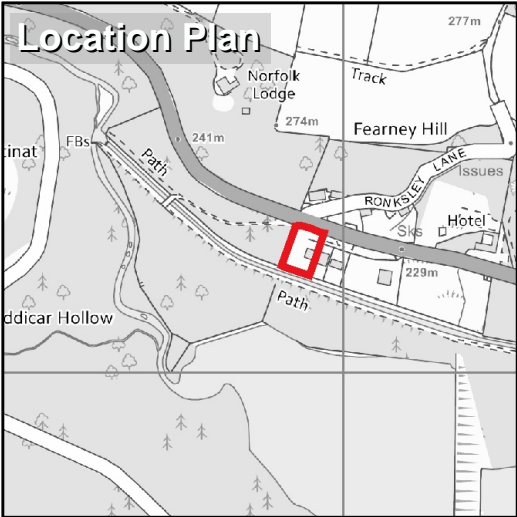
Human Rights

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

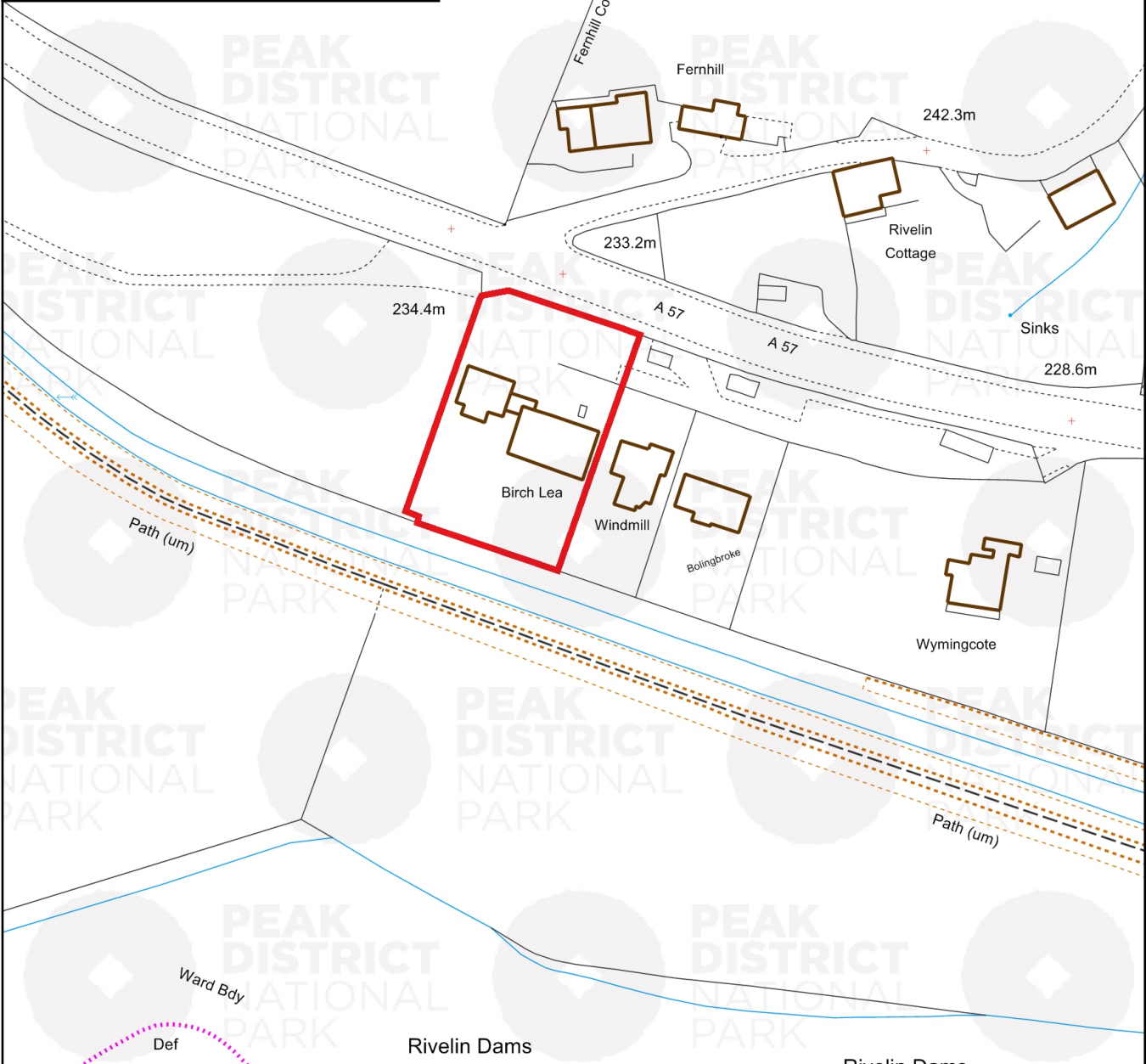
List of Background Papers (not previously published)

Nil

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Committee Date:	12/06/2015
Item Number:	12
Application No:	NP/S/0313/0241
Grid Reference:	426967, 387129

Title: Birch Lea, Hollow Meadows



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13. FULL APPLICATION – CONTINUED USE OF LAND FACING THE GROUSE INN, CHUNAL FOR CLAY TARGET SHOOTING AT LAND FACING THE GROUSE INN, CHUNAL (NP/HPK/0315/0169, P.4043, 403354 / 390501, 28/05/2015/AM)

APPLICANT: MR DAVID BATTY

Site and Surroundings

The application site is located to the west of A624 (Hayfield to Glossop Road) and opposite the Grouse Inn, Chunal. The application site is clearly located in open countryside, and is some 2.5km south of Glossop and 2.8km north of Hayfield.

The land in question is an area of rough pasture, extending to about 8 hectares (20 acres) in area. A significant part of the application site is designated as Natural Zone in the Local Plan (saved Local Plan policy LC1). The site is crossed by a public footpath. The nearest neighbouring properties are the Grouse Inn to the east and Hollingworth Head Farm to the south west. Access to the application site is via a field gate which opens onto the A624.

To the east of the A624 is an extensive area of open moorland which is designated under the Countryside and Rights of Way Act 2000 as open access land. There are also areas of land to the west and north west of the site designated as open access land. Open access land gives the public the right to access open country, much of which is unenclosed, without keeping to public paths.

The open moorland to the east of the A624 is also designated as a Site of Special Scientific Interest (SSSI) and is part of the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA) and South Pennine Moors Special Area of Conservation (SAC).

The application site forms part of the ‘enclosed gritstone uplands’ of the Dark Peak Western Fringe in the Authority’s Landscape Character Strategy and Action Plan (2009). This area is characterised by high rolling hill summits, isolated farmsteads, straight roads and regular fields of variable sizes enclosed by drystone walls. There is little in the way of natural tree cover and that which does exist is limited to small groups to shelter farmsteads, isolated trees or small blocks of woodland.

Proposal

This application seeks planning permission for the use of application site for clay target shooting.

Specifically this application seeks planning permission for the use of the application site for clay target shooting at any time of the year. The applicant has advised that typically there would be 10 – 12 hours of shooting per week between 10am to 4pm. The applicant has also advised that there would typically be 40 – 50 members of the public visiting the site to shoot per week.

To facilitate the shoot 8 shooting stations (known as safety cages) are placed on the land along with equipment to launch the clay targets. The shooting stations would be sited adjacent to the public footpath but facing away to ensure that guns can only be pointed down range and not across the footpath.

The applicant has advised that the intention is that shooters would park within the existing car park at the Grouse Inn on the north side of the A624. The applicant has also advised that he is in communication with the owner of the Grouse Inn to get formal permission for parking.

RECOMMENDATION:

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

- 1. The use of the application site for clay target shooting is not essential either in the national interest, for the management of the Natural Zone or for the conservation or enhancement of the National Park's valued characteristics. The proposed development would have a significant adverse impact upon the valued characteristics of this part of the National Park, which in this case include the natural beauty and character of the landscape and the sense of wildness and remoteness of the locality. Therefore it is considered that the proposed development is contrary to Core Strategy Policies GSP1, GSP2, GSP3, L1 and RT1 (A and B) and Saved Local Plan Policies LC1 and LC4.**
- 2. The activity and noise generated by the proposed development would be likely to have an adverse impact upon opportunities to experience tranquillity and quiet enjoyment of the National Park by members of the public while crossing the application site and within the local area and open moorland around the application site contrary to Core Strategy Policy RT1 (D) and saved Local Plan policy LC21.**
- 3. Parking for visitors and staff is proposed to take place on the car park at the Grouse Inn, however this car park falls outside of the application site and is not within the ownership or control of the applicant. Therefore in the absence of any mechanism to ensure that parking is secured to serve the development in perpetuity it is considered that the proposed development would be likely to result in an intensification of use of the field access to the application site, parking of vehicles on the highway and pedestrians walking from the lay-by to the north of the site all of which would be prejudicial to highway safety contrary to Saved Local Plan policy LT18.**

Key Issues

- Whether the proposed development is acceptable in principle.
- The impact of the proposed development upon the valued characteristics of the National Park including its landscape, tranquillity and biodiversity.
- The impact of the proposed development upon the amenity of the local area and neighbouring properties and the potential impact upon the quiet enjoyment of the National Park by members of the public.
- Parking and potential impact upon highway safety.

Relevant Planning History

Prior to 1989 – clay pigeon shooting took place on the land for several years under permitted development rights which allowed use for up to 28 days per year without the need to seek planning permission.

1989 – a three-year temporary planning permission was granted for the use of the land for clay pigeon shooting. Conditions limited this to Sundays between 9.30am and 12.30pm and on up to 10 weekdays per year between 10am and 12 noon and on up to 10 evenings per year between 6pm and 8pm. The permission also required the use to be carried out only by the applicant Mr P Devlin.

1992 – further three-year temporary permission granted with same restrictions as the 1989 permission.

1995 – further three-year temporary permission granted with same restrictions as the 1989 permission.

1998 – further three-year temporary permission granted with same restrictions as the 1989 permission.

1999 – planning permission granted for variation of condition on previous permission to allow use to be carried on by the applicant Mr D Batty.

June 2002 – a further temporary planning permission was granted. Condition 1 required the use to cease and the land to be restored to its former condition on or before 31 May 2005 unless an application to extend the permission had been agreed in writing by the National Park Authority. Condition 3 stated that no clay pigeon shooting shall take place between 1 April and 30 June inclusive, in any year. Otherwise the permission was subject to the same restrictions as the previous permissions, including the variation granted in 1999.

November 2002 – an appeal was lodged in relation to condition 3 of the planning permission granted in June 2002. The appeal was dismissed in July 2003.

No further planning application was submitted to continue the use of the land for clay target shooting and therefore the 2002 planning permission expired on the 31 May 2005. Any further use of the land for clay target shooting would therefore be unauthorised. The applicant has informed Officers that the land has continued to be used for target shooting until shortly before this application was submitted when the applicant was informed that the use of the land for clay target shooting did not have planning permission.

May 2015 Enforcement Notice issued for the site alleging the unauthorised use of the land to a mixed use of agriculture and clay target shooting and requiring the following:

- a) the cessation of the use of the land for a mixed use comprising agriculture and clay pigeon (or target) shooting, within a period of six months;
- b) the removal from the land of any associated structures, equipment and clay debris, within a period of six months;

Consultations

Highway Authority – Object to the development for the following reasons:

The development site is a field opposite The Grouse Inn adjacent the A624 which is a busy classified road subject to a 50mph speed limit at this location. There are no formal pedestrian margins and access to the field is steeply sloping away from the public highway and as a result exit visibility is restricted.

Whilst there is no on-site parking associated with the proposals the Highway Authority would not wish to see any increase in traffic movements using this access due to standard exit visibility and gradient issues.

The Highway Authority notes that the applicant considers that parking is available by an informal agreement with The Grouse Inn. However, this parking area is outside the red-line development boundary and does not appear to be covered by any legally binding agreement. As such this parking may not always be available e.g. the public house could be sold off and the new owners may not agree to third party use of their car park.

Additionally use of this car park would still result in pedestrians having to cross the high speed road.

Whilst there is a public lay-by to the north of the site this is on the opposite side of the carriageway and would result in pedestrians having to cross a busy high speed road. Additionally as stated above there are no formal pedestrian margins which may result in pedestrians choosing to walk in the carriageway. This would be considered against the best interests of highway safety.

Damage is occurring to the verge and is likely to be attributable to vehicles parking here associated with the shooting.

High Peak Borough Council (Environmental Health) – No objections.

The Environmental Health Officer is not aware of any history of noise complaints from this site, and therefore had no objection in principle based on the relatively isolated nature of the site.

Casual isolated sites like this should be suitable with care and correct location of stands, however the option is open to your Authority if you think appropriate to limit the shooting hours per week say to 12 hours and the times of shooting i.e. 10am to 4pm as the hours specified by the applicant. If there is no evidence of problems however this may be hard to justify on any appeal.

Parish Council – No objection.

Natural England – No objection and makes the following comment:

Although the proposed development site falls within one of the Impact Risk Zones for the Dark Peak SSSI, part of the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA) and South Pennine Moors Special Area of Conservation (SAC), it would seem unlikely to present any risks of impact upon the notified features of the site and we therefore Natural England do not wish to comment in any detail.

In relation to the European sites, Natural England is satisfied that the risk of the proposal resulting in Likely Significant Effect upon these sites is low, and further assessment under the Habitats Regulations is therefore not required.

With regard to the Dark Peak SSSI, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

The Authority has also received a further email from Natural England which recommends that a restriction is imposed on any permission to prevent shooting during the bird breeding season. The email goes on to advise that this period is extended to at least the 15th July to allow any second / late broods time to get away and to account for any late springs.

PDNPA Ecology – No objections subject to condition and makes the following comment:

Disturbance from the shooting ground has the potential to impact Annex 1, Schedule 1, UK and local BAP bird species associated with the upland habitats surrounding the application area.

The surrounding habitat has the potential to support breeding wading birds, including snipe, curlew and lapwing. The Dark Peak SSSI, which also forms part of the Peak District Moors Special Protection Area (SPA) is located adjacent to the site. The SPA provides specific

protection for rare and vulnerable birds that are using the site. The Annex 1 species listed for the Peak District Moors SPA are merlin, short-eared owl and golden plover. Curlew are also listed in the Dark Peak SSSI Notification. In addition, other Schedule 1 and BAP species use the site.

The Authority holds lapwing records for an adjacent field to the north (2002) and there is a record for curlew within the adjacent SSSI (2004). The surrounding flushes and moorland habitats also have the potential to support breeding snipe. Lapwing, Curlew and snipe are all identified on the 'Birds of Conservation Concern 3:2009' list. Lapwing are on the red list and Curlew and Snipe are on the amber list. Curlew and Lapwing are UK and Peak District Biodiversity Action Plan (BAP) species and as such are species of principal importance. Snipe are also listed in the Local BAP.

There has also been specific concern about the rapid decline of breeding waders in the Peak District and its fringe, notably lapwing, snipe and curlew, and as such these species are considered even more vulnerable. Specific efforts are being made to try and stabilise the decline of wader species.

Concerns were raised about the potential impact on breeding waders during the 2002 application. A condition was imposed on that permission that the clay pigeon shoot did not operate during the bird breeding season, spanning from April to June (inclusive). This condition must be attached to any permission given at this site.

A survey from 1998 also showed that the site had some botanical interest. However, from continued use over the years it is believed that this interest has declined. It was noted that the herb rich vegetation was dying off underneath the plastic debris in the 1998 survey. Therefore a condition to ensure plastic debris is cleared from the site after each shooting event would be necessary to reduce the impact of the proposed development.

PDNPA Landscape – Insufficient information has been provided to allow a proper assessment of this application from a landscape perspective.

Therefore Officers have requested additional information about the operation of the proposed development. The applicant has provided additional information and any further response from the Authority's Landscape Architect will be reported at the committee meeting.

The Authority's Landscape Architect has also stated that he does not consider clay target shooting on a regular basis to be part of the quiet enjoyment of the National Park.

PDNPA Rights of Way Team – There is potentially a significant impact on the rights of way and people's use of them. More information is needed on the shooting positions to quantify those impacts. If firing is away from the public right of way then public safety will be unaffected.

Representations

The Authority has received a total of twenty seven letters of representation to date. All the letters support the application. Ten of the letters do not give planning reasons for supporting the application. The reasons for support that are given are summarised below. All the letters can be read in full on the Authority's website.

- The shoot is safe and has never given cause for concern on safety grounds.
- The shoot is an important local business and brings customer to other local businesses including the Grouse Inn.
- The shoot encourages participation by different age groups and different groups of the general public.

- There is ample parking space within the existing car park at the Grouse Inn.
- Walkers are escorted through the site when a shoot is taking place.
- It is inconvenient that the shoot has to close for three months a year and people have to go elsewhere to shoot.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, L1, L2, RT1 and T7

Relevant Local Plan policies: LC1, LC4, LC17, LC18, LC21, LT10, LT18 and LT20

National Planning Policy Framework (the Framework)

Paragraph 115 of the Framework says 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 should also be given great weight in National Parks.

Paragraph 28 of the Framework says that to promote a strong rural economy, plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Development Plan

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.

Policy GSP1 of the Authority's Core Strategy, 'Securing National Park purposes and sustainable development' states that all development shall be consistent with the National Park's legal purposes and duty, which aim to conserve and enhance the natural beauty, wildlife and cultural heritage in the National Park. It also states that where there is an irreconcilable conflict between the statutory purposes, the Sandford Principle will be applied and the conservation and enhancement of the National Park will be given priority. Policy GSP2, of the Core Strategy, 'Enhancing the National Park', states, amongst other things, that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon.

Policy GSP3, 'Development management principles', states that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal. The policy states that particular attention will be paid to, amongst other things, scale of development appropriate to the character and appearance of the National Park; form and intensity of proposed use or activity and impact on access and traffic levels.

Policy L1 of the Core Strategy, 'Landscape character and valued characteristics', states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics. The Wildlife and Countryside (Amendment) Act 1995 requires the National Park Authority to identify areas which it considers are particularly important to conserve. For planning purposes the Authority calls these areas the Natural Zone. Policy L1 states that other than in exceptional circumstances, proposals for development in the Natural Zone will not be permitted. These exceptional circumstances are explained in Local Plan policy LC1 (see below).

Policy L2 of the Core Strategy, ‘Sites of biodiversity or geodiversity importance’, states amongst other things, that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting; and other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity importance or their setting that have statutory designation or are of international or national importance for their biodiversity.

Core Strategy Policy RT1, ‘Recreation, environmental education and interpretation’, states that the National Park Authority will support facilities which enable recreation, environmental education and interpretation, which encourage understanding and enjoyment of the National Park, and are appropriate to the National Park’s valued characteristics. New provision must justify its location in relation to environmental capacity, scale and intensity of use and activity, and be informed by the Landscape Strategy. In the open countryside a clear demonstration of need for such a location will be necessary. Policy RT1 goes on to say that development must not prejudice or disadvantage peoples’ enjoyment of other existing and appropriate recreation activities including the informal quiet enjoyment of the National Park.

Saved Local Plan Policy LC1 states that the exceptional circumstances in which development is permissible in the Natural Zone are those in which a suitable, more acceptable location cannot be found elsewhere and that the development is essential;

- i. in the national interest; or
- ii. for the management of the Natural Zone; or
- iii. for the conservation or enhancement of the National Park’s valued characteristics.

LC1 goes on to state that where development is permitted, particular attention will be paid to matters such as: scale, intensity; hours of operation; vehicle movements; arrangements for parking; storage of vehicles, equipment and materials. Where necessary and appropriate, the policy states that permission will initially be restricted to a period of (usually) 2 years, and except where it is essential in the national interest, further permission will not be granted if arrangements for minimising the development’s impact prove to be unacceptable in practice. Also where necessary and appropriate, the policy states that permission will initially be restricted for the personal benefit of the applicant.

Saved Local Plan Policy LC17, ‘Sites, features or species of wildlife, geological or geomorphological importance’, states, amongst other things, that applications in the vicinity of designated sites will be carefully considered to assess the likelihood of adverse effects and in particular, development having a significant effect on the ecological objectives or integrity of a Special Protection Area or Special Area of Conservation will not be permitted unless there is no alternative or better practical approach available, and it must be carried out for imperative reasons of overriding public interest. Where a site hosts a priority habitat or species, development will not be permitted unless there is no alternative and it is required for reasons that relate to human health, public safety, or beneficial consequences of primary importance to the environment, or for other imperative reasons of overriding public interest determined by the European Commission.

Saved Local Plan policy LT10, ‘Private non-residential (PNR) parking’ states, amongst other things, that in new development parking must be of a very limited nature or accompanied by on-street waiting restrictions, especially in areas served by good public transport. Saved Local Plan policy LT18, ‘Design criteria for transport infrastructure’ states, that the provision of safe access arrangements will be a pre-requisite of any development.

Assessment

Principle of proposed development

This application seeks planning permission for the continuation of clay target shooting on the application site. Planning permission was granted temporarily for the clay target shoot in 2002, this planning permission expired on the 31st May 2005. The submitted application form states that the proposed development has not commenced on site, however the applicant has informed Officers that the use of the land for clay target shooting has continued on site between 2005 until earlier this year when the applicant was informed that the use of the site for clay target shooting did not benefit from planning permission.

This application therefore seeks planning permission to continue clay target shooting at the site. The submitted application requests an 'all year round' permission without restrictions upon when the shoot can take place on the land. The applicant has advised that typically there would be 10 – 12 hours of shooting per week between 10am to 4pm and that there would typically be 40 – 50 members of the public visiting the site to shoot per week.

In this case a significant part of the application site is designated as Natural Zone. The Wildlife and Countryside (Amendment) Act 1995 requires the National Park Authority to identify areas which it considers are particularly important to conserve. For planning purposes the Authority calls these areas the Natural Zone. Policy L1 says that other than in exceptional circumstances, proposals for development in the Natural Zone will not be permitted. Saved Local Plan policy LC1 sets out those exceptional circumstances.

It is considered clear in this case that the use of the application site for clay target shooting is not essential either in the national interest, for the management of the Natural Zone or for the conservation or enhancement of the National Park's valued characteristics. Therefore any approval of the proposed development would be contrary to Core Strategy Policy L1 and Saved Local Plan Policy LC1.

These policies seek to protect those parts of the National Park which are particularly important to conserve. Therefore any failure to comply with these policies must weigh heavily against the principle of the proposed development especially in the context of paragraph 115 of the Framework which makes it clear that great weight must be given to landscape conservation within the National Park.

Landscape and visual impact

Notwithstanding the fact that the site is located within Natural Zone. Core Strategy policy RT1 states that the Authority will only support a proposal for recreation development in the open countryside which encourages understanding and enjoyment of the National Park and is appropriate to the National Park's valued characteristics. This approach is considered to be consistent with the level of protection given to the scenic beauty of the National Park's landscape and paragraph 28 of the Framework which promotes sustainable rural tourism and leisure developments which respect the character of the countryside.

While the proposed clay target shooting would take within the National Park it is not considered that shooting clay targets at the application site would encourage understanding or enjoyment of the National Park. While an isolated location is likely to be a necessity for outside clay target shooting, there is no evidence to demonstrate why the proposed activity must be located on the application site, especially bearing in mind the sensitivity of the site and its location within the Natural Zone.

In this case, the application site is situated in an open countryside location adjacent to open moorland and is clearly visible from the adjoining road and nearby public rights of way, including the public footpath which crosses through the application site.

No shooting was taking place when the Officer site visit took place, however it was evident that clay target shooting does take place on the land. Equipment including the safety cages, clay target launcher and boxes of unused clay targets were present on the land. There was also a large spread of orange and black coloured debris built up from used targets down range from the shooting positions with a significant amount of debris on part of the route of the public footpath.

The equipment and debris on the site is clearly visible from the footpath which passes through the site and also visible from the road as it passes the site. From these viewpoints, the equipment and debris does result in a visual impact which is harmful to the character and appearance of the application site.

The applicant has advised Officers that the clay target launchers were under-going maintenance and that these are not typically visible on the site and that bio-degradable clays are used and that the site is tidied on a weekly basis. Given the condition of the application site at the time of the Officers site visit and the typical proposed 10 – 12 hours of shooting each week it is considered that a significant amount of debris would remain on site at any one time and that the resultant visual impact would be likely to be an inevitable consequence of the proposed development.

The visual impact of the proposed development would be less noticeable from vantage points in the wider landscape, however noise from the proposed shooting would be very likely to be audible over a wide radius in the local area and particularly from open access land on the moorland adjacent to the site.

There is an existing low level back ground noise generated by the traffic on the A624 which runs adjacent to the application site, however there is a significant amount of land around the application site which is open to the public where there are opportunities to experience the tranquillity of the wildness and the remote nature of the moorland. The noise generated from the proposed development when shooting is taking place would be very likely to be audible from the surrounding access land.

It is therefore considered that the noise generated by shooting would be likely to have an adverse impact upon sense of wildness and tranquillity which can be currently enjoyed in the area around the application site by visiting members of the public. The tranquillity and wildness of these areas for a very important aspect of the landscape character of the moorland and it is considered that the proposed development would be likely to have an adverse impact upon this valued characteristic.

It is therefore considered that the proposed development, if allowed, would be likely to have a harmful visual and landscape impact. The visual impact of the proposed development combined with the impact of the noise generated by the proposed shooting would have a harmful impact upon the landscape character and the sense of wildness and tranquillity which can currently be experienced on the moorland around the application site contrary to Core Strategy policy GSP3 and L1 and Saved Local Plan policy LC4.

Impact upon amenity and quiet enjoyment of the National Park.

The potential for noise disturbance in the landscape around the application site is also an important consideration in relation to Core Strategy Policy RT2 D which states that proposals for recreation development must not prejudice or disadvantage peoples' enjoyment of existing recreation activities including the informal quiet enjoyment of the National Park. Promoting opportunities for members of the public to experience tranquillity and quiet enjoyment is one of the National Park's key valued characteristics.

Officers are concerned that the potential noise generated by shooting at the application site would significantly detract from people's opportunities to experience tranquillity and quiet enjoyment of the moorland in the locality of the application site. The noise from shooting would be clearly audible by walkers as they pass through the site and this would have a significant impact compared to the enjoyment of the footpath by walkers when a shooting is not taking place.

Officers are also concerned that the noise and activity on the application site when shooting takes place could also have the potential to deter members of the public who would otherwise use the footpath which crosses through the application site. There are no concerns that the footpath would be physically blocked when shooting takes place and there is no evidence to indicate that the safety of walkers would be jeopardised by shooting activities because all shooting positions face away from the footpath and not over it.

The applicant has stated that when a shoot takes place signs and red flags are erected at either entrance to the application site and that if a walker approaches the site that a member of staff approaches and is able to escort the walker(s) as they cross the site. The applicant has also stated that over the past 12 months only four walkers have been recorded as crossing through the application site and none have raised any issues or concerns to the applicant.

The fact that only a relatively small number of users have been recorded by the applicant as using the footpath is not given significant weight. The number of users of a footpath does not indicate the relative importance of that path and Officers remain concerned that noise and disturbance generated when a shoot is taking place may be off-putting to some members of the public who as a result may choose not to cross through the site or walk a different route.

It is therefore considered that the proposed development would be likely to prejudice people's quiet enjoyment of the National Park both in the wider area around the application site and from the footpath as it crosses through the application site.

Notwithstanding the above, there are no concerns that the proposed development would have a significant impact upon the residential amenity of any neighbouring property or that of occupants and visitors to the Grouse Inn. This is due to the relatively isolated nature of the site and the fact that the Environmental Health Officer has advised that he is not aware of any history of noise complaints from this site.

Highway safety

Parking and highway safety is an issue which has been raised by Officers with the applicant and in the consultation response from the Highways Authority.

The application site is located opposite The Grouse Inn and adjacent the A624 which is a busy classified road subject to a 50mph speed limit at this location. There are no formal pedestrian margins on either side of the highway and access to the application site is steeply sloping away from the public highway and as a result exit visibility through the field access onto the highway is restricted.

Due to the restricted visibility from the field access, Officers agree with the Highway Authority that any intensification of use of this access by vehicles visiting the site in relation to the proposed development would be likely to be prejudicial to highway safety. It is also considered that for similar reasons that any parking of vehicles by visitors to the development on the highway verge adjacent to the access would be prejudicial to highway safety and likely to result in damage to the highway verge. Whilst there is a public lay-by to the north of the application site, this is on the opposite side of the road and would also result in pedestrians walking along the busy highway crossing the road to reach the application site.

The applicant has stated that visitors to the shoot do not park either within the application site or on the highway verge and that historically visitors have parked on the Grouse Inn car park which has space for approximately 50 vehicles.

The Grouse Inn and its car park do not form part of the application site and are not under the ownership or control of the applicant. This is important because any informal agreement that the applicant may have with the owner of the Grouse Inn would not be enforceable and cannot be given any significant weight because the agreement may come to an end at any time. This would be likely to result in visitors to the application site parking either within the application site or on the highway verge. It is also understood that The Grouse Inn was sold to a new owner at the end of May and there is no enforceable way to guarantee that the new owner will allow vehicles to park on pub car park.

This issue has been discussed with the applicant who has stated that he is in communication with the new owner of the Grouse Inn to draw up what he describes as a 'formal letter' to allow use of the car park. However, for any agreement to be enforceable by the Authority it would be necessary for the applicant, the owner of the pub (and any other party with an interest in the land) to enter into a planning obligation with the Authority to secure parking provision in perpetuity.

It is not clear at this stage whether the applicant and new land owner would be willing to enter into a planning obligation to secure car parking provision at the Grouse Inn. In the absence of this it is considered that the proposed development would have the clear potential to result in parking either within the application site, on the highway verge or on the lay-by to the north of the application site which would be prejudicial to highway safety contrary to Saved Local Plan policy LT18.

Biodiversity

Noise disturbance from the proposed shooting activities has the potential to impact Annex 1, Schedule 1, UK and local Biodiversity Action Plan bird species associated with the upland habitats surrounding the application site. The surrounding habitat has the potential to support breeding wading birds, including snipe, curlew and lapwing. The Dark Peak Site of Special Scientific Interest (SSSI), which also forms part of the Peak District Moors Special Protection Area (SPA) is located adjacent to the site. The SPA provides specific protection for rare and vulnerable birds that are using the site. The Annex 1 species listed for the Peak District Moors SPA are merlin, short-eared owl and golden plover. Curlew are also listed in the Dark Peak SSSI Notification. In addition, other Schedule 1 and BAP species use the site.

The Authority holds lapwing records for an adjacent field to the north (2002) and there is a record for curlew within the adjacent SSSI (2004). The surrounding flushes and moorland habitats also have the potential to support breeding Snipe. Lapwing, Curlew and Snipe are all identified on the 'Birds of Conservation Concern 3:2009' list. Lapwing are on the red list and Curlew and Snipe are on the amber list. Curlew and Lapwing are UK and Peak District Biodiversity Action Plan (BAP) species and as such are species of principal importance. Snipe are also listed in the Local BAP.

There has also been specific concern about the rapid decline of breeding waders in the Peak District and its fringe, notably Lapwing, Snipe and Curlew, and as such these species are considered even more vulnerable. Specific efforts are being made to try and stabilise the decline of wader species.

Natural England has been consulted and advises that although the application site falls within the Impact Risk Zone for the designated sites (listed above) that it is unlikely that the proposed development would present any risks of impacts upon the notified features of the site. Natural England is therefore satisfied that the risk of the proposal resulting in likely significant effect on

these designated sites is low and that further assessment under the Habitats Regulations is therefore not required. Natural England also advises that the Dark Peak SSSI will not be affected and therefore that the SSSI does not represent a constraint in determining this application.

The Authority's Ecologist advises that given the proximity of the site to adjacent designated sites and the fact that the Authority has evidence of lapwing and curlew in close proximity to the application site that if permission is granted a condition would be required to prevent any shooting taking place between the 1st April and 15th July (inclusive) in any year. Following re-consultation Natural England also agree that the above condition would be necessary to mitigate any potential impact upon ground nesting birds.

The Authority's Ecologist also advises that a survey in 1998 showed that the site had some botanical interest but that from continued use over the years it was believed that this interest had declined. It was noted in the 1998 survey that herb rich vegetation on the application site was dying off under plastic debris. This adds to concern already raised that the use of the proposed site for clay target shooting inevitably results in significant debris on the site.

Planning history

There is a long planning history which is relevant to this planning application. The applicant correctly states that clay target shooting has been taking place on the land for a number of years. The Authority has granted planning permission for the use of the land for clay target shooting on a temporary basis in the past on a number of occasions, the first permission was granted in 1989 and the most recent permission (application code NP/HPK/0302/034) was granted in 2002 (the 2002 permission).

The 2002 permission was granted on a temporary basis for three years. No further planning application was submitted and therefore the 2002 planning permission expired after the 31st May 2005.

The fact that the Authority has granted planning permission for the proposed development in the past is a material consideration. However, since permission was granted in 2002 the Development Plan has changed with the adoption of the Core Strategy and Government Policy has significantly changed with the publishing of the National Planning Policy Framework. The changes to the Development Plan and National Policy and the intervening period of time between the 2002 application and today mean that only limited weight can be given to the Authority's previous decision to approve planning permission.

Furthermore it is clear that the reason granted planning permission on a temporary basis in 2002 was to allow the Authority to retain control over the use of the application site and to allow the Authority to assess the impact of the use upon the character of the locality. Having assessed the proposed development during the course of the current planning application it has been found that the use of the land for clay target shooting would have a significant adverse impact upon the character and appearance of the application site and the locality.

Therefore it is considered that there is no argument that planning permission should be granted simply on the basis of the Authority's past decisions because it is clear that the Authority's intention in the past has been to retain control over the use of the site to allow an assessment of the impact of the development and because the Development Plan and other material considerations are different today compared to when the last planning application was determined in 2002.

The applicant has stated that the use of the land for shooting has continued until earlier this year when the applicant was advised that the use of the site for clay target shooting did not have planning permission. Any continuation of shooting at the site over and above that allowed as permitted development would be unauthorised. There is no evidence in this case that the use of

the land is lawful and therefore it is considered that no weight should be given to the fact that the shoot has continued without the benefit of planning permission.

The Authority has issued an enforcement notice which requires the cessation of the use of the land for clay target shooting and the removal of any structures, equipment and debris within a period of six months. The enforcement notice is a material consideration. The delegated report seeking authority for enforcement action concluded that the use of the land for clay target shooting has a detrimental impact upon the valued characteristics of the local area, would have the potential to impact upon protected bird species and would be likely to give rise to highway safety issues.

Conclusion

The use of the application site for clay target shooting is not essential either in the national interest, for the management of the Natural Zone or for the conservation or enhancement of the National Park's valued characteristics. The proposed development would have a significant adverse impact upon the valued characteristics of this part of the National Park, which in this case include the natural beauty and character of the landscape and the sense of wildness and remoteness of the locality. Therefore it is considered that the proposed development is contrary to Core Strategy Policies GSP1, GSP2, GSP3, L1 and RT1 A and B and Saved Local Plan Policies LC1 and LC4.

The activity and noise which would be generated by the proposed development on the application site would be likely to have an adverse impact upon opportunities to experience tranquillity while passing through the application site on the footpath and within the local area around the application site contrary to Core Strategy Policy RT1 D and saved Local Plan policy LC21.

Parking for visitors to the development is proposed to take place on the car park at the Grouse Inn, however this car park falls outside of the application site and is not within the ownership or control of the applicant. Therefore in the absence of any mechanism to ensure that parking is secured to serve the development in perpetuity it is considered that the proposed development would be likely to result in an intensification of use of the field access, parking on the highway and pedestrians walking from the lay-by to the north of the site all of which would be prejudicial to highway safety contrary to Saved Local Plan policy LT18.

Officers accept that the proposed development would bring visitors into the National Park and that this may bring some benefit to local businesses, especially the Grouse Inn. However these benefits are not considered to outweigh the significant harm which has been identified in this case bearing in mind the great weight which is afforded to the conservation of the National Park.

In this case relevant development plan policies are up-to-date and in accordance with the National Planning Policy Framework. In the absence of any further material considerations the proposal is therefore considered to be contrary to the development plan and consequently the application is recommended for refusal.

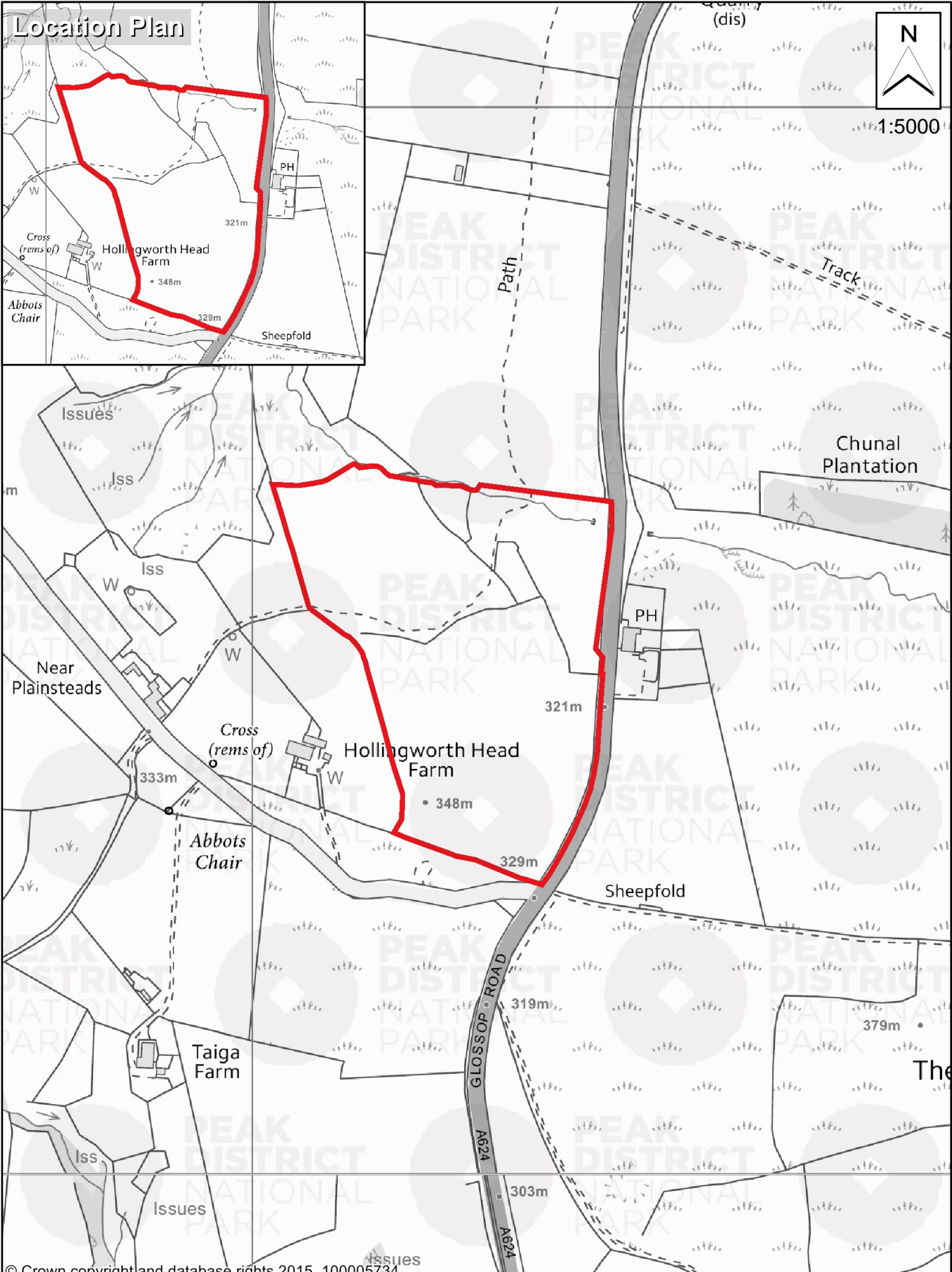
Human Rights

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


List of Background Papers (not previously published)

Nil

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Committee Date:	12/06/2015	Title: Land Opposite the Grouse Inn, Chunal	 PEAK DISTRICT NATIONAL PARK
Item Number:	13		
Application No:	NP/HPK/0315/0169		
Grid Reference:	403354, 390501		

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14. FULL APPLICATION – CONSTRUCTION OF HORSE EXERCISE ARENA AT LAND IMMEDIATELY ADJACENT TO FORD HOUSE, CHAPEL-EN-LE-FRITH (NP/HPK/0315/0205, P.3571, 407581 / 382275, 29/05/2015/AM)

APPLICANT: MRS ANDREA HODGSON

Site and Surroundings

Ford House is a detached dwelling that is located at the north-west side of the hamlet of Ford, outside Chapel-en-le-Frith and off the road to Edale and Hope Valley. Ford is a small hamlet which is centred around Ford Hall (a Grade II listed building) and a number of other residential properties. Ford House (previously known as 'Fairacre') was formerly within the grounds and ownership of Ford Hall and therefore remains as a curtilage listed building despite now being in separate ownership from Ford Hall Ford House is also located within the Slackhall and Ford Conservation Area.

The field to the north west of Ford House is used for the keeping of horses by the applicant. The field is located outside of the Conservation Area. The northern boundary of the field facing the lane is bounded by mature lime trees and part of the western boundary is bounded by west corner of the field is bounded by dry stone walling and mature Sycamores.

Access to the site is via an existing gate access onto the lane. The nearest neighbouring property in this case is a dwelling known as 'Cobstones' which is located approximately 35m to the east of the application site and on the north side of the lane.

Proposal

This application seeks planning permission for the provision of a horse exercise manège along with ancillary timber perimeter fence and landscaping.

The submitted plans show that the proposed manège would be sited in the northern corner of the field to the west of the applicant's property. The proposed riding surface would measure 37.4m long by 18.6m wide. A level surface would be created by cutting into the slope of the field as it falls away from the level of the boundary with the lane. A maximum cut of approximately 2m would be required to the western corner of the riding surface and a raised earth bund with a maximum height of 2.4m would be created to the eastern corner. The height of the earth bund would decrease to approximately 1m along the length of the riding surface.

A timber perimeter fence and gate is proposed around the riding arena and the surface would be finished with a mixture of clean sand and rubber material which is designed for riding surfaces.

The submitted plans show that two Sycamores within the field would be felled to accommodate the proposed development. The line of lime trees and sycamores along the field boundary would be retained and protected during the course of the development. The submitted plans also show that two new Oak trees of a height of 3 – 3.5m would be planted to the south of the manège.

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 approved plans and arboriculture survey.**

3. **Landscaping to be carried out in complete accordance with the approved plans within the first planting season following completion of the development.**
4. **The use of the manège hereby permitted shall be ancillary to the domestic use of the dwelling known as “Ford House” only. The manège shall not otherwise be used for commercial purposes or livery at any time.**
5. **The timber fencing and kickboards shall be stained or painted either dark brown or black at the time of erection and maintained in perpetuity.**
6. **Notwithstanding the provisions of the General Permitted Development Order 1995 (or any order revoking and re-enacting that Order with or without modification), no horse jumps, field shelters, or other structures shall be erected on the application site, other than those hereby permitted.**
7. **There shall be no external lighting or floodlighting erected, and the manège shall not be provided with any other external source of illumination at any time.**

Key Issues

- The visual impact of the proposed development and whether the proposed development would conserve the landscape character of the area and the setting of the designated Slackhall and Ford Conservation Area and the listed buildings within the Conservation Area.
- Whether the proposed development would have an adverse impact upon the amenity, security or privacy of any neighbouring property and whether the development would be acceptable in all other respects.

Relevant Planning History

2014: Planning permission and listed building consent granted conditionally for renovation of curtilage listed outbuilding to form ancillary habitable accommodation and proposed new build link to main dwelling

Consultations

Highway Authority – No objection subject to all use remaining private and ancillary to Ford House.

District Council – No response to date.

Parish Council – Make the following comments.

The Parish Council are seriously concerned about the problems which could arise from a horse manège located in such a restricted area of the countryside and have asked for the application to be called in and referred back to the National Park Planning Committee for consideration.

The Parish Council has no objection to the proposal on an individual residential basis but are concerned over the loss of amenities to local residents and the very restricted access to the site especially for horse boxes should other horse owners become involved.

The Parish Council ask that the following conditions be imposed if planning permission is granted.

- Site not to be used commercially as access is very restricted and the use of lighting in the evening would cause light pollution to the local area.
- No increase in horses kept at the property.
- Manège to be used solely by property owner.

Authority Tree Officer - No objection provided that development is carried out in accordance with amended plan and tree survey to ensure that the trees around the riding arena are protected during development.

Representations

A total of five letters of representation have been received at the time this report was written. Three of the letters make general comments about the application but do not offer support or object and two of the letters The comments and objections given in the letters are summarised below. The letters are available and can be read in full on the website.

General Comments

- The development has the potential to increase the volume of traffic on the very narrow lane.
- The development should be restricted to prevent use by any commercial venture at any time.
- The riding arena should not be illuminated.

Objection

- The site can be seen from a footpath on the hill above and from many other vantage points. The development would harm the scenic beauty of the landscape.
- The proposed development is likely to cause road safety problems.
- The use of the proposed development would constitute a nuisance to the occupants of the nearest neighbouring property 'Cobstones'.
- Occupants of 'Cobstones' will suffer a loss of privacy because riders using the development will be able to overlook the property.

Main Policies

Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L3 and RT1

Relevant Local Plan policies: LC4, LC5, LC6, LC20 and LR7

The Authority's adopted development strategy is set out in Core Strategy (CS) policy DS1 which states that recreation and tourism development is acceptable in principle in open countryside. CS policies L1, L3 and GSP3 set an overarching requirement that all development conserves and enhances the valued characteristics of the National Park including the scenic beauty of its landscapes and its cultural heritage.

CS policy RT1 says that (A) the National Park Authority will support facilities which enable recreation, which encourage understanding and enjoyment of the National Park and are appropriate to the National Park's valued characteristics. CS policy RT1 (B) goes on to state that in open countryside, clear demonstration of need for such a location will be necessary.

Saved local Plan (LP) policy LR7 refers specifically to facilities for keeping and riding horses and states that domestic facilities will be permitted provided that:

- i. The development does not detract from the landscape or valued characteristics of the area, either individually or cumulatively; and
- ii. is located adjacent to existing buildings or groups of buildings; and
- iii. is not likely to cause road safety problems; and
- v. Does not constitute a nuisance to local residents, landowners or farmers by noise, smell or other adverse impact.

There is no conflict with the above policies and national policies set out within the National Planning Policy Framework (the Framework) because both seek to promote appropriate and sustainable recreational development in the countryside while giving great weight to the conservation of the National Park.

Assessment

Relevant Development Plan policies are supportive in principle of facilities for riding horses and in this case the proposed riding arena is in accordance with LP policy LR7 (ii) because the proposed riding arena would be sited adjacent to the applicant's property and the group of buildings which make up the hamlet.

Concern has been raised about the potential impact of the proposed development upon highway safety. The highway which runs past Ford Hall and the application site is a narrow single track lane and Officers agree with the Parish Council and the representations that the access to the application site would not be suitable for commercial purposes or livery. The agent has confirmed that the intention is that the riding arena would be for the personal use of the applicant rather than any commercial venture. Therefore if permission is granted a condition would be recommended in accordance with advice from the Highway Authority to ensure that the use of the riding arena remains ancillary to the domestic use of Ford House.

Concern has also been raised about the potential impact of the development upon the amenity of the nearest neighbouring property which is a dwelling known as 'Cobstones'. The edge of the proposed riding arena would be located approximately 35m from the boundary of 'Cobstones' at the nearest point. Given this distance it is considered that any disturbance from noise, vibrations or smells associated with riding horses on the arena would not have an adverse impact upon the residential amenity of the occupants of 'Cobstones' especially bearing in mind that the applicant already keeps and rides horses on the land. Furthermore, given the intervening distance it is considered that the occupants of 'Cobstones' would not suffer any significant loss of privacy.

The key issue in this case therefore, is the visual and landscape impact of the proposed development and the potential impact upon the setting of the designated Slackhall and Ford Conservation Area and the listed buildings within the Conservation Area including Ford House and Ford Hall (Core Strategy policies L1 and L3 and Saved Local Plan policy LC5, LC6 and LR7 (i)).

The proposed riding arena would be sited in the northern corner of the field. Views of the proposed riding arena from within the Conservation Area would be limited due to the topography

of the field which is at a lower level than the adjacent lane. The submitted plans show that the level of the riding surface would be set 2m lower than the level of the adjacent lane and therefore the majority of the riding surface and the perimeter fencing would be effectively screened by the existing stone boundary field wall.

Other more distant views from within the Conservation Area and along the track to the north would be filtered through the existing mature lime and sycamore trees which would be retained. The existing tree planting would effectively mitigate the visual impact of the development from these vantage points.

There would be more distant views into the application site from the south the lane as it drops down from Slackhall and from a public footpath located approximately 480m to the south west. From these vantage points the proposed riding arena would be viewed in the context of the Conservation Area and the listed buildings within. However the proposed development would be viewed in the context of the nearby buildings and would not appear as isolated or remote within the landscape. Views into the site would also be filtered through the mature sycamore trees along the boundary and to the south of the riding arena.

The submitted plans show that the riding surface would be constructed using a mixture of sand and fibre which is designed for this use. The proposed surface would have a dark appearance which would mitigate the visual impact of the development. The earth bunds around the riding arena would be re-seeded with meadow grass which when established would effectively mitigate the impact of the bunds from distant viewpoints. The application also proposes to plant two new Oak trees to the west of the riding arena which would further mitigate the development by filtering views especially from then south west when established.

The proposed timber fencing would not have an adverse visual impact provided that the timberwork is treated in a dark stain when erected and maintained thereafter. The existing dry stone field boundary walls would be retained.

The submitted application is supported by a tree survey and a plan showing the positions of trees which are to be retained and removed as part of the development. Two sycamore trees within the field are to be removed but the existing line of mature lime and sycamore trees are to be retained along with the larger of the sycamores within the field. The trees that are to be retained would be protected by barriers during construction and Officers are satisfied that the proposed riding surface would be sited a sufficient distance from the mature trees to avoid damage to their roots. It is therefore considered that the proposed development would not harm the mature trees around the site provided that the development is carried out in accordance with the submitted tree survey and plan.

It is therefore considered that the proposed development would not have an adverse visual or landscape impact or have an adverse impact upon the setting of the designated Slackhall and Ford Conservation Area. The submitted application proposes to plant two new Oak trees which would be appropriate in landscape terms and when established, would further break up views into the site from public vantage points. If permission is granted, a condition would therefore be recommended to ensure that the proposed landscaping is implemented, that the timber fencing is dark stained and that no lighting is installed at any time.

It is therefore considered that subject to conditions that the proposed development would not have a harmful visual or landscape impact, would not harm the setting of the Slackhall and Ford Conservation Area or the setting of nearby listed building including Ford House and Ford Hall and that the development would not constitute a nuisance to or harm the amenity of any residential property or land owner.

Conclusion

It is considered that subject to conditions, the proposed development would not have a harmful visual or landscape impact or harm the setting of the Slackhall and Ford Conservation Area. The proposed development would otherwise not constitute a nuisance to or harm the amenity of any residential property or land owner in accordance with Core Strategy policies GSP1, GSP3, DS1, L1, L3 and RT1 and saved Local Plan policies LC4, LC5, LC6 and LR7.

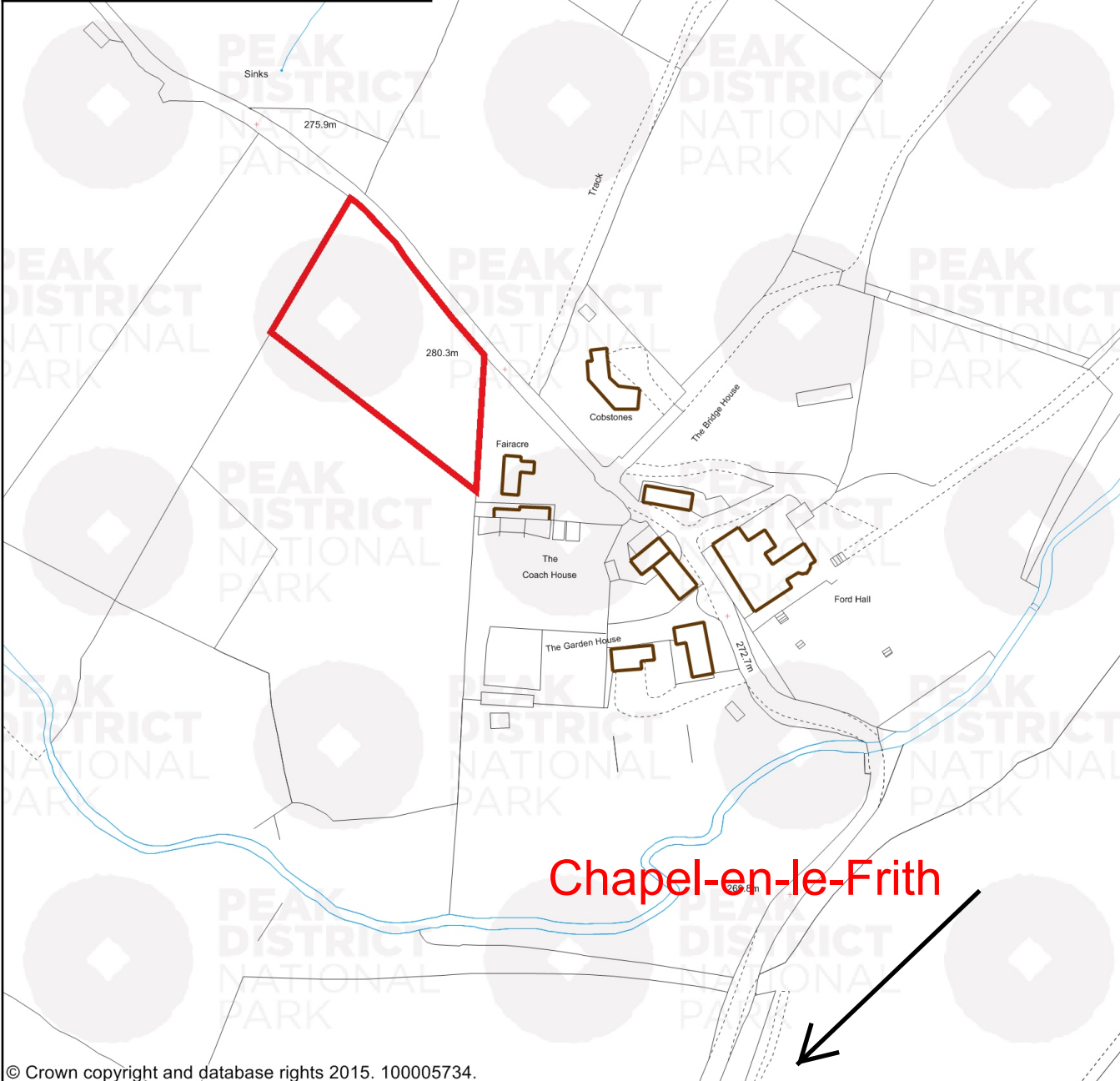
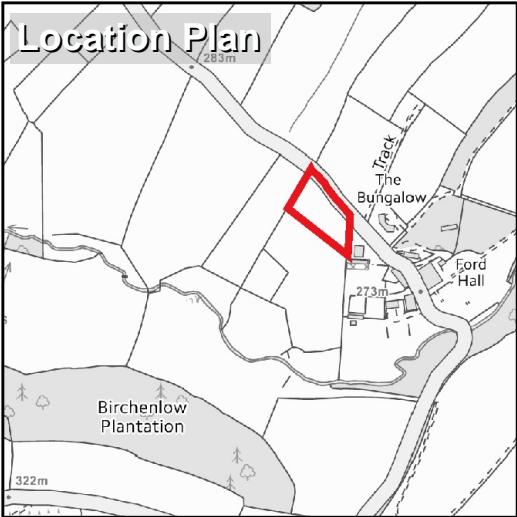
In this case there is no conflict between relevant Development Plan policies and the more recently published National Planning Policy Framework. In the absence of any further material considerations the proposal is therefore recommended for approval, subject to the conditions outlined in this report.

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:	12/06/2015	Title: Ford House, Chapel-en-le-Frith	 PEAK DISTRICT NATIONAL PARK
Item Number:	14		
Application No:	NP/HPK/0315/0205		
Grid Reference:	407581, 382275		

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15. HEAD OF LAW - PLANNING APPEALS (A.1536/AMC)

1. APPEALS LODGED

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/DDD/0814/0917 3009008	Change of use of the land from agriculture to a mixed commercial equestrian/agricultural use. Erection of implement store, stables and riding arena at Land off the B6050, Eastmoor, Baslow, DE45 1SR	Written Representations	Delegated
NP/DDD/1014/1085 3009444	Erection of Conservatory at Chapel House Farm, Grindlow	Householder	Delegated
NP/DDD/0614/0661 3013889	Installation of an endurance wind turbine to provide renewable electricity to the dairy farm at Slipper Low Farm, Aldwark, Grange Mill, Matlock, DE4 4HX	Written Representations	Committee
NP/DDD/1114/1157 3033489	Erection of lean-to agricultural building at Ashmount, Smalldale, Bradwell, S33 6SB	Written Representations	Delegated

2. APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.

3. APPEALS DECIDED

There was one appeal decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/SM/1214/1254 3004912	Single storey rear extension to 23 Portland Place, Waterhouses, ST10 3HU	Householder	Dismissed	Delegated

The Inspector felt that the proposed development failed to respect the valued characteristics of the house and its neighbours, and would unacceptably harm the character and appearance of the area. It was also contrary to the objectives of policy GSP3 of the Peak District Core Strategy and Policies LC4 and LH4 of the Local Plan. Therefore the Appeal was dismissed.

4. RECOMMENDATION:

That the report be received.

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