

Public Document Pack

Peak District National Park Authority

Tel: 01629 816200

E-mail: customer.service@peakdistrict.gov.uk

Web: www.peakdistrict.gov.uk

Minicom: 01629 816319

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



Our Ref: A.1142/1346

Date: 3 September 2015



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 11 September 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 Minutes Public Pack, 07/08/2015 Planning Committee**
(Pages 1 - 12)
3. **Urgent Business**
4. **Members Declarations of Interest**
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
5. **Public Participation**
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
6. **Full Application - The Erection of an Affordable Dwelling on Land Adjacent to Rowan Lea, Back Lane, Hathersage (NP/DDD/0715/0654, P.8014, 14/7/2015, 423220/ 381189, MN) (Pages 13 - 22)**
Site Plan
7. **Full Application - Conversion of Barn to Dwelling, Dale Head Barn, Housley, Foolow (NP/DDD/1114/1184, P1975, 29/12/2014, 421939 / 376372/AM) (Pages 23 - 34)**
Site Plan

8. **Full Application - Conversion of Outbuilding to Ancillary Accommodation, The Croft, The Green, Curbar (NP/DDD/0515/0457, P.3707, 425399 / 374698, 19/08/2015/AM)**
(Pages 35 - 46)
Site Plan
9. **Full Application - Alterations to Agricultural Building at North Lees Farm, North Lees Hall, Hathersage (NP/DDD/0715/0685, P.6193, 24/4/15, 423536/383448, MN)** (Pages 47 - 52)
Site Plan
10. **Section 73 - Application for the removal of condition 11 from application NP/SM/0698/070 and replace with a local housing condition at Heath Barn, Calton (NP/SM/0715/0683 P. 10327 410327/349321 31/8/2015/CF)** (Pages 53 - 60)
Site Plan
11. **Full Application - Change of Use From Toy Shop (A1) to Ice Cream Parlour (A3), Ice Creams & Dreams, Matlock Street, Bakewell (NP/DDD/0615/0503 P.2537 421767/368408 24/8/2015/CF)** (Pages 61 - 68)
Site Plan
12. **Advertisement Consent - New Signage to Shop Front, Ice Creams & Dreams, Matlock Street, Bakewell (NP/DDD/0615/0504 P.2537 421767/368408 30/8/2015/CF)** (Pages 69 - 74)
Site Plan
13. **Listed Building Consent - New Signage to Shop Front, Ice Creams & Dreams, Matlock Street, Bakewell (NP/DDD/0615/0505 P.2537 421767/368408 30/8/2015/CF)** (Pages 75 - 80)
Site Plan
14. **Protecting Trees in The National Park - The Use of Tree Preservation Orders (JRS)**
(Pages 81 - 86)
15. **Head of Law - Planning Appeals (A.1536/AMC)** (Pages 87 - 88)

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)

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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 Mrs N Hawkins
Mr R Helliwell	Cllr C Howe
Cllr H Laws	Ms S McGuire
Cllr J Macrae	Cllr Mrs K Potter
Cllr Mrs J A Twigg	Cllr G Weatherall
Vacant	

Constituent Authorities
Secretary of State for the Environment

Natural England

Peak District National Park Authority

Tel: 01629 816200

E-mail: customer.service@peakdistrict.gov.uk

Web: www.peakdistrict.gov.uk

Minicom: 01629 816319

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



MINUTES

Meeting:	Planning Committee
Date:	Friday 7 August 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 D Chapman, Cllr Mrs N Hawkins, Mr R Helliwell, Cllr C Howe, Cllr H Laws, Cllr Mrs J A Twigg and Cllr G Weatherall
Apologies for absence:	Cllr C Carr, Ms S McGuire and Cllr Mrs K Potter

90/15 MINUTES OF THE PREVIOUS MEETING

The minutes of the last meeting held on 10 July 2015 were approved as a correct record subject to a minor amendment to the 5th paragraph of minute 86/15 to record that Cllr Mrs K Potter had left the room during consideration of this item..

91/15 URGENT BUSINESS

There was no urgent business to report.

92/15 MEMBERS DECLARATIONS OF INTEREST

Items 6:

Noted that all members had received 15 items of correspondence regarding this item sent both in support of and against the proposed development.

Judith Twigg, personal interest, as a County Councillor she knew public speakers Mr R Powell, Mr R Williams-Manlove, Mr R Lownsborough and Mrs C Longdon when Baslow had been part of her County Council electoral division. She had not discussed the item with them before the committee.

Item 14:

Caroline Howe personal interest, as the Parish of Chapel en le Frith is part of her High Peak Borough Council ward.

93/15 PUBLIC PARTICIPATION

20 members of the public were present to make representations to the Committee.

94/15 FULL APPLICATION - CHANGE OF USE AND ALTERATIONS TO EXTERNAL ELEVATIONS TO CREATE CLASS A1 CONVENIENCE STORE WITH ASSOCIATED SERVICING, REFUSE, PLANT AND PARKING AREAS (REVISED DESCRIPTION) - RUTLAND ARMS, CALVER ROAD, BASLOW

It was noted that this item had been deferred from the Planning Committee on 13 March to gather and report more information on parking and highway issues and the impact of the proposals on the setting of the conservation area and the adjacent listed structures.

The Committee were advised that since the meeting in March the application title had been amended to reflect legislative changes relating to permitted development rights and therefore full consultation had been repeated. It was noted that since the report had been published a further letter of support had been received along with clarification that the Baslow Parish Council's objections were based on highway grounds only. The Committee were also advised that since this application had been last considered, the public house had closed.

It was noted that the Highways Authority had raised no objection to the proposals subject to the extension of double yellow lines and an extension to the existing steel barrier.

It was confirmed that Derbyshire Dales District Council had listed the Rutland Arms as an Asset of Community Value but as a food store was a community use this was not a valid reason to refuse the application.

The following spoke under the Authority's Public Participation Scheme:

- Ms D Ingram, professional planning consultant, on behalf of Baslow SOS
- Richard Powell – Objector, SOS Group
- Kate Poole, Baslow SOS, Objector
- Francesca Muscroft, Objector (SOS Group)
- Jonathan Fish, Objector (SOS Group)
- David Upton, Objector
- Roger Lownsborough – Objector
- Mrs C Londen - Supporter
- Mrs J Pederson, Supporter
- Mr G Hobson, Supporter
- Mr S Armiger, Supporter
- Mr R Williams-Manlove, Supporter
- Mr Rodney Wilson, Supporter
- Chris Quinsee – Agent (Peter Brett Associates)

Following discussion a motion to refuse the application due to the loss of an asset of community value was moved and seconded, put to the vote and lost.

A motion to approve the application in accordance with the officer recommendation was moved and seconded, subject to an amendment to the highway conditions. The motion was put to the vote and carried.

In accordance with Standing Order 1.12(2) Cllr Mrs N Hawkins and Cllr H Laws asked that their vote against the decision be recorded.

RESOLVED:

To APPROVE the application subject to the following conditions:

1. **3 year time limit**
2. **In accordance with revised plans**
3. **All new walling to be natural stone to match the existing**
4. **Prior to installation, precise details of the proposed windows along with details of their proposed finishes shall be submitted for written approval by the Authority**
5. **Prior to the building being taken into the approved use amended details of the method in which the windows are to be obscured shall be submitted for written approval by the Authority**
6. **Scheme of external lighting to be submitted for written approval by the Authority prior to the new use being implemented**
7. **Prior to the installation of any external refrigeration, air conditioning, or other motors or fans a noise survey shall be undertaken, submitted, and any mitigation agreed in writing by the Authority.**
8. **Delivery and refuse collections limited to be between the hours of 08:00 to 18:00, Monday to Fridays, 09:00 to 13:00 on Saturdays and no deliveries on Sundays and Bank Holidays**
9. **Visibility splays and site accesses shall be maintained in perpetuity as shown on the revised plans.**
10. **No development shall take place until space has been provided within the site for the storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods and vehicles, and the parking and manoeuvring of employees and visitors vehicles in accordance with details to be submitted and approved in writing by the Authority.**
11. **No development shall take place until a Delivery Management Plan addressing size, timing, and routing of delivery vehicles has been submitted and approved in writing by the Authority.**
12. **No development shall take place until a Traffic Management Plan to deter roadside parking has been submitted and agreed in writing and the yellow lines are in place.**
13. **Parking provided and maintained in accordance with revised plans.**
14. **Shop doors shall not open outwards.**
15. **No access ramps to the shop within the public highway.**
16. **Removal of permitted development rights for extensions and external alterations.**
17. **Flood mitigation measures to be carried out in accordance with those proposed in the submitted Flood Risk Assessment document.**

A short break was taken between 11.50 and 12.05 Following consideration of this item.

95/15 FULL APPLICATION - CHANGE OF USE OF BARN TO AGRICULTURAL WORKER'S DWELLING AT NEW BUILDING, VICARAGE FARM, HOLLINSCLOUGH

It was noted the Committee had indicated that it was minded to approve this application at the meeting held in July and this item now allows further discussion on conditions and a section 106 agreement.

The recommendation was moved, seconded, voted upon and carried.

RESOLVED:

To APPROVE the revised application subject to prior entry into a s.106 legal agreement preventing the separate sale of the new house from the associated land within the applicant's agricultural holding and restricting the future occupancy of the new house, and subject to the following conditions/modifications:

Statutory Time Limit

1. **The development hereby permitted shall be begun within 2 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, BM 2375-3, BM 2375-4 and BM 2375-5 subject to the following conditions or modifications:**

Conversion within Existing Shell

3. **The conversion hereby approved shall be carried out entirely within the shell of the existing building. No part of the building shall be rebuilt without the prior written consent of the National Park Authority.**

Underground Service Lines

4. **All new service lines associated with the approved development, and on land with the applicant's ownership and control, shall be placed underground and the ground restored to its original condition thereafter.**

Disposal of Foul Sewage

5. **No development shall take place until a scheme for the disposal of foul sewage to a package treatment plant has been submitted to and approved in writing by the Authority. Thereafter, the package treatment plant shall be installed in complete accordance with the approved plans prior to the first occupation of the dwelling hereby permitted.**

Parking and Access

6. **No development shall take place until a specification or sample of the material to be used for the surfacing of the drive, parking and manoeuvring areas has been submitted to and approved in writing by the National Park Authority.**

7. **Prior to the first occupation of the dwelling hereby permitted, the access, parking and turning areas shall be completed in accordance with the specifications approved under Condition 7 (above).**

Residential Curtilage

8. **Prior to the first occupation of the dwelling hereby permitted, the curtilage of the converted barn shall be defined with a drystone wall along the boundaries of the application site shown edged in red on Drawing No. BM 2375-5. The drystone wall shall be constructed in locally obtained natural stone, to a height of 1.2m - 1.5m, coursed and pointed to match the stonework of the existing boundary walls.**

External Lighting

9. **Unless otherwise agreed in writing by the National Park Authority, there shall be no external lighting and the converted building and associated curtilage shall not be provided with any other external source of illumination at any time during the lifetime of the development hereby approved.**

Design Details and Architectural Specifications

10. **Prior to the installation of any new windows, full details of their precise design, including any glazing bar detail, recess from the external face of the wall and external finish, 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 specification and shall be permanently so maintained.**
11. **Prior to the installation of any new doors, full details of their precise design including external finish and recess from the external face of the wall, 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.**
12. **Prior to the installation of any external flue pipe for a wood burner or any other heating appliance, full details of its precise design including its size, location and external finish 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.**
13. **All pipework, other than rainwater goods but including soil vent pipes and drainage pipes, shall be completely internal within the building.**
14. **The 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 roof verges shall be flush cement pointed, with no barge boards or projecting timberwork.**

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 the converted building shall be carried out and no extensions, porches, sheds, or ancillary outbuildings shall be erected on the site without the National Park Authority's prior written consent.**

96/15 FULL APPLICATION - TWO NEW HYDRO ELECTRIC STATIONS ON THE RIVER DERWENT AT CHATSWORTH; ONE ON THE UPPER AND ONE ON THE LOWER WEIRS AT CHATSWORTH HOUSE

The Chair confirmed that Items 8 and 9 would be discussed together as they referred to the same proposed developments.

Members had visited the site on the previous day.

The Committee considered the proposals set out in the report with additional images to illustrate the anticipated visual impact. The Committee noted the importance of the site as a tourist destination and the historic landscaped grounds, noting that the Authority's Landscape Architect had no objections to the plans.

It was noted that since publication of the report a letter of support had been received from Friends of the Peak District and the British Hydro Power Association.

The following spoke on both items under the Authority's Public Participation Scheme:

- Dr Elise Percival – Supporter
- Dr Andy Tickle – Friends of the Peak District, Supporter
- Ben Garstang – Applicant

The recommendation to approve the application subject to an additional condition to submit and agree in writing a scheme of agreement for health and safety signage, interpretation boards and fencing or other barriers was moved, seconded, voted on and carried.

RESOLVED:

To APPROVE the application subject to the following conditions:

1. **Statutory 3 year time limit**
2. **Adopt submitted and additional plans.**
3. **Programme of archaeological work including a Written Scheme of Investigation to be submitted to and approved by the Authority in writing before development commences.**
4. **No development until a detailed method statement for the management / control of signal crayfish on the site during the development and a plan detailing the protection of white clawed crayfish shall be submitted to and approved in writing.**
5. **Before works commence on the works to the upper weir, details shall be submitted and agreed in writing by the National Park Authority with regard to the timing and method of undertaking destruction of the identified bat roost, and a plan showing sites for and type of new bat boxes.**

6. **Working method statement to be submitted and agreed in writing detailing how harm to water voles and sand martin nest will be avoided during construction, and regarding works to the veteran tree. Statement shall also address construction traffic accessing the site.**
7. **Details to be submitted and agreed for sites for/details of replacement habitat for the removed silt beds.**
8. **No parts of the retaining walls other than those shaded red on plan no. PL-008-Rev A shall be removed unless otherwise agreed in writing by the National Park Authority.**
9. **Sample panel of new walling, including pointing, to be agreed.**
10. **Details of coping stones to be submitted and agreed.**
11. **Plantation to west of upper weir (shown to be retained on Figure 02-SH Proposed Tree Planting Plan) to be retained. Proposed tree planting as shown on Figure 02-SH to be carried out in the first planting season following completion of the development, or the turbine being brought into operation, whichever is sooner.**
12. **Minor Design Details**
13. **A scheme of agreement relating to health and safety signage, interpretation and fencing or other barriers to be submitted and agreed in writing.**

In accordance with the Authority's standing orders, the Committee agreed to continue the meeting beyond 1 pm.

97/15 LISTED BUILDING APPLICATION - TWO NEW HYDRO ELECTRIC STATIONS ON THE RIVER DERWENT AT CHATSWORTH; ONE ON THE UPPER AND ONE ON THE LOWER WEIRS AT CHATSWORTH HOUSE

The recommendation to approve the listed building application subject to an additional condition to submit and agree in writing a scheme of agreement for health and safety signage, interpretation boards and fencing or other barriers was moved, seconded, voted on and carried.

RESOLVED:

To APPROVE the application subject to the following conditions:

1. **Statutory 3 year time limit**
2. **Adopt submitted and additional plans.**
3. **Programme of archaeological work including a Written Scheme of Investigation to be submitted to and approved by the Authority in writing before development commences.**

4. **No parts of the retaining walls other than those shaded red on plan no. PL-008-Rev A shall be removed unless otherwise agreed in writing by the National Park Authority.**
5. **Sample panel of new walling, including pointing to be agreed.**
6. **Details of coping stones to be submitted and agreed.**
7. **Minor Design Details**

98/15 FULL APPLICATION - CONTINUED USE OF LAND FOR CLAY TARGET SHOOTING AT LAND FACING THE GROUSE INN, CHUNAL

It was noted that this item had been deferred by the Committee on 12 June 2015 to allow Members to visit the site.

Members had visited the site on the previous day.

It was also noted that an enforcement notice had been issued following the expiry of permission granted in 2005 which allowed 20 days shooting per annum plus Sundays.

The following spoke under the Authority's Public Participation Scheme:

Mr D Batty, Applicant

As the unlawful use had been carried on for a long period of time without complaint, it would not have a detrimental impact on amenity. Therefore a motion to approve the application was moved, seconded, voted upon and carried.

RESOLVED:

To APPROVE the application subject to the following conditions/modifications:-

1. **Restrict shooting between the hours of 09.30 – 16.30 with a registered number of shooters and no more than 10 hours shooting per week and keep a register of users.**
2. **No shooting between 1 April and 15 July each year**
3. **Section 106 agreement to secure parking at the public house**
4. **Bio degradable clays are used and fibre wadding cartridges**
5. **The visual impact of the boxes and cages to be reduced**
6. **No shooting over the footpath**
7. **To submit and approve a site management plan including a footpath management plan**
8. **Cages to be removed from site when not in use**
9. **Maximum of eight shooting positions in use at one time.**

99/15 FULL APPLICATION - SINGLE STOREY REAR EXTENSION AND ALTERATIONS TO DWELLING AT 'IONA', LONGREAVE LANE, ROWLAND

This application has been referred to Planning Committee because the applicant's wife is an employee of the National Park Authority and has declared an interest.

Cllr Mrs L Roberts and Cllr Mrs N Hawkins declared personal interest as they knew the applicant through employment at Staffordshire Moorlands District Council and had not discussed the matter with the applicant.

The following spoke under the Authority's Public Participation Scheme:

Mr M Green, Applicant

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

RESOLVED:

To APPROVE the application subject to the following conditions:

- 1. 3 year implementation time limit.**
- 2. Adopt amended plans.**
- 3. Bathroom window to be obscure glazed in perpetuity.**
- 4. If the hedgerow on the southern boundary dies or is removed at any point in the future, it shall be replaced by a 2m high close boarded fence.**
- 5. New front boundary wall to be constructed in natural limestone as a traditional drystone wall.**
- 6. Minor design details.**

Following consideration of this item the meeting adjourned for lunch at 13.40 returning at 14.10.

100/15 STANTON MOOR MINERAL LIAISON GROUP AND CONSULTATION ON MINERAL PLANNING MATTERS IN THE STANTON MOOR AREA

The Chair welcomed to the meeting Professor Tony Crook, Chair of the Stanton Moor Mineral Liaison Group.

Professor Crook thanked the Chair for inviting him to speak and outlined the work of the group so far which had facilitated an honest exchange of views from those taking part. It was noted that the quarry operator had provided a tour of the quarry site to Members of the Group which had been interesting and informative.

It was confirmed that as there were different levels of understanding within the group on the planning system and how it relates to minerals extraction a series of seminars had been built into the meetings to facilitate a greater understanding of the operating environment.

A statement from Cllr Mrs K Potter was read out in her absence. Prof. Crook and the Director of Planning expressed their regret that Cllr Mrs Potter had felt that she was unable to participate in recent meetings.

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

RESOLVED:

- 1. To note the minutes of the Stanton Moor Minerals Liaison Group of October 2014, March 2015 and June 2015.**
- 2. To confirm that the Stanton Moor Minerals Liaison Group continues to operate as constituted in 2014.**

101/15 APPROVAL OF BRADWELL NEIGHBOURHOOD PLAN TO TAKE FORWARD TO REFERENDUM

The Village and Communities Officer introduced the item which had been previously considered by the Committee on 15 January 2015. The Committee were asked to consider the examiners report and accept modifications so that a referendum on adoption of the plan could take place.

It was confirmed tha Derbyshire Dales District Council would carry out a referendum and all those registered to vote within the area will be able to take part. Over 50% of those who vote need to say yes for the plan to be adopted. Before it could be adopted the Plan had to receive support from more than 50% of the electorate voting on the proposal. The exact wording of the question on the ballot paper was included in the report.

Ms L Grainger, Chair of the Bradwell Neighbourhood Planning Committee and Cllr P Downing, Chair of Bradwell Parish Council, were in attendance to listen to the discussion of this item and answer questions if required..

The recommendation was moved, seconded, voted upon and carried.

RESOLVED:

In accordance with Schedule 4B, para 12 of the 1990 Town and Country Planning Act:

- 1. To accept the examiner's recommendations and make modifications to Bradwell Neighbourhood Plan (submission draft), as set out in the examiner's report (Appendix 1 of the report),**
- 2. To agree that Bradwell Neighbourhood Plan, as modified, would meet the basic conditions, be compatible with Convention rights, and comply with the definition of, and the provisions that can be made by, a neighbourhood plan.**
- 3. To Approve that Bradwell Neighbourhood Plan (submission draft) is modified in accordance with the examiner's report and as set out in the Schedule of Proposed Modifications (Appendix 2 of the report).**
- 4. To Determine that the modified plan go forward to referendum.**

Cllr Harold Laws left the meeting at 14.50 following consideration of this item.

102/15 MAKING OF CHAPEL NEIGHBOURHOOD PLAN

It was noted that at a recent referendum 56% of those voting supported the adoption of a the development plan. It was confirmed that High Peak Borough Council had approved the plan for areas within the Parish but outside of the National Park boundary.

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

RESOLVED:

To confirm the making of the Chapel-en-le-Frith Neighbourhood Development Plan 2013 – 2028 as part of the Peak District National Park Authority’s development plan for the part of the designated Neighbourhood Area that lies within the Peak District National Park.

103/15 LOCAL DEVELOPMENT PLAN ANNUAL MONITORING REPORT FOR 2013/14-2014/15

The recommendation was moved, seconded, voted upon and carried.

RESOLVED

To note the Annual Monitoring Report for 2013/14 – 2014/15 as set out in Appendix 1.

Cllr Mrs Norma Hawkins left the meeting at 15.05 during consideration of this item

Cllr Jamie Macrae left the room at 15.10 during consideration of this item but returned at 15:20.

104/15 HEAD OF LAW REPORT

The recommendation was moved, seconded, voted upon and carried.

RESOLVED

To note the report.

The meeting ended at 3.35 pm

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6. FULL APPLICATION: THE ERECTION OF AN AFFORDABLE DWELLING ON LAND ADJACENT TO ROWAN LEA, BACK LANE, HATHERSAGE (NP/DDD/0715/0654, P.8014, 14/7/2015, 423220/ 381189, MN)

APPLICANT: Mrs Safhill-Barber

Site and Surroundings

The application site is a field sited immediately to the east of Back Lane, Hathersage. It is sited between the bungalows of Rowan Lea, fronting Back Lane to the south west and Ash Meadow to the north east, which faces onto Ninelands Road. Sited behind the site to the south east is the large detached dwelling Little Timbers and its curtilage. Opposite the site, across Back Lane to the north west are the traditional two storey properties of Thornleigh and Hawthorne Dene.

The field is in the ownership of the applicant, who lives at the adjacent property of Rowan Lea. Whilst the field is not considered to be residential curtilage it is regularly mown by the owners of Rowan Leas and has a small non-traditional flat-roofed outbuilding in the back corner of the field which serves as a mower store.

The roadside of Back Lane adjacent to the site is bounded by a hedgerow, whilst the other three sides of the site are bounded by natural stone walls. Access into the field is only gained via Rowan Lea.

The field is outside of the Hathersage conservation area.

Proposal

The erection of a detached affordable dwelling to meet a local need. The application is a resubmission following the delegated refusal of an application for an identical house on the same site to meet the same housing need earlier this year.

That application did not attract the support of the Parish Council at that time; it is their support of the current application that brings it to the Planning Committee.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. There are vacant affordable dwellings newly built to meet local needs in an adjoining parish that are available to the applicant and which they could afford to occupy based on the submitted supporting information. The applicant's housing need can therefore be met within the existing housing stock and the approval of the proposal would be contrary to policy LH1, which permits new affordable housing to meet a local need only on an exceptional basis.**

Key Issues

- 1.) Whether an affordable dwelling is justified in policy terms by the applicant's circumstances.
- 2.) Whether the applicant meets the policy criteria to occupy such a dwelling.
- 3.) Whether the proposed dwelling is considered acceptable in terms of its design, landscape, highways, and amenity impacts.

History

May 2015 – Planning permission refused for the erection of an affordable dwelling on land adjacent to Rowan Lea. The current application is a resubmission of this previous application.

Consultations

Derbyshire County Council (Highways) – No objections subject to standard conditions relating to construction traffic and materials storage, visibility splays, provision of parking prior to occupation, gating, and bin storage provision.

Derbyshire Dales District Council – No response at time of writing.

Hathersage Parish Council – A survey has been undertaken in recent years which showed that affordable housing was needed in Hathersage and with the help of Isabel Frenzel, the Housing Enablement Officer, sites were suggested, viewed, proposed and ultimately rejected. Therefore Hathersage Parish Council was very disappointed that this application was previously refused. We fully support this planning application as an exceptional case. The applicant's son needs to be able to access public transport to his place of work if necessary due to his condition and needs the support of his family nearby. We hope that this time the application will be successful.

Representations

1 letter of representation has been received, agreeing with the view of the Parish Council and stating that they feel it is important the reasons for the refusal of the previous application are addressed.

Main Policies

Core Strategy: GSP1, GSP2, GSP3, DS1, L1, CC1, CC2

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.

Policy DS1 outlines the development strategy for planning within the National Park. It makes provision for affordable housing within named Local Plan Settlements, with Hathersage being listed as one.

Policy L1 states that development must conserve and enhance valued landscape character.

Policy CC1 requires development to take account of the energy hierarchy, to achieve the highest possible standards of carbon reductions and water efficiency, whilst CC2 encourages low carbon and renewable energy development where they can be acceptably accommodated.

Local Plan: LH1, LH2, LC4, LT11

Policy LH1 permits residential development for affordable housing on an exceptional basis in or on the edge of named settlements provided that there is a proven need for the dwelling, the need cannot be met within the existing housing stock, the intended occupants meet the requirements of the National Park Authority's local occupancy criteria (policy LH2), and the dwelling will be affordable by size and type to local people on low or moderate incomes and will remain so in perpetuity. It also requires development to meet the requirements of Policy LC4.

Policy LH2 exceptionally permits new housing for a person with a proven need in accordance with Policy LH1 provided that the dwelling will be occupied by a person meeting at least one of the following criteria:

- (i) a person (and his or her dependents) who has a minimum period of 10 years' permanent residence in the parish or an adjoining parish and is currently living in accommodation which is overcrowded or otherwise unsatisfactory;
- (ii) a person (and his or her dependents) who has a minimum period of 10 years permanent residence in the parish or an adjoining parish and is forming a household for the first time;
- (iii) a person not now resident in the parish but with a proven need and a strong local connection with the parish, including a period of residence of 10 years or more within the last 20 years;
- (iv) a person who has an essential need to live close to another person who has a minimum of 10 years' residence in the parish, the essential need arising from age or infirmity;
- (v) a person who has an essential functional need to live close to his or her work in the parish, or an adjoining parish within the National Park.

Policy LC4 of the Local Plan 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 enhances the landscape, built environment and other valued characteristics of the area.

Policy LT11 requires that the design and number of parking spaces associated with a development respects the valued characteristics of the area.

National Planning Policy Framework

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

In this case, the policies of the Core Strategy and Local Plan listed above 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, which promotes high standards of design and requires local planning authorities to be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing.

Assessment

Principle

The starting point for considering the acceptability of the construction of an affordable dwelling in the Park is to establish the need for the dwelling.

Policy LH1 states that residential development will exceptionally be permitted in or on the edge of Local Plan Settlements provided that there is a proven need for the dwelling (LH1(i)), the need cannot be met within the existing housing stock (LH1(ii)), that the intended occupants meet the Authority's local occupancy criteria (LH1(iii)), and that the dwelling will be affordable to people on low to moderate incomes (LH1(iv)).

In terms of justifying the need for a dwelling, Policy LH1(i) states that in the case of individual dwellings the need will be judged by reference to the circumstances of the applicant, including

his or her present accommodation. In this case, the dwelling is proposed for the applicant's son who is still living with his mother and is looking to set up home for the first time with his partner. Under the Authority's policies and guidance this is recognised as a housing need, if it can be demonstrated that this need cannot be met by the existing housing market.

The applicant's agent has asked that the information relating to a search for alternative property and the financial standing of the applicant's son that was submitted in support of the previous identical application be considered again in support of the current proposal – although their current supporting statement does also make a change to this in so far as stating that a lower mortgage loan amount is available to them than was stated as being the case previously.

The applicants submitted evidence of a property search to show that their son's need for a house cannot be met within the existing open market housing stock dates from April 2014 until March 2015. This search demonstrates that the cheapest market houses that have been marketed within Hathersage over this period would be unaffordable to him based upon his income and mortgage offer. Whilst this search does not cover the five months between the submission of the previous application and the present time it is accepted that based upon the financial circumstances of the applicant's son, and upon an online property search carried out by officers, an open market dwelling within Hathersage is not going to be affordable to them.

The applicant has also provided details of new build shared ownership properties currently available within Grindleford, an adjoining parish to Hathersage, that the applicant's son would be eligible to occupy. The value of these properties is such that securing a mortgage on a 50% ownership basis would be achievable for the applicants son based on the information provided, with below market rate rental payments required on the other half of the property.

The applicant's agent has advised that these properties would not meet their clients' needs due to the lack of amenities in Grindleford and a shortage of mortgage providers prepared to offer mortgages on shared ownership houses which reduces their opportunity to secure a competitive offer. No evidence however has been provided in support of this latter claim. Whilst the applicant's preference might not be to buy a shared ownership property in Grindleford, based upon the information provided it is clearly evident that their son's housing need can be met within the existing housing stock. The proposal therefore fails to meet the requirements of LH1(ii).

Policy LH1(iii) requires that the intended occupants meet the Authority's local occupancy criteria that are detailed in policy LH2. Policy LH2 stipulates that a dwelling will be permitted for a person with a proven need in accordance with policy LH1, provided that the dwelling will be occupied by a person that meets the criteria set out in this policy. There are five parts to this policy under which a person can be considered eligible. The applicant has made a case under the second of these; that their son is a person with a minimum of 10 years permanent residence in the parish who is forming a household for the first time. The applicant has provided evidence that their son has been living with them at the adjacent Rowan Lea for many years, and so they are considered eligible to occupy an affordable dwelling under this part of the policy.

The agent has also made the case that the applicant's son requires a house in Hathersage village due to medical circumstances. A doctors note has been provided to confirm that the son does have a medical condition, but this makes no assessment of the applicant's sons need for housing. The agent has stated that the medical condition could mean that the applicant's son would be unable to drive at some point, and that at this stage they would require the support of the family to get to work.

In this case the son's medical circumstances would not be such as to warrant a new house within Hathersage under the Authority's policies. Policy LH2(iv) only permits dependent accommodation for persons with an essential need arising from age or infirmity. The adopted Supplementary Planning Guidance (SPG) document, *Meeting the local need for affordable housing in the Peak District National Park*, further clarifies this by stating that 'from age or infirmity' is intended to

address those applicants requiring long-term care. It is therefore considered that the applicant's son's situation is such that, whilst less convenient, the support required could be provided to somebody living in a nearby village and does not necessitate a new dwelling under policy LH2(iv) when others are available in the locality.

Design and landscape impact

The Authority's affordable housing SPG states that 87m² is the largest size that is generally acceptable for affordable dwellings, as those of larger sizes become less affordable to those on low and moderate incomes by virtue of the additional floorspace. The dwellinghouse proposed would have an internal floorspace of just below 87m², excluding the garage. It is therefore considered acceptable in this regard.

In terms of design, the bungalow would have a simple form. Whilst bungalows are not traditional within the Park or Hathersage, nevertheless the National Park Authority has approved them surrounding the site with bungalows occupying the plots to both the north east and south west of the site along with two further bungalows which have been approved to the south of the site in recent years. In this context, a bungalow is considered acceptable in principle on this site.

The proposed bungalow would have a simple form and whilst architecturally plain, it would reflect the Authority's adopted design guidance as far as a bungalow can. The property would be constructed of natural stone under a natural slate roof, and have stone lintels and cills to the windows. The roof would have a traditional pitch with no overhanging verges or eaves. Rainwater goods would be fixed directly to stonework with no bargeboards or fascia's. Windows have traditional vertical proportions and would be constructed of painted timber, as would the doors. All of these details accord with the Authority's design guidance and as such the design and appearance of the property is considered to accord with the policy LC4.

In terms of its wider impact, the building would occupy an area of previously undeveloped land. The site is sandwiched between developed bungalow plots and as a result the development is considered to be an infill site rather than an encroachment in to countryside. It is not designated as an important open space, is not publicly accessible land for recreational purposes, and it is not considered that it provides such visual amenity that a house on the site would detract from the character of the area or National Park. The new access through the hedge and the resultant loss of hedging to provide visibility splays would impact on local amenity and character of the lane and is discussed in more detail in the highways section below. Subject to conditions a bungalow on the site would comply with policies L1 and LC4.

No energy efficiency measures have been proposed. If the application were acceptable in other respects these details could have been required to be agreed by planning condition prior to the development commencing in order to comply with policies CC1 and CC2.

Amenity

Due to the single storey design of the building the potential for a loss of privacy to neighbouring properties is greatly reduced.

The neighbour at Hawthorn Dene, which is opposite the driveway of the proposed house, would be the most affected neighbour due to the proximity of their property to the application site and its proposed new entrance. The windows to the side of the proposed property which serve the kitchen and dining room, would face towards this neighbour. However, the intervening distance is over 20 metres and at this distance it is not considered that overlooking or loss of privacy would be significant. When turning right out of the site the headlights of cars leaving the application site would flash past two round floor windows of the property after daylight hours. This is not considered likely to be such a frequent occurrence that it would amount to a significant nuisance

to the neighbour to warrant any change to the access layout or refusal.

In terms of the amenity of the site itself, the proposed curtilage given over for the dwelling would be larger than would normally be expected to be seen with an affordable dwelling but in this case would not be so large as to be unacceptable.

Highways

The applicant has demonstrated that visibility on entry to and egress from the site can be achieved to the satisfaction of the Highway Authority. However this would require the lowering of the existing hedge to 600mm above the carriageway channel level. Given the hedge is already planted at around 450mm above the lane it would effectively mean the removal of a large section, approx. 46m of the current laneside hedging which currently provides physical containment to the lane as well as a visually significant contribution to its character. Furthermore some of this visibility is borrowed across land belonging to Rowan Lea and appears to impinge upon part of the hedge fronting Ash Meadow. Rowan Lea is also in the ownership of the applicant so it would be possible to secure the retention of this visibility by legal agreement if the development was considered acceptable in all other regards. A more detailed plan would however be required to demonstrate clearly that the hedge to Ash Meadow simply needs trimming back within highway limits otherwise the owner of that property would also need to be party to the agreement. In any case, it would not be acceptable in landscape terms to lose the hedge so had the development proved to be acceptable in other respects officers would have sought a detailed landscape drawing at a large scale which accurately plotted the existing hedge and showing a replacement hedge planted behind the visibility splays across the full frontage to secure, in time, a similar hedge to contain the lane and maintain its valued character and appearance.

A neighbour has objected to the development on the grounds that it would increase traffic leading to further congestion. The Highway Authority have raised no objections on these grounds, and officers similarly consider that a further dwelling would not be to the detriment of the use of the highway in this location.

The site also affords sufficient parking and turning space in relation to the size of the proposed dwelling, and complies with policy LT11, which requires the design and number of spaces to respect the valued characteristics of the area.

Conclusion

Subject to conditions the proposed bungalow is considered to meet the Authority's design criteria, and to have no significant adverse impacts on the use of the highway or on neighbouring amenity. Subject to detailed landscape conditions to secure a new hedge the impact on the character of the lane would be acceptable.

However on the key issue of the application of adopted housing policy, whilst it is accepted that the applicant's son has a housing need, and that they would meet the occupancy criteria to occupy an affordable dwelling under the Authority's current policies there is no need to approve a new dwelling when there are presently other available affordable dwellings which would meet that need.

The four other affordable dwellings in an adjoining parish that are available to the applicant and which they could afford to occupy means that the housing need can be met within the existing housing stock. The approval of the proposal would therefore be contrary to policy HC1 and LH1 which only permits new affordable housing to meet a local need on an exceptional basis.

In this case there are no further material considerations that would justify an exception to the

Authority's adopted planning policies, and the application is therefore recommended for refusal.

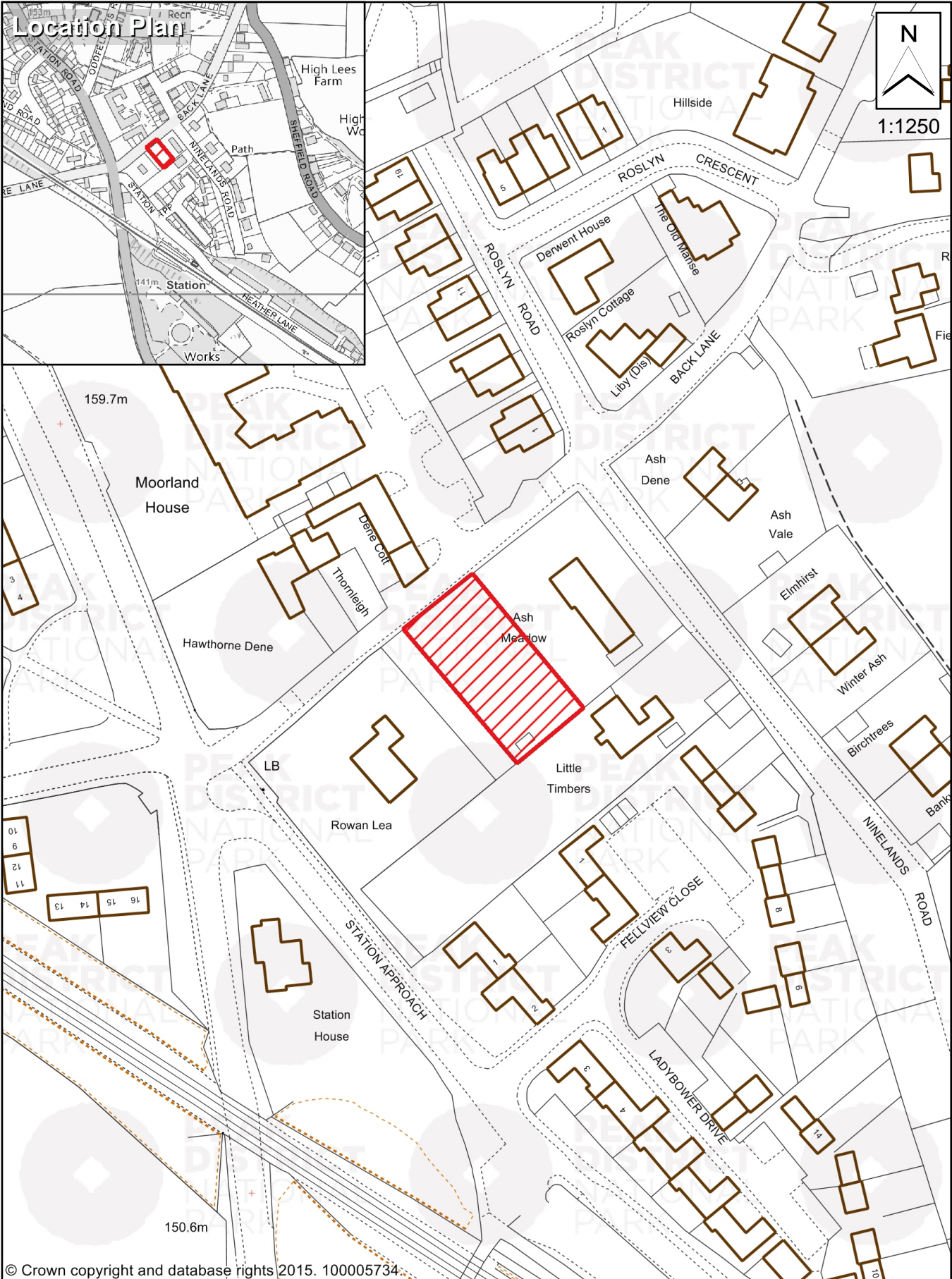
Human Rights

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:	11/09/2015	Title: Rowan Lea Back Lane Hathersage	 PEAK DISTRICT NATIONAL PARK
Item Number:	6		
Application No:	NP/DDD/0715/0654		
Grid Reference:	423220, 381189		

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7. FULL APPLICATION - CONVERSION OF BARN TO DWELLING, DALE HEAD BARN, HOUSLEY, FOLOW (NP/DDD/1114/1184, P1975, 29/12/2014, 421939 / 376372/AM)

This application was deferred for a second time at the July 2015 Planning Committee to allow for the provision of further information about the structural condition of the building. A survey has been carried out by an appropriately qualified and independent surveyor instructed by the Authority. The conclusions of the survey have been incorporated into the report.

APPLICANT: MR AND MRS MASON

Site and Surroundings

Dale Head Barn is situated in a prominent and isolated roadside position on the minor road between Foolow and the A623, in open countryside about 410m south of Foolow village.

The application building is an attractive range of barns comprising a main 'L'- shaped two-storey building with an attached smaller single-storey off-shot to the north-east side. Its south-west facing gable abuts the minor road. The barn is located on the western corner of a field parcel which forms part of the wider fossilised strip system in the landscape. The building opens out onto the wider field with no walled or fenced curtilage and is the only agricultural building on this 2.45ha parcel of land.

The barn has a strong, robust character constructed in natural rubble limestone under a natural gritstone slate roof. The barn is not listed but does have some notable architectural features including coped gables and gritstone corbelling.

There is a mere (dew) pond situated 7.0m away from the south-east side of the barn. The roadside frontage wall is around 1.5m high and there is an existing original vehicular access immediately to the south-east of the barn. There is a further vehicular access, created more recently into the field which is situated about 25m to the south of the barn.

The nearest residential property is situated 70m to the south. A bridleway open to all traffic (BOAT) runs approximately 215m to the east of the application site where there are clear views westwards towards the application site and the wider strip fields.

Proposal

This application seeks planning permission for the conversion of the barn to create a three-bedroomed open market house.

The submitted plans show that the conversion would take place within the shell of the existing buildings. Two new openings are proposed, a new door opening in the south facing gable and a first floor bedroom window in the north-eastern elevation of the main barn. Four conservation roof lights are proposed in the south-east, north-west and north-east facing roof slopes of the main barn. A new garage door opening would be created in the single storey off-shot to facilitate its use as a single garage.

Vehicular access is proposed via the access 25m to the south of the barn. The access drive passes through the field to the barn which would be provided with a residential curtilage between the barn and the mere pond. The proposed curtilage is to be bounded by a drystone wall on its north-east side and a post and metal 'estate' fencing on its southern side. The existing gate access nearest the barn would be removed and the opening reduced in width and provided with a new pedestrian gate.

RECOMMENDATION:

That the application be REFUSED for the following reason:

- 1. The conversion of this prominent and isolated field barn and the impacts of its subsequent use as a dwellinghouse would fundamentally harm the architectural, historic and archaeological significance of the barn, its setting within the surrounding strip field system and the wider landscape contrary to Core Strategy policies HC1, GSP1, GSP2, GSP3, L1 and L3, saved Local Plan policies LC4 and LC8 and the National Planning Policy Framework.**

Key Issues

- Whether the proposed development would conserve the character and appearance of the application buildings and their setting within the landscape.

Relevant Planning History

April 1989 - Refusal of outline planning permission for conversion of the barns to a dwelling. Permission was refused on the grounds that the building was not of sufficient architectural merit to warrant conversion under the barn conversion policies operated by the Authority at that time. It was also considered that the associated access improvements and provision of visibility splays would result in an unacceptable change, reducing the attractiveness and open character of this area of the National Park.

September 1989 – Refusal of outline planning permission for conversion of the barn to a dwelling on same grounds as the April 1989 refusal. A subsequent planning appeal was dismissed. The Inspector commented that *“the building, although of simple and pleasing architectural form with some interesting details, is of no particular merit nor, although prominent, does it appear to have any importance in the landscape.”* The Inspector also considered that the creation of a long access drive, together with the change of the curtilage from agricultural to residential, would be harmful in this prominent location.

October 1990 - Refusal of outline planning permission for conversion of the barns to a dwelling on same grounds as the April and September 1989 refusals. A subsequent appeal was again dismissed on similar grounds to the previous appeal. The Inspector also commented that he was not satisfied that the barn was incapable of an agricultural or related use on the applicant's holding.

October / November 2007 and February 2011 – There are three letters from the Authority to the applicant on file advising that the conversion of the barns to a dwelling would not be in accordance with the relevant policies at that time. The applicant was also advised that an appropriate alternative use may be for stabling with part of the barn forming a camping barn for walkers. The applicant was advised that holiday accommodation or a permanent dwelling with the associated access, parking and curtilage would not be acceptable.

November 2012 – Planning application submitted for the conversion of the barns to an open market dwelling using the original vehicular immediately to the south of the barn. The application was subsequently withdrawn following the receipt of a highway recommendation of refusal and in order to provide additional ecological survey information in respect of the adjacent mere pond.

March 2013 – Planning application submitted for the conversion of the barns to an open market dwelling with alternative access provision. The determination of this application was deferred by the Planning Committee in June 2013 to allow the consideration of alternative uses. No further information was submitted and this application was finally disposed of by the Authority due to the passage of time.

Consultations

Highway Authority – Recommend approval subject to conditions to ensure that the northernmost access is closed for vehicles, the first 5m of the new access track being surfaced with a solid, bound surfacing material and lowering of the roadside frontage wall to 1 metre in height to provide the maximum achievable visibility from the access, all works to be carried out prior to the first occupation of the dwelling.

Foolow Parish Meeting – Have responded to consultation but make no comment on the application.

District Council – No response to date.

Environment Agency – No objection.

Natural England – No objection in regard to designated sites and refers the Authority to standing advice in respects of protected species.

PDNPA Archaeology – Recommends refusal.

“This application involves a relatively isolated traditional field barn complex. It lies within an area which the Historic Landscape Character analysis describes as: Ancient Enclosure - Fossilised Strip System – it is known that the land was enclosed prior to the Eyam and Foolow enclosure map of 1813; there is no earlier map evidence. A structure is depicted in this location on this map however.

This complex makes a significant contribution to the landscape character of the locality, however I would advise that conversion to residential use is not an appropriate way to conserve these structures in their landscape. Buildings of this nature should be maintained for agricultural use, an approach which has been recognised by Natural England in its funding for the conservation of field barns as part of the Environmental Stewardship initiative. The current proposals will completely change the simple character of the structures in question by introducing domestic features such as parking, lighting, a garden area and a more formalised access.

If this proposal does receive planning permission I would recommend that there be a full drawn and photograph record made of the building and wider site before any conversion takes place. I would be happy to provide a brief for this work”.

PDNPA Countryside and Economy – Makes the following general comments.

Wishes to ensure that the pond feature is not lost for two reasons, from a historic landscape point of view and from a wildlife point of view. The submitted survey report indicates that there is no evidence that any Great Crested Newts (GCN) is present, however they may still be in the area. Therefore support any enhancement / restoration work to the pond. This should include repairing concrete cracks to increase water levels and protection of the pond from any runoff from the parking area.

If this application is approved then serious consideration should be made to the effects of the domestic curtilage on the character of this building and pond complex including access, driveway, garden, satellite dishes, external lighting and washing lines.

PDNPA Ecology - No response to date. The Authority’s Ecologist raised no objection to the 2013 application subject to conditions to ensure that bat and bird mitigation was carried out and that the dew pond was restored and maintained as part of the development in accordance with a scheme to be agreed by the Authority.

PDNPA Historic Buildings Officer – Recommends Refusal.

The Authority's Historic Buildings Officer strongly opposes open market dwelling use of this barn for the reasons behind the previous refusals and in the Inspector's appeal decisions and considers that the effects of conversion on both the building and the setting will be disastrous. If the building is not retained in agricultural use (the optimal use), it should be a camping barn or limited holiday use.

PDNPA Landscape - No response to date.

Representations

One representation letter has been received at the time this report was written. The letter is from the occupants of the neighbouring property to the south of the application site known as Ash Lea. The letter raises the following concerns about the application:

- Potential for overlooking of the garden and rear facing windows to the neighbouring property and subsequent loss of privacy.
- The loss of one of the few barns of this type which remain in the area.

Main Policies

Relevant Core Strategy policies: HC1, GSP1, GSP2, GSP3, L1, L2 and L3

Relevant Local Plan policies: LC4, LC8, LC16, LC17, LH1, LT11 and LT18

Housing Policies

National policies in the National Planning Policy Framework ('the Framework') and local policies in the Development Plan set out a consistent approach to new housing in the National Park.

Paragraph 54 of the Framework states that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.

Paragraph 55 of the Framework says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances (such as meeting the essential need for a rural worker to live at or near their place of work in the countryside or where development would represent the optimal viable use of a heritage asset).

Core Strategy policy HC1 reflects the priorities set out in national policies and the development strategy for new housing in the National Park set out in Core Strategy policy DS1 because HC1 states that provision will not be made for housing solely to meet open market demand and prioritises the delivery of affordable housing to meet local needs within named settlements.

Core Strategy policy HC1 also sets out the exceptional circumstances where new housing can be accepted in open countryside which closely reflects those set out in paragraph 55 of the Framework. These exceptional circumstances are where the new house would be for key workers in agriculture, forestry or other rural enterprises (in accordance with Core Strategy policy HC2), or where the conversion of an existing building is required to achieve the conservation and enhancement of a valued vernacular or listed building, or where the conversion of an existing building would be for affordable housing to meet local need.

Design and Conservation Policies

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

Paragraph 132 of the Framework says that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Authority's housing policies are supported by a wider range of design and conservation policies including GSP1 of the Core Strategy which states all policies should be read in combination. GSP1 also says all development in the National Park shall be consistent with the National Park's legal purposes and duty and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.

Core Strategy policy L1 requires all development to conserve and enhance valued landscape character as identified in the Landscape Strategy and Action Plan. Policies L2 and L3 require all development to conserve and enhance the National Park's biodiversity, geodiversity and cultural heritage respectively and state that other than in exceptional circumstances, development which will have a harmful impact will not be permitted. Saved Local Plan policies LC16 and LC17 give more specific advice in regards to archaeology and wildlife protection.

Policy GSP3 of the Core Strategy and Policies LC4 and LC8 of the Local Plan are also directly to the current application because they set out the design principles for conversions of existing buildings in the National Park, and also seek to safeguard the amenities of properties affected by development proposals, and set out criteria to assess design, siting and landscaping. The Authority's Supplementary Planning Documents (SPD) the Design Guide and the Building Design Guidance offer further advice on design issues.

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

Assessment

Principle of proposed development

The application site clearly lies in open countryside because it is outside of the physical limits of Foolow village, despite the presence of some other isolated residential properties in the vicinity of the site (Local Plan policy LC2). In common with Government guidance in paragraph 55 the Framework, the Authority's housing policies do not permit new isolated homes in locations such as this unless there are special circumstances.

In this case, the proposed house is intended to meet general demand rather than any functional need or local need for affordable housing. Therefore, the special circumstances in which permission could be granted for the current application are set out in Core Strategy Policy HC1 which says that in accordance with policies GSP1 and GSP2 of the Core Strategy, exceptionally, new housing can be accepted where it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings.

Dale Head Barn is not listed and the Authority's Built Environment Team has advised that the building would not qualify for listed status. However, despite previous planning decisions and appeal decisions from Planning Inspectors, Officers do acknowledge that this is an important building and that it does possess features of architectural significance along with historic and

archaeological significance related to the age of the building and its connection with the surrounding historic field system. The barn has a prominent position in the landscape where it makes a strong positive contribution to the character of the surrounding area and the National Park landscape.

It is therefore considered that Dale Head Barn should properly be considered as a non-designated heritage asset and therefore that the barn is considered to be 'valued vernacular' for the purposes of Core Strategy policy HC1 C. In this case the building would not be able to accommodate more than one dwelling and therefore the key issue is whether or not the proposed development would actually conserve or enhance Dale Head Barn.

Would conversion to a single dwellinghouse conserve or enhance Dale Head Barn and its setting within the landscape

The application site is located within the limestone village farmlands landscape character type identified by the Authority's Landscape Strategy. This is an open pastoral landscape characterised by nucleated limestone villages, set within a repeating pattern of narrow strip fields bounded by drystone walls which originate from medieval open fields.

Dale Head Barn is a relatively isolated traditional field barn complex, the barn is located within the field with no defined curtilage and therefore forms an integral part of the surrounding strip fields. The Authority's Archaeologist advises that the barn lies within an area which the Historic Landscape Character analysis describes as: Ancient Enclosure - Fossilised Strip System – and that the land was enclosed prior to the Eyam and Foolow enclosure map of 1813 (there is no earlier map evidence). A structure is shown in this location on the 1813 map.

It is therefore clear that the significance of Dale Head Barn not only relates to the architectural significance of the buildings but perhaps more importantly to their historic and archaeological significance due to their age and their relationship and setting within the surrounding landscape and historic field system.

In this case, Officers have very significant concerns about the impact of the proposed conversion and use of the application site as a dwelling upon the character of the barn and its setting within the strip field system and the wider landscape. The Authority's Historic Buildings Officer and Senior Archaeologist both strongly advise that the proposed development is not an appropriate way to conserve the building. It is considered that the proposed changes to the building itself, the creation of a defined domestic curtilage and the provision of a new access track would seriously harm the significance of the barn and its setting.

Furthermore, although the proposed curtilage is restricted to the area in front of the barn the use of this area as a garden with associated domestic activity along with car parking would further detract from the simple agricultural character of the building and its setting within the surrounding landscape which in this case is a fundamental aspect of the significance of the building. Lighting from within the dwelling would also be inevitable and would have a further harmful impact in an area characterised by profound darkness at night.

The harm to the character of the buildings and their setting would be readily apparent due to the prominence of the building in a very open location which is clearly visible from the adjacent highway and from more distant views from the A623 and the BOAT to the east where the buildings are seen fully in the context of the surrounding strip fields.

The agent has submitted amended elevation and plan drawings which omit the new glazed door opening on the front elevation and provide a timber door for the widened garage opening. These amendments have followed advice from Officers and are considered to be the best solution in terms of design detailing for minimising the impact of the development upon the barn itself. However, taking into account the impact of the development as a whole, it is considered that the

changes to the building, activity and lighting, the creation of a defined domestic curtilage and the provision of a new access track would seriously harm the significance of the barn and its setting.

Furthermore, full residential conversion would leave the associated 2.45ha land holding without any building serving its needs. Although Officers acknowledge the barn would not be suitable for modern working farm practices, nevertheless it is of a suitable scale and type to continue serving this small land holding. If the development was approved then potentially the barn would be sold with some or all of the adjacent land. In such circumstances experience has shown that over time creeping domestication, outside of planning control, of the associated land coupled with potential pressures for replacement agricultural buildings or stables can significantly change the character and appearance of the landscape and exacerbate the harm caused by the initial conversion.

The applicant has stated that he would not sell the land around the barn to any purchaser; however any future disposal of the land is not a matter which the Authority would have any control over. Following discussions with Officers the agent has made an offer that the applicant would be willing to enter into a S.106 legal agreement (planning obligation) with the Authority. The effect of the legal agreement would be to prevent the erection of any development including buildings, hard standings or fences on the adjoining fields.

The proposed planning obligation would act to prevent further development around the barn and would be enforceable irrespective of how the barn and the land around it were disposed of in the future. The planning obligation would therefore potentially mitigate more long term impacts of the development in the landscape. The proposed obligation would not, however, mitigate the impact of the proposed conversion of the barns and its use for domestic purposes which, for the reasons given above, Officers consider would be harmful.

If Members conclude that the proposed development would not have a harmful impact upon the barn and the landscape, it is considered that weight could be given to the proposed planning obligation because such an obligation could be considered to make the development acceptable in planning terms, would be directly related to the development and fairly and reasonably related in scale and kind.

Therefore, whilst Officers accept that the application building is 'valued vernacular' for the purposes of the Authority's housing policy, it is considered clear that the impact of converting the building and use as a permanent dwelling would actually harm the significance of the building and its setting and therefore that any approval would be contrary to Core Strategy policies HC1, GSP3, L1 and L3 and saved Local Plan policies LC4 and LC8.

Structural Condition of the Barn

The Authority has instructed an independent survey in relation to the structural condition of the barn. The brief for the work was based upon two questions:

1. If the buildings are left in their current condition (with no maintenance or development carried out) what lifespan would the building have. Or in other words how long before the buildings would collapse or fall into serious disrepair.
2. Ignoring any development proposals what level of investment would be required to maintain the building in reasonable condition over the next 10 – 30 years.

The report following survey of the building indicates that the condition of the buildings has deteriorated since the applicant's structural survey was carried out in October 2012. The report concludes that unless a programme of repairs are carried out soon to the roof structure, that there will be serious deterioration of the building fabric including potential partial collapse of the roof.

The reasons for this given in the report are as follows:

1. The lower roof (single storey section) has substantial sags due to undersize purlins and this has resulted in loose and broken slates. Unless this roof is re-aligned, further deterioration will take place. The roof alignment to the main barn is better but has some serious defects. The valley has been repaired with felt, which is the incorrect detail and only has a limited life. The battens to this roof are too small and some are broken or missing and it is only a matter of time before there is a partial collapse. There are signs of roof leaks.
2. The stone kneeler to the front corner has moved and is loose and this has resulted in the verge copings slipping. This needs to be addressed before they fall off.
3. The first floor is rotten in parts due to water ingress from the roof. Although a floor is not always an essential part of a barn, a collapse of the floor could result in instability of the external walls.
4. There are a number of cracks in the walls and a significant bulge in the rear right hand corner of the main barn.

The report recommends that repairs to the roof and support structure would need to be carried out to prevent partial collapse in a short period of time. Further works to re-fit the stone kneeler and coping, propping the first floor and repairing the cracks and bulges in part of the external wall are all required to maintain the barn in its current condition for the next 15 years.

It is therefore clear that the condition of the barn has deteriorated since 2012 and that a programme of works would be required in the near future to maintain the current condition of the building over the short and medium term. The surveyor advises that the cost for similar repair works to the stone slate roof of a listed barn he has recently been involved with was £50 - £60 per m² plus 25 percent for replacement slates where required. This would equate to a cost of between £13,000 and £15,000 to repair the roof of the application buildings with more limited costs associated with re-fitting the stone kneeler and copings, repairing the bulge and cracks in the wall and propping the first floor.

It is clear that the condition of the building is deteriorating and that repair works to the roof are required in the short term to prevent deterioration of the building in the short term and that further works are required to maintain the building over the next 15 years. However, it is considered that the costs to carry out these works would be reasonably expected by a landowner to maintain their property and that when balanced against the substantial objections to the development and planning grounds do not provide any overriding justification for the approval of planning permission.

Other Alternative Uses

The agent has explored the potential alternative uses of the building as requested by Members in January and considers that all three of the above options would not be viable because the costs of carry out alternative developments would mean that a willing developer would not make a reasonable return or profit on capital invested.

The agent has submitted amended information including an updated development appraisal which costs three alternative schemes, the first to convert the whole of the building to holiday accommodation, the second to convert part of the building to an affordable dwelling to meet eligible local need and the third to convert only the first floor of the building to a dwelling. The full costs of converting the building have been calculated by an appropriately qualified quantity surveyor. The submitted cost estimate for converting building to holiday accommodation is

£408,000, the estimate to convert the building to an affordable dwelling is £272,000 and the estimate to convert the first floor of the building to a dwelling is £236,000.

However, Officers recommend that limited weight can be given to the revised cost estimates because costs have been attributed to works which would not be necessary to facilitate the conversion of the building or are stated as not required in the submitted structural survey. For example, the costs of a new blue slate roof to replace the existing stone slate roof form a significant proportion of all three of the projected costs, along with significant costs associated with a macadam driveway and landscaping which do not form part of the proposed scheme. Significant provisional sums have also been allocated partially due to the potential need to underpin the walls, which is stated as 'not required' by the submitted structural survey. A separate contingency sum has also been included.

In any case, whether or not alternative uses are financially viable would not justify approval of development which would have a significant harmful impact upon the significance of the barns and their setting within the National Park landscape. The key national and local policy test is whether the proposed dwelling represents the optimal viable use of the heritage asset, which Officers consider is not the case here.

Other Issues

Having had regard to the consultation response from Natural England, it is considered that the proposed development would be unlikely to have any adverse impact upon designated ecological sites.

The barns and its surroundings have been surveyed for the presence of protected species including bats and birds, and the mere pond has been surveyed for the presence of great crested newts. The survey reports have been submitted in support of this application. No bat roosts were identified as a result of the surveys, however, evidence of the use of the buildings by nesting swallows was found. There is considered to be no ecological constraint to the conversion of the barns, subject to a precautionary approach being adopted in respect of bats, and any building works being carried out outside the main bird breeding season.

No evidence was found of the mere pond being used for great crested newts; however, it is considered that this water feature should be retained and maintained so that it can remain available for use by aquatic species. If permission is granted, planning conditions could be imposed to ensure that appropriate ecological mitigation is agreed prior to the commencement of the development and implemented thereafter.

Officers agree with the advice from the Highway Authority that sufficient visibility splays can be provided from the proposed access which would be safe in accordance with saved Local Plan policy LT18. There is adequate space within the proposed domestic curtilage for the parking and turning of two domestic vehicles which is appropriate for a three bedroom house. Therefore it is considered that the proposed development would be unlikely to harm highway safety or the amenity of road users subject to the imposition of conditions recommended by the Highway Authority.

Concern has been raised in representations in regard to the potential for occupants of the proposed dwelling to overlook the nearest neighbouring property, known as Ash Lea. At the nearest point, the garden to this neighbouring property would be located approximately 65 metres from the proposed dwelling. Given this significant separation distance, intervening walls and mature boundary planting it is considered that any potential overlooking would not harm the residential amenity of either the occupants of Ash Lea or the proposed dwelling.

Conclusion

In this case, there are no concerns that the new house would be unneighbourly primarily because of the significant distance from the nearest neighbouring property. The development would be served by a safe access and adequate parking. The submitted ecological survey reports demonstrate that the proposed development would not harm any protected species, or their habitat subject to the implementation of appropriate mitigation measures.

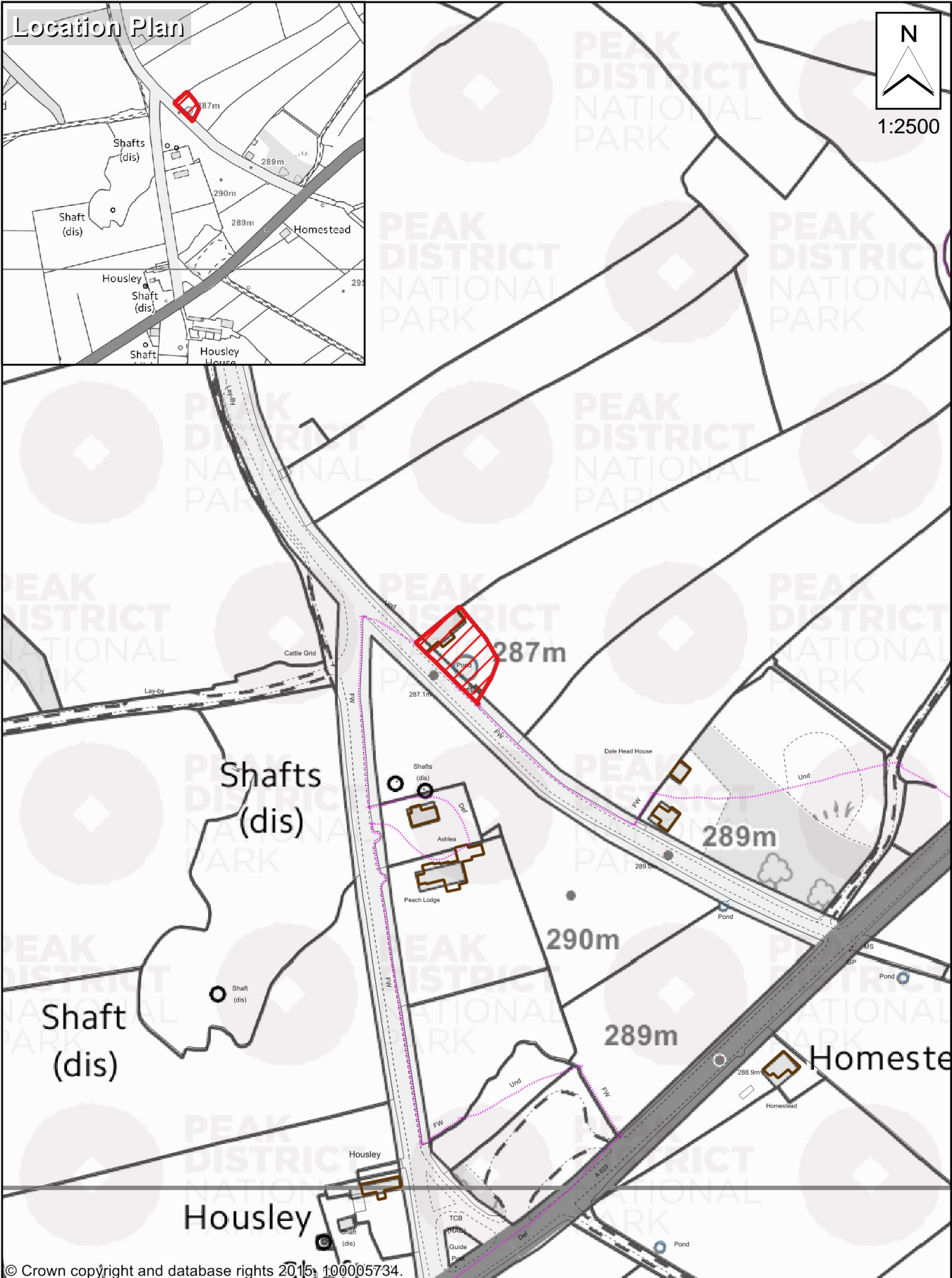
However, these factors do not outweigh or override the fundamental objection to the proposed development on the grounds that, if allowed, the proposed development would significantly harm the significance of the barn and its setting within the landscape in conflict with Core Strategy policies HC1, GSP3, L1 and L3 and saved Local Plan policies LC4 and LC8. The relevant policies in the development plan are consistent with the more recently published National Planning Policy Framework and there are no other material considerations that indicate that permission should otherwise be granted.

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:	11/09/2015
Item Number:	7
Application No:	NP/DDD/1114/1184
Grid Reference:	421939, 376372

Title: Dale Head Barn
Housley
Foolow



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8. FULL APPLICATION – CONVERSION OF OUTBUILDING TO ANCILLARY ACCOMMODATION, THE CROFT, THE GREEN, CURBAR (NP/DDD/0515/0457, P.3707, 425399 / 374698, 19/08/2015/AM)

APPLICANT: MRS DAVINA ASKEY

Site and Surroundings

The Croft is located at The Green, Curbar and within the designated Curbar Conservation Area.

The Croft is a traditional gritstone cottage set back from The Green. The application building is a single storey stone outbuilding to the front of the cottage which is currently in ancillary domestic use as storage / workshop.

Access to the site is via The Green. The nearest neighbouring properties in this case are Sycamore Cottage to the west and Candlelight Cottage to the south east. A public footpath runs west to east approximately 55m to the rear (north) of The Croft into an area of open access land.

Proposal

This application seeks planning permission for the conversion and extension of the existing outbuilding to create ancillary residential accommodation for the Croft.

The proposed accommodation would include a kitchen, dining room / lounge, utility and W.C. at ground floor and two bedrooms, bathroom and storage at first floor.

To facilitate the proposed development the amended plans show that the conversion would be retained within the shell of the main part of the outbuilding. Part of the lower 'off-shot' to the west of the main building would be extended and the mono-pitched roof would be replaced with a new dual-pitched roof. The existing corrugated roofing materials would be replaced with natural stone slate.

The internal floor level within the building would be lowered to allow space for the first floor above. The existing windows and door openings on the southern and eastern elevation would be lowered to the new ground floor level. Two new openings would be inserted in the rear (north elevation) provided with glazing and opening timber doors along with a small new window openings. Four new roof lights are proposed, two in the front and two in the rear of the main roof. A new black flue is also proposed on the rear roof slope for the proposed wood burning stove.

The plans state that the accommodation would be occupied by a dependent relative; however the applicant has made clear that the accommodation would be occupied by the applicant's son and his family and would enable him to care for the applicant and her husband.

Parking space would be provided in the yard to the front (south) of the outbuilding. The proposed accommodation would share vehicular access and the garden space with the Croft. The ground level of the field around the building on the north and east sides would be lowered by approximately 0.8m to facilitate the new openings.

RECOMMENDATION:

That the application be APPROVED subject to prior entry into a S106 legal agreement to prevent the sale of the application building from the dwelling known as The Croft, The Green, Curbar and to prevent the installation of separate services, and subject to the following conditions:

1. **Statutory three year time limit for implementation.**
2. **Development not to be carried out other than in complete accordance with specified approved plans.**
3. **No development shall commence until full details of proposed finished floor levels and external ground levels have been submitted to and approved in writing by the National Park Authority. The development shall then not be carried out other than in accordance with the approved details.**
4. **No development shall commence until a detailed scheme of landscaping including hard standings, earth mounding, walls, fences and other means of enclosure have been submitted to and approved in writing by the National Park Authority. The development shall then not be carried out other than in accordance with the approved details.**
5. **Conversion to be within the shell of the building only with no re-building.**
6. **Domestic curtilage to be limited to area shown on the amended plan. No permission is granted for the change of use of the agricultural field to domestic land.**
7. **All new service lines to be placed underground and the ground restored to its original condition thereafter.**
8. **Restrict occupancy of the approved development to additional residential accommodation ancillary to The Croft only. Approved accommodation shall not be occupied as an independent dwelling and shall be retained with the existing dwelling within a single planning unit.**
9. **Remove permitted development rights from the converted building for extensions, alterations, outbuildings and gates, walls and fences.**
10. **Conditions to specify and/or approve design details and architectural specifications including timber windows and doors and finish, stonework and pointing, stone slate roof, finish of flue, pipework, roof verges and rainwater goods.**
11. **Parking areas to be laid out and constructed prior to first occupation and maintained throughout lifetime of the development.**

Key Issues

- Whether the proposed development is acceptable and in accordance with the Authority's housing policies.
- Whether the development would harm the character and appearance of the existing building or the significance of the designated Curbar Conservation Area.
- Whether the development is acceptable in all other respects.

History

1979: WED0979453: Planning permission granted conditionally for alterations and extension to dwelling and conversion of cowshed to garage. This permission has been implemented (extension erected) but the conversion works to the former cow shed including the insertion of garage doors were never carried out.

2015: NP/DDD/1214/1238: Planning permission refused for conversion and extension of outbuilding to create dependant relative annex. The reasons for refusal were:

- 1. The proposed development would have all the facilities of a two bedroom dwelling house and by virtue of the size and scale of the proposed accommodation the Authority considers that the proposed development would be tantamount to an independent dwelling house and not an annex occupied ancillary to The Croft.*
- 2. The proposed development would significantly harm the character and appearance of the existing outbuilding and harm the significance of the designated Curbar Conservation Area contrary to Core Strategy policies GSP1, GSP3, HC1 and L3, saved Local Plan policies LC4, LC5, LC8 and LH6 and adopted guidance within the Authority's design guide. In this case there are no public benefits which outweigh the harm identified and therefore approval of the proposed development would be contrary to the National Planning Policy Framework.*

Consultations

Highway Authority – No objections subject to all use remaining private and ancillary to The Croft.

District Council – No response to date.

Parish Council – Object to the development for the following reasons.

- Inaccuracies on the submitted plans.
- Application does not show that it will be necessary to demolish the existing traditional building to achieve a lower visual height compared to the previous application.
- Proposed development would be smaller than previously proposed but would still have all the facilities of a two bedroom dwelling and by virtue of the size and scale of the proposed accommodation the Parish Council considers that the proposed development would be tantamount to an independent dwelling.
- The excavation lowers the ground level by approximately 1m at the field end and extends all around the building and into the field which is agricultural land.
- There is no indication of detail for retaining work and landscaping.
- To walls to the front of the existing house appear to be proposed to be re-built. The proposal does not show the existing gateways which are an important feature of the Conservation Area and raise concerns that access to the existing house will be around the proposed development. (Officer note, the amended plans now show these gateways retained).

PDNPA Built Environment – Make the following comments:

- The plans propose to lower the ground level around the east gable end of the building. This could have archaeological implications as the field shows signs of ridge and furrow and could result in domestication of the agricultural land if the doors open out into the field.
- Makes various comments and suggestions on the design. Advises that the proposed new wall within the field be omitted, that the new roof to the smaller section of the building be lowered and that the position of the door openings should reflect the adjacent ground level. Details of the proposed roof lights and flue are also requested.

Representations

A total of five representations have been received to date. Four letters object to the proposed development and one is in support. The reasons given are summarised below, the letters can be read in full on the website.

Object

- The application is for an independent dwelling.
- The application maximises living space to support the proposed two storey accommodation. This creates a house which could be sold independently in the future which could set a precedent for other similar development within the village.
- The proposed accommodation is larger than the existing house.
- Proposed house is for the applicant and his family and not for a dependent relative.
- Disturbs and encroaches onto agricultural land.
- Concern that the agricultural land will become garden.
- The building will appear larger by virtue of the excavation work and the extended roof sections over the smaller parts of the building.
- The development will harm the character and appearance of the outbuilding and the Conservation Area.
- Development will necessitate complete demolition of the existing structure and the excavation of a large hole to lower the overall height of the new building. Demolition will destroy the character of this range of buildings and their relationship with the surrounding land.
- The Green is impacted by water during heavy rain. The ground works will exacerbate this problem.
- The well is not shown in the turning area. This well is part of the old village trough system and the supply to this trough runs through the application site. The well and stone walls are part of the Conservation Area and need to be safeguarded.
- There is a highway safety issue on The Green as visitors to the area often speed onto the Green from Bar Road. This issue is worsened because there is constant on road parking outside of Pear Tree House and Corner Cottage despite the narrow nature of the road. This causes traffic to drive on the wrong side of the road. The application would result in an increase of traffic movements and any lack of off-road parking would have the potential to harm highway safety.
- There is no evidence to show that this accommodation is essential for the applicant to provide care rather than continuing to live in his existing property. There is also no evidence that the proposed scheme is the only way of providing additional accommodation, compared to, for example, a scheme to convert the outbuilding to a smaller amount of accommodation without requiring alterations or extension.

Support

- The renovation of the building and replacement of the roof with natural slate, upgrading of stonework and windows can only enhance the aesthetics of this village.

Main Policies

Relevant Core Strategy policies: GSP1, GSP3, DS1, HC1, L1 and L3

Relevant Local Plan policies: LC4, LC5, LC8, LH1, LH4, LH6, LT11 and LT18

National policies in the National Planning Policy Framework (the Framework) and local policies in the Development Plan set out a consistent approach to new housing in the National Park. Paragraph 54 of the Framework states that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.

HC1 reflects the priorities set out in national policies and the development strategy for new housing in the National Park set out in policies DS1. HC1 states that provision will not be made for housing solely to meet open market demand and prioritises the delivery of affordable housing to meet local needs within named settlements. The exceptional circumstances where new housing will be permitted are where the new house would be for key workers in agriculture, forestry or other rural enterprises (policy HC2), or where the development is required to achieve conservation or enhancement or to meet an eligible local need for affordable housing.

LH4 allows for extensions of existing dwellings in principle, provided that the development conserves the character, appearance and amenity of the building, its setting and neighbouring properties. LH6 allows for the conversion of domestic outbuildings to ancillary residential uses and the criteria against such developments will be assessed.

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

The application site is located within the designated Curbar Conservation Area. Paragraph 132 of the Framework says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The Authority's housing policies are supported by a wider range of design and conservation policies including GSP1 of the Core Strategy which states all policies should be read in combination. GSP1 also says all development in the National Park shall be consistent with the National Park's legal purposes and duty and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.

Core Strategy policy L1 requires all development to conserve and enhance valued landscape character as identified in the Landscape Strategy and Action Plan. L3 requires all development to conserve and enhance the National Park's cultural heritage respectively and state that other than in exceptional circumstances, development which will have a harmful impact will not be permitted.

Policy GSP3 of the Core Strategy and Policies LC4, LC5 and LC8 of the Local Plan are also directly to the current application because they set out the design principles for conversions of existing buildings in the National Park, and also seek to safeguard the amenities of properties affected by development proposals, and set out criteria to assess design, siting and landscaping. The Authority's Supplementary Planning Documents (SPD) the Design Guide and the Building Design Guidance offer further advice on design issues.

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

Assessment

Principle

The Parish Council and a number of local people have objected to the proposed development on the basis that it represents the creation of a new residential property on the site. This application seeks planning permission for the conversion and alteration of the existing domestic outbuilding to a dwelling which would be occupied by the applicant's son and his family as ancillary accommodation to the existing dwelling (The Croft) and not as a separate open market or local needs dwelling.

The application building is a modest single storey traditional building, formerly used as a cow shed and currently in use as domestic storage / workshop ancillary to the Croft. The outbuilding has a traditional appearance, built from a mixture of local limestone and gritstone, with timber windows and doors, albeit under a corrugated metal roof.

The outbuilding is therefore considered to be a traditional building of some vernacular merit by virtue of the use of traditional materials and the position of the building within the Conservation Area. Therefore relevant policies in the Development Plan would, in principle, allow for the creation of additional domestic accommodation through the conversion of this building.

Officers understand the concerns raised by the Parish Council and local people in regard to potential for the dwelling to be occupied independently of the Croft due to the size of the proposed two bedroom accommodation and the fact that it has all the facilities for independent living. Officers also agree with concerns that substantial extensions or an increase in roof height of the building would have a harmful impact upon the character and appearance of the outbuilding and the significance of the Conservation Area.

This application is a re-submission following the refusal of planning permission for a different scheme earlier this year. The previous scheme involved substantial extensions to the outbuilding to create a dwelling with a larger floor space than the existing cottage. Officers have met with the applicant and agent following the refusal of planning permission and advised that the amount of accommodation be reduced and retained as single storey to avoid the need for any significant extensions to the building or an increase in the roof height.

The application proposes accommodation on two floors within the building but importantly proposes to reduce the floor levels within the building to allow space for the accommodation without needing to increase the eaves or ridge height of the outbuilding. The large two storey extension which was previously proposed has also been omitted from the scheme.

The amount of accommodation proposed has been reduced to a smaller size than exists within the Croft. The amended plans also show that the proposed accommodation would share access, parking and turning arrangements with the main dwelling along with use of the existing garden. No separate domestic curtilage is proposed for the development. It is also clear from the information submitted with the application that the development would be occupied by the applicant's son and therefore there is a clear family connection between the occupiers of the proposed development and the main dwelling.

It is therefore considered that the proposed dwelling can be considered to be providing additional ancillary domestic accommodation for The Croft which is acceptable in principle. The use of the accommodation as an independent market dwelling would not be in accordance with HC1 because there is no evidence that the proposed development is required to achieve the

conservation or enhancement of the outbuilding or its setting. The provision of a separate domestic curtilage to an independent dwelling within the adjacent field would also be likely to have a harmful impact upon the setting of the building and the Conservation Area.

Therefore if planning permission were to be granted a condition to restrict the occupancy of the development to be ancillary accommodation only and not an independent dwelling would be reasonable and necessary to make the development acceptable in planning terms. The agent has also indicated that the applicant is willing to enter into a legal agreement to prevent the separate sale and provision of separate services to the development. This is discussed in more detail in the “Legal agreement” section of this report.

Design and impact upon the Conservation Area

The acceptability of the proposed development in principle does not override the conservation purpose of the National Park in terms of the design and detailed treatment of development affecting a building which has vernacular merit, and is therefore worthy of retention.

The application building in this case is a modest single storey building, formerly used as a cow shed and currently in use as domestic storage / workshop ancillary to The Croft. The outbuilding has a traditional appearance, built from a mixture of local limestone and gritstone, with timber windows and doors, albeit under a corrugated metal roof. The outbuilding does not possess any significant architectural or historic merit but does form a part of the group of traditional buildings which make up The Green and in this context makes a positive contribution to the designated Curbar Conservation Area. Despite coming into domestic use, the former cow shed has retained its original character and appearance.

The application proposes to convert the existing outbuilding within the existing shell of the building and without increasing either the eaves or ridge height of the building. The submitted plans show that the internal floor level of the building would be lowered by 0.8m to allow sufficient space for the creation of a first floor. Local levels around the front, side and rear of the main building would be lowered to provide access along with the position of the existing door and window openings.

The plans show that the existing openings would be lowered to meet the new floor level with new timber window and door frames to match the design of the existing openings. The new proposed openings to the side and rear of the building would have fixed internal glazing with opening external boarded timber doors. Conservation style roof lights are proposed in the front and rear of the main roof slope which would be orientated above the openings below. A new black metal flue is proposed projecting out of the rear roof slope.

The proposed alterations are considered to reflect and respect the agricultural character and appearance of the former cow shed in accordance with GSP3, LC4 and LC8. The application also proposes to replace the existing corrugated metal roof with natural stone slate which would provide a significant enhancement to the character and appearance of the building. If permission is granted a condition to remove permitted development rights for various types of domestic extensions and alterations would be recommended in order to ensure that the original character of the outbuilding is conserved.

The ground levels immediately to the front, sides and rear of the building would need to be lowered to provide access to the proposed ground floor level. It is considered that the proposed changes in ground levels around the building would not have a harmful impact upon the character or appearance of the outbuilding or its setting within the Conservation Area or the adjacent field. If permission is granted a condition would be recommended to submit and agree a detailed scheme of landscaping along with proposed finished floor levels and ground levels to ensure that the impact of the development is mitigated as far as practicable.

The application proposes additional parking spaces in the yard area to the front of the outbuilding. Parked cars in this position would be well related to the building and screened by intervening boundary walls from views from the roadside. Views in the wider landscape would be obscured by intervening buildings. It is therefore considered that the proposed parking area is acceptable.

The application includes the field adjacent to the outbuilding within the application site which would have the effect of granting planning permission for the use of the field as domestic land associated with The Croft. It is considered that the domestication of the field would have a significant adverse impact upon its open and agricultural character and appearance and a resultant harmful impact upon the Conservation Area. The agent has submitted an amended plan showing the domestic curtilage strictly limited as existing which would be acceptable. If permission is granted a condition would therefore be recommended to ensure that the development is carried out in accordance with the amended plan.

Concern has been raised by the Parish Council and local residents that it will not be possible to carry out the proposed works without demolishing and rebuilding the outbuilding. There are also concerns that there is insufficient space at first floor for the proposed accommodation which would inevitably lead to the applicant proposing to increase the height of the building in the future.

The application proposes conversion of the existing outbuilding and does not propose to demolish and rebuild the building. Officers have discussed these concerns with the agent at length who has confirmed that it is possible to convert the building and lower the internal floor level without demolition.

The agent has also instructed a suitably qualified structural engineer to inspect the building who advises that the walls of the building are generally in good condition and there is no evidence of any subsidence having taken place. The structural engineer also advises that the structural integrity of the external walls will not be affected provided that localised underpinning is carried out to lower the internal floor level.

It is therefore considered that it is possible to convert the building as proposed and lower the internal ground level. The application does not propose the demolition of the outbuilding and must be determined on its own merits. Officers have made clear to the applicant and the agent that if permission is granted it would be for the conversion of the building in accordance with the submitted plans and that demolition of the building would invalidate the planning permission.

Officers appreciate that the proposed bedrooms at first floor are small because of the limited space within the roof of the building. The agent has confirmed that the proposed sizes are feasible. The fact that small bedrooms are proposed is a matter for the applicant and not a reason to refuse planning permission. Planning permission would be required to extend the building to provide larger rooms and this would be subject to a separate application which would be determined on its own merits.

It is therefore considered that, subject to conditions, the revised scheme would conserve the character and appearance of the application building and that the development would not harm the setting of the buildings within the landscape or require harmful changes to the curtilage. The design of the proposed development is considered to be acceptable and in accordance with policies GSP3, LC5 and LC8.

Amenity

Concern has been raised in regard to the potential impact of the development upon the amenity and privacy of the occupants of Candlelight Cottage, which is located to the south and adjacent to the application site.

The rear elevation of Candlelight Cottage faces north towards the application site. The garage and garden associated with the property are located to the front of the outbuilding while the rear elevation of the cottage itself faces over the field to the east of the outbuilding. The openings on the rear elevation of Candlelight Cottage include a large opening to a staircase and two windows to habitable rooms, one at ground and one at first floor.

At the nearest point the rear elevation of Candlelight Cottage would be approximately 13.8m from the proposed dwelling. Given this distance and the orientation of the proposed building in relation to windows to habitable rooms and the garden to Candlelight Cottage it is considered that the proposed development would not be unduly overbearing or result in any significant loss of daylight or direct sunlight to occupants of that property.

The development would result in two additional roof lights on the elevation facing towards Candlelight Cottage. Given the angle between the roof lights and the windows to that property it is considered unlikely that inter-visibility between the windows would be likely to cause any significant loss of privacy. The use of the proposed lowered ground floor windows would not result in any additional loss of privacy.

Additional disturbance from comings and goings and vehicle movements associated with the proposed development would otherwise not be significant to harm the amenity of Candlelight Cottage. The proposed development would otherwise not harm the amenity of any other property given the distances and orientation between the buildings.

Other Issues

The proposed development would share access with The Croft. Vehicle speeds along the highway at this point are likely to be relatively slow and therefore it is considered that the development would have adequate visibility and safe access. There is adequate parking space in the curtilage shown on the submitted plans for the parking and turning of two vehicles. Therefore having had regard to advice from the Highway Authority it is considered that the development would be likely to harm highway safety or the amenity of road users.

The application building falls outside of the Authority's requirements for a protected species survey because the building has a metal sheet roof and has been used recently as a workshop. There is no evidence to indicate that any protected species use or are present within the building. It is therefore considered unlikely that the development would have an adverse impact upon any protected species or their habitat.

The development would require excavation within the field around the building to lower the ground level. The affected areas would be limited to immediately around the building and would not have any impact upon the ridge and furrow interest that has been identified within the field by the Authority's Conservation Officer.

Legal agreement

Section 106 of the 1990 Planning Act says that any person interested in land in the area of a local planning authority may enter into an obligation (referred to as "a planning obligation"):

- a) restricting the development or use of the land in any specified way;
- b) requiring specified operations or activities to be carried out in, on, under or over the land;
- c) requiring the land to be used in any specified way; or
- d) requiring a sum or sums to be paid to the authority on a specified date or dates or periodically.

In this case, a restriction upon separate sale and the provision of separate services would normally be considered to be a 'lawful' obligation because it would restrict the development and the use of the land in a specified way.

However, for the offer of a legal agreement to be capable of constituting a material planning consideration in the determination of the current application, the proposed legal agreement and the obligations to be entered to by the applicant must also meet three tests, which are set out in identical terms in The Community Infrastructure Levy Regulations 2010 and the Framework:

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

The obligations in the Authority's standard templates for legal agreements for ancillary residential accommodation meet these three tests because the proposed dwelling is of a significant size and is physically capable of being occupied independently and severed from the main dwelling. The independent occupation of the proposed dwelling would also conflict with the Authority's housing and conservation policies. The obligation would relate directly to the development and would be fairly and reasonable related to the development in scale and kind.

Conclusion

Subject to appropriate conditions the proposed use of the application buildings as ancillary residential accommodation to the Croft would be in accordance with relevant policies in the development plan because the proposed development would conserve the character, appearance and amenity of the outbuilding, their setting within the landscape and Conservation Area and neighbouring properties. The proposed development would be served by a safe access and appropriate shared parking and turning space.

The agent has stated that the applicant is willing to enter into a S106 legal agreement to prevent the separate sale of the former barns from the existing dwelling and the installation of separate services. It is considered that the offer of a planning obligation should be given weight because the prior entry into the Authority's standard legal agreement is necessary for the application to be acceptable in planning terms. The planning obligation would also be directly related to the proposal and fairly and reasonably related in scale and kind to the proposed development.

Therefore, subject to conditions and prior entry into an appropriate legal agreement, it is considered that the proposal is in accordance with relevant policies in the development plan and with the National Planning Policy Framework.

Human Rights

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

List of Background Papers (not previously published)

Nil

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9. FULL APPLICATION - ALTERATIONS TO AGRICULTURAL BUILDING AT NORTH LEES FARM, NORTH LEES HALL, HATHERSAGE. (NP/DDD/0715/0685, P.6193, 24/4/15, 423536/383448, MN)

APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY

Site and Surroundings

North Lees Hall is a Grade II* listed building sited in open countryside approximately 1.5 miles north of Hathersage village. It is a 16th century tower house property which is in use for holiday letting accommodation with a separate lower level 'farmhouse' wing to the north east. It is constructed of rubble gritstone and underwent significant internal restoration in 1965.

The property is part of the North Lees Estate and is owned by the Peak District National Park Authority. The farmhouse wing of the Hall has recently been refurbished and is now occupied by a farming tenant.

The Hall and farmhouse are surrounded by agricultural fields and are accessed from Birley Lane up a long track, which is also a public right of way. The farm access road and footpath narrows as it winds around the Hall and farmhouse to the rear, north side, where there are several agricultural barns, some of which are also Listed.

This application relates to the northernmost building in this group. It is a large and relatively modern steel framed agricultural shed with an open front which is set partly in to the ground that rises behind it. It is the main modern building on the holding and is in need of upgrading to meet current farming needs as well as remedial action to stop the water from the higher ground behind seeping into the building.

The site is outside of any conservation area.

Proposal

The application seeks to make the following alterations to the modern agricultural shed:

- Excavating to the rear and side elevations of the building to install a waterproof barrier against the walls before restoring the levels
- Replacing the unsurfaced floor of the building with a concrete slab, with a 2m apron projecting beyond the front of the building
- Introduce some timber boarding to the front and rear elevations to better enclose the building from the elements

RECOMMENDATION:

It is recommended that the application be **APPROVED** subject to the following conditions:

1. **3 year time limit**
2. **In accordance with submitted plans**
3. **Timber cladding to be stained dark brown**

Key Issues

The key issues in assessing this proposal are:

- The acceptability of the principle of the development
- Design matters
- The impact of the development on the setting of the Listed Hall and farm buildings

History

1985 - Alterations and additional car parking

1988 - Formation of 2 holiday flats

1992 - Change of use of former pigsties to agricultural use with domestic storage

2001 - Listed Building Consent - repair and refurbishment work

2013 - Listed Building Consent – installation of new boiler and external flue to main house

2013 - Listed Building Consent granted for refurbishment of farmhouse

2014 – Change of use granted for serving of teas and light refreshments at farm

Consultations

Highway Authority - No objections.

Parish Council - No response at time of writing.

Derbyshire Dales District Council -No response at time of writing.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L3.

Relevant Local Plan policies: LC4, LC6, LC13.

Core Strategy policy GSP1 reiterates that the Authority has a statutory duty to foster the social and economic welfare of local communities in the National Park whilst GSP2 states opportunities to enhance the National Park should be acted upon. Core Strategy policy GSP3 seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Core Strategy policies DS1 details the development strategy for the National Park. This permits, in principle, development required for agricultural purposes in the countryside.

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

Core Strategy policy L3 requires development to conserve historic assets.

Local Plan policy LC6, which states that any applications for development affecting listed buildings must clearly demonstrate how the building will be preserved and enhanced and why the development is desirable or necessary.

Local Plan policy LC13 is also relevant, stating that any agricultural development must avoid harm to an areas valued characteristics, making use of the least obtrusive or otherwise damaging possible location.

It is considered that these policies are consistent with the core planning principles set out in paragraph 17 of the National Planning Policy Framework and the policies in the Framework when taken as a whole because both documents seek to support rural economies, seek to secure high quality design, and promote the importance of landscape protection within the National Park.

Assessment

Principle

The site is in open countryside where policy DS1 permits, in principle, development required for agricultural purposes. The principle of altering the existing agricultural building is therefore acceptable.

Design matters

The alterations proposed are considered to have only a minor effect on the appearance of the building, and each part of the proposal is assessed below.

The concrete floor would be mostly contained within the building having no wider impact, and the concrete apron to the front would extend into an existing yard area where it will not appear out of keeping.

The timber cladding is limited to the front and rear elevations and, subject to having a dark stained finish, would appear recessive and would not detract from the buildings appearance. Such a recessive finish could be required by planning condition if permission was to be granted.

The ground to be excavated will be replaced with a better draining substitute and to the same levels after works are completed and so there will be no lasting landscape impact of these works.

Overall, the design of the development is considered appropriate to its purpose and to conserve the appearance of the building and its setting as required by policies LC4 and LC13.

Impact on the Listed buildings

In terms of impact on the Listed farm buildings, these are already viewed in close relation to the modern agricultural building. The proposed development is modest in relation to what is already present. As a result the impacts arising from the development are considered to conserve the setting of the Listed buildings and do not detract from the buildings' significance.

The setting of the Hall itself is considered to be unaffected by the development due to the separation between it and the application building, and because they are not viewed together in any important views.

The application is therefore considered to comply with policies L3 and LC6.

Other matters

The existing farm building has an unrestricted agricultural use in planning terms and is regularly used for the housing of livestock. This application proposes no change to the use of the building, nor does it provide any additional capacity that would lead to it being able to house additional livestock. It is therefore considered that the development does not have any changed impact on amenity, complying with policy LC4 in this regard.

Conclusion

Officers have assessed the application against all relevant planning policy and all other material considerations. Subject to a suitable finish for the timber cladding being secured by planning condition the proposal is considered to comply with both national and local planning policies. All other material matters have also been considered and are considered to be acceptable.

The application is therefore recommended for approval, subject to conditions.

Human Rights

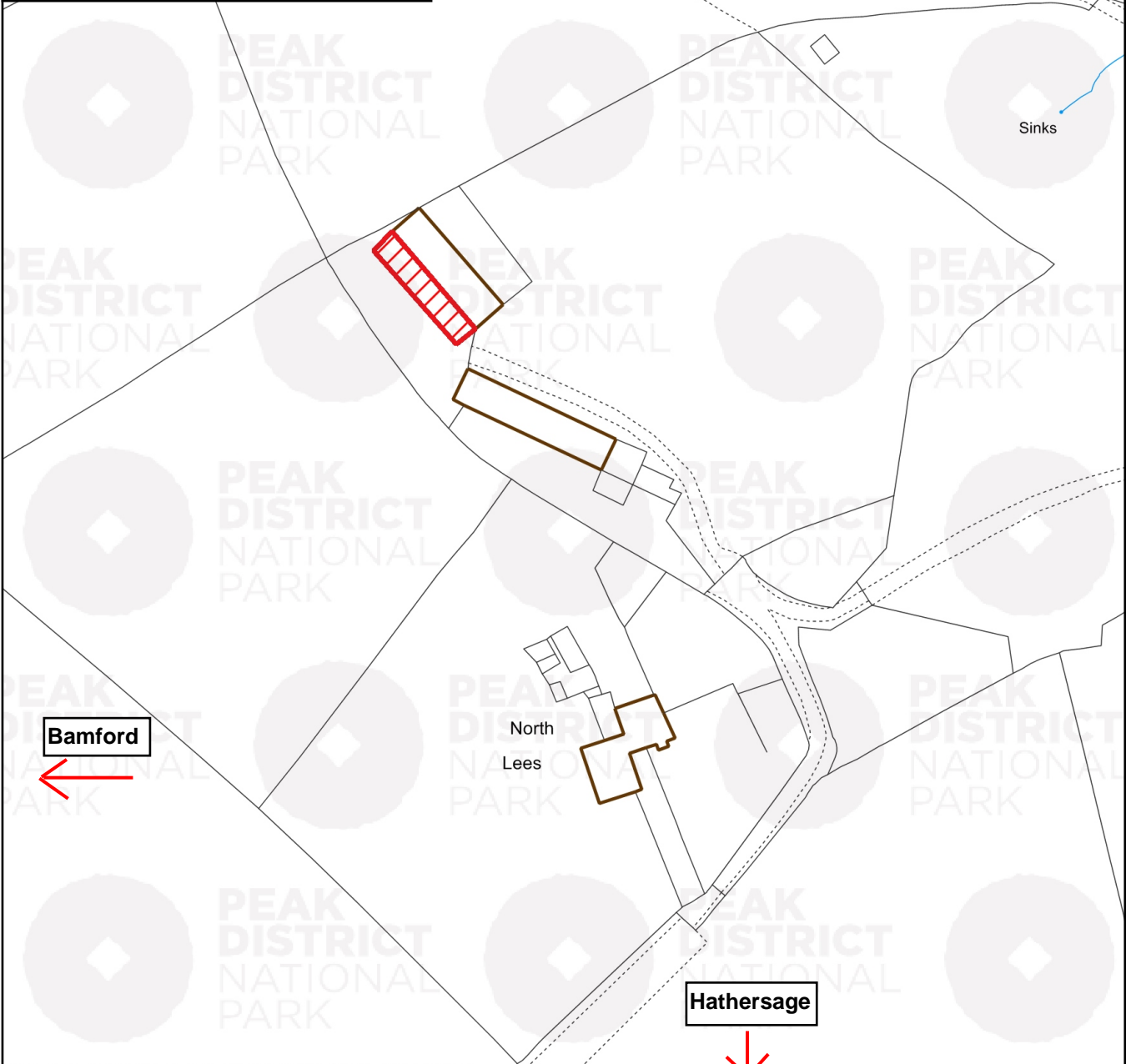
Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)


Nil



1:1250



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<p>Committee Date: 11/09/2015 Item Number: 9 Application No: NP/DDD/0715/0685 Grid Reference: 423536, 383448</p>	<p>Title: Farmhouse adjacent to North Lees Hall Birley Lane Hathersage</p>	 <p>PEAK DISTRICT NATIONAL PARK</p>
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10. SECTION 73 - APPLICATION FOR THE REMOVAL OF CONDITION 11 FROM APPLICATION NP/SM/0698/070 AND REPLACE WITH A LOCAL HOUSING CONDITION AT HEATH BARN, CALTON (NP/SM/0715/0683 P. 10327 410327/349321 31/8/2015/CF)

APPLICANT: MR DAVID TYERS

Site and Surroundings

Heath House is a property that lies in open countryside adjacent to the A523 Leek to Ashbourne road and broadly between the two nearest named settlements; Calton and Waterhouses. The former smallholding at Heath House did consist of a rendered house, a number of outbuildings, and a two-storey stone-built barn of traditional appearance that has since been converted to a holiday cottage. However, the converted barn has subsequently been sold separately from Heath House and is now known as Heath Barn. This barn is the subject of the current application.

Proposals

The current application has been made under s.73 of the Town and Country Planning Act 1990 ('the 1990 Act'), as amended, and seeks the variation of condition 11 from application NP/SM/0698/070 to allow for permanent residential use of Heath Barn as an affordable house to meet local need.

Condition 11 attached to Planning Decision Notice NP/SM/0698/070 originally said:

This permission relates solely to the use of the premises hereby approved for short-let holiday residential use ancillary to Heath House. The property shall not be occupied by anyone 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.

The reason for the condition stated on the original permission is as follows:

Permission has been granted in accordance with policy RT3 of the Structure Plan which permits the conversion of traditional buildings to holiday accommodation. Conversion to a permanent dwelling would be contrary to the Structure Plan policies.

However, this condition has already been varied (under planning application NP/SM/0614/0685) and the ancillary tie has since been deleted and, as noted above, Heath House has subsequently been sold separately. Heath Barn has since been marketed for separate sale as a holiday unit by the current applicant now it is no longer required to be maintained in the same planning unit as Heath House.

RECOMMENDATION:

That the application be **APPROVED** subject to prior entry into a legal agreement made under s.106 of the 1990 Act naming the intended first occupant, containing local occupancy restrictions, and retaining the house as an affordable home in perpetuity and subject to the following planning conditions:

- 1. The stone outbuilding adjacent to Heath Barn shall be retained for the garaging of domestic vehicles and for the storage of domestic items and shall not be used for any other purpose at any time during the lifetime of the development hereby permitted.**

2. **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 the dwelling shall be carried out and no extensions, porches, or ancillary buildings other than the timber shed shown on the approved plans, shall be erected on the site without the National Park Authority's prior written consent.**

Key Issues

- whether the intended first occupant of the affordable dwelling has an appropriate local qualification;
- whether a legal agreement would be necessary to make the proposed variation to the holiday occupancy condition acceptable in planning terms; and
- whether the Authority's standard planning obligations relating to affordable housing to meet local needs would be fairly and reasonably related in scale and kind to the proposed development.

History

- 2014 Variation of Condition 11 attached to NP/SM/0698/070 granted to allow the sale of Heath Barn separately from Heath House.
- 2010 Discharge of condition 7 attached to NP/SM/0698/070 for conversion of barn to holiday unit (NP/DIS/0210/0147)
- 1998 Planning permission granted for conversion of barn to holiday unit (NP/SM/0698/070)

Consultations

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

District Council – No response to date.

Parish Council – No response to date.

Representations

Two letters of support for the current application have been received by the Authority during the statutory consultation period. One letter says that as there is already a large quantity of holiday accommodation in this area, it would be more beneficial to the local economy for this property to be occupied as local housing. The other letter says the area is short of houses for local people and houses need off road parking today; this house has everything it needs for people to live in.

Policy

Policy HC1 of the Authority's Core Strategy says provision will not be made for housing solely to meet open market demand, and housing land will not be allocated in the development plan. Exceptionally, new housing can be accepted where it is (A) for affordable housing to meet local need or for assisted accommodation; (B) for key workers or (C) in accordance with core policy GSP2, it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings. In this case, the current application seeks to remove the holiday occupancy restriction and replace it with a local occupancy restriction, which in principle, would be in accordance with policy HC1(A) of the Core Strategy.

The provisions of HC1(A) are also supported by policy DS1 of the Core Strategy and policy LH1 of the Local Plan. DS1 sets out very clearly new residential development should normally be directed to existing settlements within the National Park but saved Local Plan policy LH1 says exceptionally, residential development will be permitted either as a newly built dwelling in or on the edge of settlements or, as the conversion of an existing building of traditional design and materials in the countryside provided that it would be affordable housing to meet local need. Saved Local Plan policy LH2 otherwise sets out the Authority's definition of a person with a local qualification for affordable housing.

It is considered the provisions of these policies in the Development Plan are consistent with national planning policies in respects of new housing with the National Park. Firstly, because paragraph 54 of the National Planning Policy Framework states that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Paragraph 55 of the Framework otherwise states local planning authorities should avoid granting planning permission for isolated new homes in open countryside.

However, the supporting text to HC1 states that unless open-market values are demonstrably required for conservation and enhancement purposes, all other schemes that provide new housing should be controlled by agreements to keep them affordable and available for local needs in perpetuity. LH1(iv) also requires affordable dwellings to be affordable by size and type to local people on low or moderate incomes and to remain so in perpetuity. The Authority's adopted supplementary planning guidance on affordable housing (SPG) sets out in more detail how these objectives would normally be met by way of a legal agreement for affordable housing with various obligations relating to first occupants, occupancy restrictions and cascade provisions, amongst other things.

Therefore, the Authority's adopted housing policies and planning guidance very clearly set out an expectation that where affordable housing to meet local need is granted planning permission in the National Park: it should be controlled by a legal agreement rather than planning conditions.

Assessment

Section 73 of the Town and Country Planning Act 1990 ('the 1990 Act'), as amended, provides that any application may be made for planning permission without complying with conditions applied to a previous permission. In summary, s.73 of the 1990 Act makes it possible to apply for conditions to be struck out, or for their modification or relaxation. Equally, s.73 of the 1990 Act allows the Authority to decide whether to grant permission for the current application subject to different conditions imposed on the original permission (this can include imposing new conditions); remove the conditions imposed on the original permission altogether; or refuse to alter the conditions. Nonetheless, in terms of decision making, a section 73 application should be treated just like any other application with due regard paid to the Development Plan and other material considerations including the National Planning Policy Framework ('the Framework') and SPG.

In this case, the current policy framework, including national planning policies, Core Strategy policy RT2 and saved Local Plan policy LR6, promotes the conversion of traditional buildings to leisure and tourism uses. The conversion of Heath Barn to a holiday let is consistent with these policies and the holiday occupancy condition attached to Heath Barn was otherwise necessary to make its conversion acceptable at the time permission was granted. As noted in the policy section above, there are still strict controls on new housing in open countryside in both the current Development Plan and the Framework.

Therefore, it is considered that the current holiday occupancy restriction attached to Heath Barn continues to serve a proper a planning purpose and it would not be appropriate to simply delete the existing condition without proper justification. In these respects, officers are aware of a

number of other cases within the National Park where holiday lets have been said to be no longer viable and applications have been submitted seeking the removal of the occupancy restriction, which if granted planning permission, would effectively have created new open market houses to meet general demand. However, where a traditional building has already been converted to holiday accommodation, these types of applications are normally refused planning permission because it cannot be demonstrated removing the holiday occupancy restriction and the subsequent impetus of open market values is required for conservation and enhancement purposes in accordance with HC1(C) or the provisions of paragraph 55 of the Framework.

In these cases, where refusal of planning permission has been appealed, the Planning Inspectorate has consistently supported the Authority's position that where holiday lets are no longer required then it would be appropriate to provide affordable housing with a local occupancy restriction rather than grant permission for an open market house to meet general demand. These appeal decisions include holiday units in named settlements, including converted buildings in Bakewell and Winster, and holiday lets in open countryside including converted buildings in Brushfield (near Taddington), Parwich Lees, and Newtown (near Longnor).

In light of the similarities between these cases and the situation at Heath Barn, the current applicant withdrew his previous proposals to remove the holiday occupancy restriction attached to Heath Barn and is now seeking to replace the holiday occupancy restriction with a local occupancy restriction. In support of this application Heath Barn, the applicant has already carried out a marketing exercise through an estate agent. As a result, the property has been marketed as a holiday let for a period in excess of six months albeit unsuccessfully. However, the marketing information also advertised the availability of the holiday let for affordable housing subject to the grant of planning permission (as agreed with officers).

During this marketing period, there was some interest from potential purchasers with a local qualification (within the terms of LH2) but the only firm interest in the property is from a person who has a local qualification defined in the final tier of the cascade provisions set out in the Authority's 'standard' legal agreement i.e. this person has an appropriate period of residency in a Parish within Staffordshire that is contingent with a Parish adjacent to the boundary with the National Park. It is intended that this person would be the first occupant of the dwelling if permission is granted for the current application although it is acknowledged that if this application proposed a new house then this person would not have an appropriate local qualification within the terms of LH2.

However, it is considered that an exception can be made in this case primarily because the house already exists (albeit subject to a holiday occupancy restriction) but also taking into account the marketing exercise carried out by the applicant did not identify a person with a stronger local connection who also wanted to go through with the purchase of the property. Moreover, in the absence of any firm interest in the existing holiday unit, keeping the property empty would not serve any particular planning purpose whereas a legal agreement prioritising occupancy for local people and retaining the house as an affordable dwelling would provide wider public benefits in the longer term in the event the intended first occupant was to sell the property. Therefore, it is considered that the current application could be granted planning permission subject to prior entry into an appropriate legal agreement made under s.106 of the 1990 Act given that the provision of affordable housing would otherwise accord with the principles set out in local and national housing policies in all other respects.

Legal Agreement

In this case, a local occupancy restriction would normally be considered to be a 'lawful' obligation under section 106 of the 1990 Act, as amended, because it would restrict the future occupancy of the house and would therefore restrict the use of the land in a specified way. However, for the offer of a legal agreement to be capable of constituting a material planning consideration in the determination of the current application, and in particular, a reason for approval; the proposed

legal agreement and the obligations to be entered to by the applicant must also meet three tests, which are set out in identical terms in S.122 (2) of The Community Infrastructure Levy Regulations 2010 and the Framework.

The three tests are whether the obligations contained in a legal agreement entered into by the applicant, or the intended first occupant of the affordable house, would be:

- 1) necessary to make the variation of the holiday occupancy condition proposed in the current application acceptable in planning terms;
- 2) directly related to the development proposed in the current application; and
- 3) fairly and reasonably related in scale and kind to the proposed development.

In this case, the obligations in the 'standard templates' for legal agreements for affordable housing to meet local need can normally be demonstrated to meet these three tests with reference to the Authority's adopted supplementary planning guidance on affordable housing (SPG), which sets out in full, the planning purposes for a legal agreement for affordable housing with various obligations relating to first occupants, occupancy restrictions and cascade provisions, amongst other things. It is also the case that these obligations cannot normally be achieved through the imposition of planning conditions.

Furthermore, the proposed legal agreement is necessary to make the removal of the holiday occupancy condition proposed in the current application acceptable in planning terms, as set out above, because relaxing to create an open market house to meet general demand would be contrary to local and national housing policies. In this respect, the legal agreement would be directly related to the proposed variation of the condition. Therefore, the acceptability of the current application is considered to turn on whether an obligation restricting the occupancy of the house to a person with a local qualification, is fairly related in scale and kind to the property, notwithstanding the applicant's request to vary the condition rather than enter into a legal agreement

In this case, the existing holiday let is a two bedroom house that has an internal floor area that would be less than the guidelines for affordable housing in the Local Plan and associated SPG, which suggest the maximum net internal floor area of an affordable house would be 87 square metres for a five person house. The net internal floor area of Heath Barn is less than 70 square metres and it is considered the property would be 'more affordable' because of its size and market value subject to the occupancy restriction. It is therefore considered that a legal agreement would meet the three legal and policy tests set out above despite Heath Barn being marketed for sale with a separate stone building that has a lawful use (in planning terms) for garaging and domestic storage.

Planning Conditions

SPG says outbuildings such as garaging would not normally be taken into account in terms of the affordability of a local needs dwelling, and would not normally be counted as part of the internal floor area of the house providing any garaging or outbuilding was not used as habitable accommodation. Therefore, it is considered that planning conditions should be used to retain the garaging and the domestic storage (in the loft space above) in their current use to avoid these spaces becoming ancillary living accommodation, and subsequently undermining the reasons for approval of this application if permission were to be granted. Similarly, permitted development rights for extensions and outbuildings, amongst other things, should be removed if permission were to be granted to allow the Authority to retain control over future alterations to the property to safeguard the affordability of the dwelling.

However, it is considered that exceptional circumstances do exist that warrant removing permitted development rights for householder development not only to maintain the affordability of the dwelling but also because the building has been converted to a very high standard and retains its traditional character and appearance. In this respect, inappropriate alterations to the building would be especially harmful and contrary to the provisions of saved Local Plan policy LC8 in particular, which provides specific design criteria for the conversion of traditional buildings to new uses. In all other respects, the proposed development does not give rise to any other relevant planning considerations because the unit has already been converted in accordance with the approved plans, no internal or external changes to the land or buildings within the red-edged application site are being proposed, and the property can be occupied on a permanent basis without being unneighbourly and it already has a safe and suitable vehicular access.

It is therefore considered no other planning conditions are required to make the development acceptable in planning terms noting that a time limit for commencement would not be appropriate in this case because the application has been made under s.73 of the 1990 Act.

Conclusion

It is therefore concluded that the proposed variation of the existing holiday occupancy restriction would conform to the Authority's housing policies subject to a legal agreement and would be acceptable in planning terms subject to appropriate planning conditions, as set out in the above report. It is acknowledged that the intended first occupant's local qualification does not meet the criteria of LH2 but the first occupant would otherwise be eligible to occupy the house in accordance with the cascade provisions that would normally apply to affordable housing under the terms of the Authority's SPG.

Therefore, also taking into account the house already exists, a robust marketing exercise has not brought forward a person with a stronger local qualification than the intended first occupant, and the longer term public benefits of providing an affordable house to meet local need; it is considered that an exception to LH2 is warranted in this case.

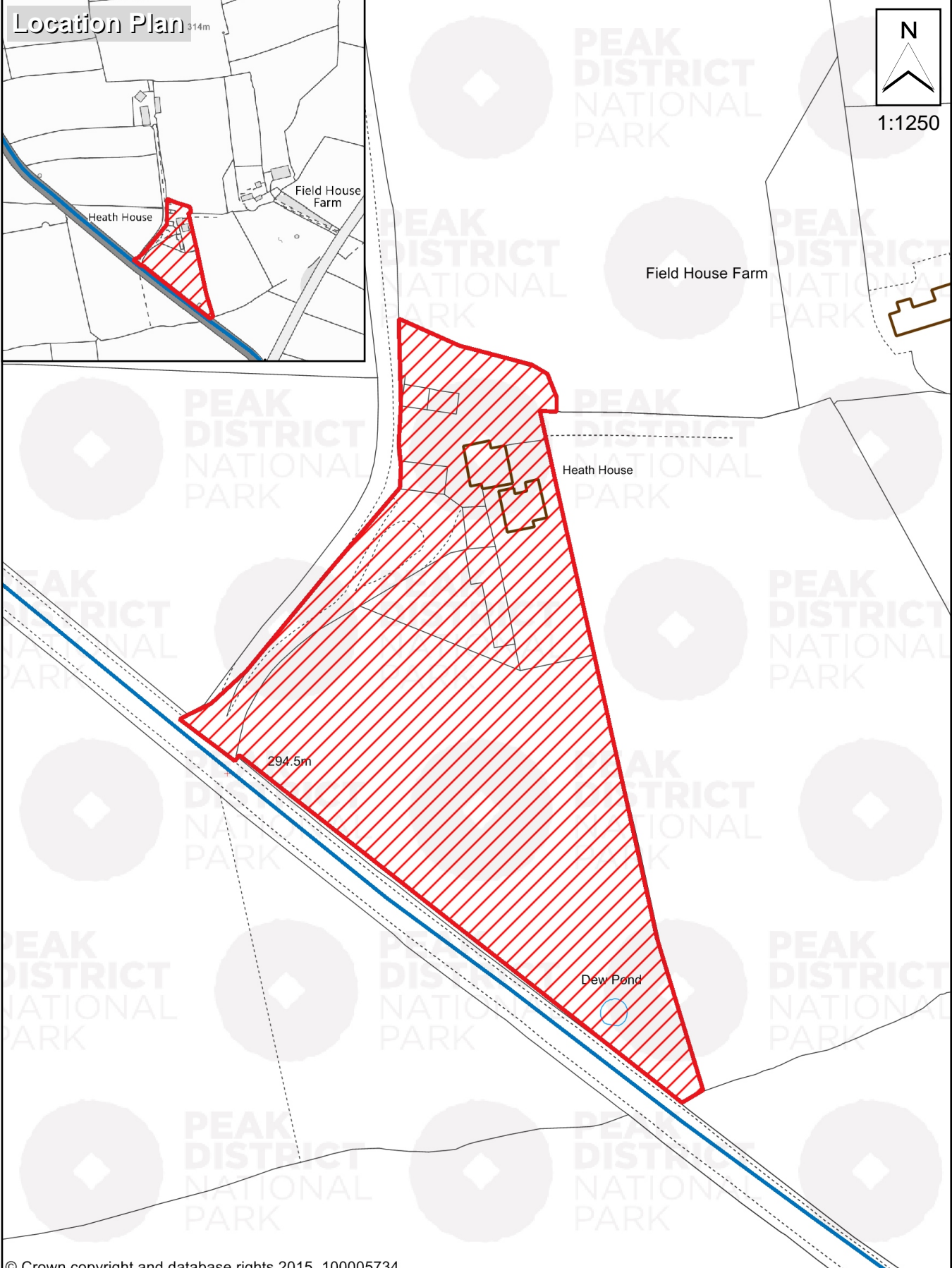
Accordingly, the current application is recommended for conditional approval subject to prior entry into an appropriate legal agreement.

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:	11/09/2015	Title: Heath Barn Leek Road Calton	 PEAK DISTRICT NATIONAL PARK
Item Number:	10		
Application No:	NP/SM/0715/0683		
Grid Reference:	410327, 349321		

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11. FULL APPLICATION - CHANGE OF USE FROM TOY SHOP (A1) TO ICE CREAM PARLOUR (A3), ICE CREAMS & DREAMS MATLOCK STREET BAKEWELL (NP/DDD/0615/0503 P.2537 421767/368408 24/8/2015/CF)

APPLICANT: JOEL BOND

Site and Surroundings

The current application concerns Ice Creams and Dreams, which is a restaurant that operates from a Grade II listed building on Matlock Street in the centre of Bakewell. The restaurant also lies within Bakewell's Central Shopping Area and the designated Conservation Area.

Proposal

This application seeks retrospective planning permission for the change of use of the premises from a shop (A1 Use Class) to an ice cream parlour, which in planning terms is classed as a restaurant in an A3 Use Class. In this case, no external alterations to the shop have been shown on the submitted plans other than the proposed signage, which is not development that requires planning permission.

Therefore, this application seeks retrospective planning permission solely for the change of the use of the premises from a shop and the signage cannot be taken into account in the determination of this application. However, parallel applications for Advertisement Consent and Listed Building Consent have been submitted for the new signage that has been erected recently on the frontage of the premises.

RECOMMENDATION:

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

- 1. The development hereby permitted shall be carried out in complete accordance with the following approved plans: Drawing No. 89215/01 Revision A.**
- 2. The development hereby permitted shall not place other than on the ground floor of the premises and sales of food and drink from the premises shall be limited to ice creams, sundaes, cookies, cakes, non-alcoholic drinks or similar light refreshments prepared on the premises.**
- 3. No deliveries, loading, unloading or other servicing activities shall take place at the premises other than between the hours of 08.00 - 18.00 hours Monday - Friday; 09-00 - 13.00 hours on Saturday; and at no times on Sundays or Bank Holidays.**

Key Issues

- whether the restaurant would serve the needs of the local community; and
- whether the retention of the restaurant would harm the character of Bakewell's town centre, including its vitality and viability or detract from its role as the main service centre within the National Park.

History

Ice Creams and Dreams has operated from the premises from August 2014 without planning permission and this application seeks to regularise the unauthorised change of use of the premises.

The new signage on the frontage of the premises was installed recently and the parallel applications for Listed Building Consent and Advertisement Consent seek to regularise the signage.

Consultations

External Consultees

Highway Authority – No objections.

District Council – No response to date.

Town Council – object to the current application citing the inappropriate design of the current signage as the main reason the Town Council are recommending refusal of the application. The Town Council also notes that the premises do not appear to have toilets for visiting members of the public and express disappointment that the application is retrospective.

Internal Consultees

National Park Authority (Conservation Officer) – Recommended that the application ‘as submitted’ be refused. However, these objections were based on the signage and no other objections to the current application have been raised by the Authority’s Conservation Officer.

Representations

Six letters about this application have been received by the Authority: one of which offers general support for the proposals, and one which sets out several issues the authors wish the Authority to take into account in the determination of this application albeit the issues raised are matters for the District Council or relate to the signage other than a request that Ice Creams and Dreams to be used for the sale of ice creams and similar products only.

Two of the other letters point out the lack of information in the submitted application, absence of customer toilets, and the inappropriateness of the signage. The fifth letter objects to the application because of the signage and external appearance of the premises; the author of the sixth letter simply states the proposals are “not suitable for the surrounding area and existing shops”.

Main Policies

Policy HC5(A) of the Authority’s Core Strategy states that in towns or villages, shops, professional services and related activities must:

- i. be located within the Bakewell Central Shopping Area, or in or on the edge of named settlements listed in policy DS1; and
- ii. be of appropriate scale to serve the needs of the local community and the settlement’s visitor capacity.

Policy HC5(C) goes on to say that related activities such as professional services and premises for the sale and consumption of food and drink will be permitted in towns and villages provided that there is no harm to living conditions or to the role or character of the area, including its vitality and viability. HC5(B) relates to out of town shopping centres and is therefore not applicable.

Local Plan policy LS1, which also deals with new retail development in the National Park’s towns and villages, does not provide any further criteria to apply to the current application but Local

Plan policy LB9 says within the Central Shopping Area, development in Use Classes A1, A2 and A3 will be permitted.

These policies are consistent with the approach to ensuring the vitality of town centres in the National Planning Policy Framework ('the Framework'), which says local planning authorities should recognise town centres as the heart of their communities and pursue policies that are positive, promote competitive town centre environments and support their viability and vitality.

Wider Policy Context

Relevant Core Strategy policies: GSP1, GSP2, GSP3 & L3

Relevant Local Plan policies: LC4, LC5 & LC6

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 and GSP2 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 a listed building and its setting, and the special qualities of a Conservation Area that are set out in the Authority's Development Plan in policy L3 of the Core Strategy and saved Local Plan policies LC5 and LC6.

Assessment

In the first instance, the premises are located within Bakewell's Central Shopping Area where Local Plan policy LB9 says development in Use Classes A1, A2 and A3 will be permitted. Policy HC5(C) goes on to say that related activities such as professional services and premises for the sale and consumption of food and drink will be permitted in towns and villages provided that there is no harm to living conditions or to the role or character of the area, including its vitality and viability.

In this case, no external alterations to the shop have been shown on the submitted plans other than the proposed signage, which is not development that requires planning permission. Therefore, this application seeks retrospective planning permission solely for the change of the use of the premises from a shop (A1 Use Class) to a restaurant (A3 Use Class), which is deemed to be acceptable in principle under the two most relevant Development Plan policies namely HC5(A) and LB9.

There are no permitted development rights for this change of use and any subsequent external or internal alterations to the building will require Listed Building Consent because the premises are located within a Grade II listed building. The signage otherwise needs to be considered in the determination of the parallel applications for Advertisement Consent and Listed Building Consent and cannot be taken into account in the determination of the current application.

Therefore, setting aside the issue of the new signage, granting retrospective planning permission for the change of use of the premises would have a negligible impact on the significance of the Grade II listed building in which the premises are located and would have a limited impact on the

character and appearance of the setting of the listed building, which includes the surrounding Conservation Area. This is because the application does not show that any operational development that requires planning permission has been required to facilitate the proposed change of use of the premises from a shop to a restaurant.

To date, there is no evidence available to the Authority that the current use of the premises has otherwise had any significant impact on the general amenities of the area through noise and disturbance, or odour, for example. The main issues raised in representations on this application are often more focussed on the new signage, and the lack of a toilet for visiting members of the public, which are issues that fall outside of the scope of this application. There is also no requirement for dedicated parking spaces to serve the premises in this case because of the extent of public parking provision within the town centre and the Highway Authority has no objections to the proposals on highway safety grounds.

Therefore, it is considered by officers that the key planning issues in the determination of the current application are whether the restaurant would serve the needs of the local community and in particular, whether the proposals would harm the character of Bakewell's town centre, including its vitality and viability, and/or detract from its role as the main service centre within the National Park. In these respects, two of the key characteristics of the designated Bakewell Conservation Area are the wide range of retail/commercial uses, and the generally busy and vibrant nature of the town centre.

In this case, and in light of the single representation in support of the current application and the nature of the other representations received by the Authority to date, it is not clear that the premises would serve the needs of the local community if permission were to be granted for the current application. It is also acknowledged that the town centre has suffered difficult trading conditions recently and there are some wider concerns that the proposals would harm the character of Bakewell's town centre and that the mix of retail and non-retail units in the town centre is becoming increasingly unbalanced.

However, whilst there are a number of similar premises in the town and the proposal would increase the total number of non-retail units, officers consider the introduction of Ice Creams and Dreams in the former retail unit on King Street would not make the town centre less attractive as a whole and the restaurant would provide a facility to the general public (including the local community and visitors). Naturally, granting planning permission for the current application would not allay concerns about the suitability of the premises but officers are equally concerned at the number of vacant premises within the town centre and lack of obvious demand for some of these premises.

In these respects, if planning permission were to be refused for the current application, the subsequent vacant appearance of the premises in this prominent town centre location would detract from the street scene, and officers consider that this outcome would have a much more harmful impact on the vitality of the wider town centre and the character of the Conservation Area than granting retrospective planning permission for the current proposals.

Conclusion

It is therefore concluded that the benefits of granting retrospective planning permission for the change of use of the premises justifies approval of the current application, which is considered to conform with the relevant policies in the Development Plan and the Framework subject to appropriate planning conditions in all other respects. Accordingly, the current application is recommended for conditional approval.

In this case, it would be necessary to restrict the mixed use to the ground floor of the premises as shown on the drawings submitted with the application and restrict the items sold from the premises to ice creams and associated products. This condition is considered to be reasonable

not least because any further intensification of the premises within an A3 use would be outside of the scope of the current application. Furthermore, any future changes to the use of the premises would also need to be considered carefully in the context of the public interest in the future of the town centre and the policy considerations set out in policy HC5(C) of the Core Strategy.

Similarly, further intensification of the premises could affect the living conditions of nearby residents, which is also policy consideration under HC5(C), but in terms of the proposed use a condition should also be imposed restricting times for deliveries and servicing. This condition is considered reasonable and necessary to protect the amenities of the occupiers of nearby residential properties and the general amenities of the town centre and is consistent with restrictions on other operators within the town centre.

Finally, it would not be necessary to impose a time limit on the commencement of the proposed development because the use of the premises as a restaurant has already commenced. However, it would be reasonable and necessary in the interests of the proper planning of the local area to specify that the development is carried out in accordance with the plans and specifications submitted with the current application.

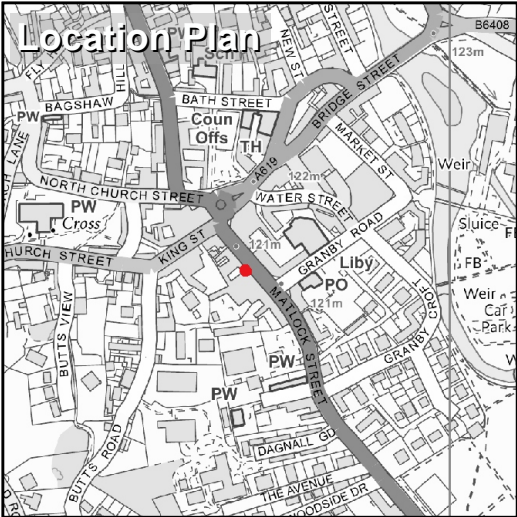
Human Rights

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:	11/09/2015
Item Number:	11
Application No:	NP/DDD/0615/0503
Grid Reference:	421767, 368408

Title: Ice Creams & Dreams
Matlock Street
Bakewell



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12. ADVERTISEMENT CONSENT - NEW SIGNAGE TO SHOP FRONT, ICE CREAMS & DREAMS, MATLOCK STREET, BAKEWELL (NP/DDD/0615/0504 P.2537 421767/368408 30/8/2015/CF)

APPLICANT: JOEL BOND

Site and Surroundings

The current application concerns the new signage for Ice Creams and Dreams, which is a restaurant that operates from a Grade II listed building on Matlock Street in the centre of Bakewell. The restaurant also lies within Bakewell's Central Shopping Area and the designated Conservation Area.

Proposal

This application now seeks retrospective Advertisement Consent for the new signage for the premises. The new signage has been erected after this application was submitted and includes the premises logo above the door on a white background with items sold from the premises such as ice creams and sundaes written in decorative writing either side of the Ice Creams and Dreams logo.

A parallel application for Listed Building Consent has also been submitted for the new signage that has been erected recently on the frontage of the property. A further application has been submitted for retrospective planning permission for the change of use of the premises from a shop to a restaurant.

RECOMMENDATION:

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

- 1. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.**
- 2. Any structure of hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.**
- 3. Where an advertisement is required under the Advertisement Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.**
- 4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.**
- 5. No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of, any road traffic sign, railway signal and to navigation by water or air, or so as otherwise to render hazardous the use of any highway railway, waterway or aerodrome(civil or military).**

Key Issues

- whether the retention of the signage would unacceptably harm the amenities of the local area.

History

Ice Creams and Dreams has operated from the premises from August 2014 without planning permission and this application now seeks retrospective Advertisement Consent for the signage that was erected recently on the frontage of the premises prior to the determination of this application. In this respect, the new sign replaced an earlier unauthorised sign that was erected last year in advance of the premises being opened to the public.

Consultations

External Consultees

Highway Authority – No objections.

District Council – No response to date.

Town Council – object to the current application because the proposed signage is felt to be out of keeping, using inappropriate materials and an unsympathetic colour scheme.

The Town Council also considers that it is regrettable that the design fails to take into account the Detailed Design Guidance Note on Shop Fronts or the 2013 Conservation Area Appraisal. The application appears in contravention of paragraphs 2.1, 4.1, 5.1, and in particular 5.10 and 6.4 of the Shop Fronts Guidance and in contravention of paragraphs 11.9, 11.10, 11.11 and 11.24 (in part) and in particular 11.25 of the Conservation Area Appraisal. As a consequence it is felt that the proposal may adversely affect the Conservation Area. The Town Council also express disappointment that this application has been made retrospectively.

Internal Consultees

National Park Authority (Conservation Officer) – Recommended that the application ‘as submitted’ be refused. However, the Conservation Officer has now withdrawn this objection having seen the completed signage, on the basis that whilst the signage is poor; the frame around it, and painting the shop windows white makes the fascia less conspicuous by pulling the sign and windows together as a single item.

Representations

Four letters about this application have been received by the Authority: one of which offers general support for the proposals, and one which sets out several issues the authors wish the Authority to take into account in the determination of this application including the design and potential impact of the signage on the surrounding Conservation Area. The two other letters point out the inappropriateness of the signage with reference to the Authority’s Detailed Design Guidance on Shop Fronts, and the author of one of these letters also objects strongly to the proposed sign on the basis that it is ‘totally out of keeping with the historic centre of Bakewell’.

Main Policies

Advertisements are subject to control under the Town and Country Planning (Control of Advertisements) Regulations 2007, as amended (‘the Advertisement Regulations’) rather than being treated as development that requires planning permission. In this respect, some forms of outdoor advertising benefit from deemed consent and are excluded from control of the planning authority provided certain conditions are fulfilled. Express consent is required for signage like the signage proposed in the current application, which does not fall within the categories and conditions specified in the Regulations for adverts that benefit from deemed consent.

Notably, when determining an application for express Advertisement Consent only two issues can be taken into consideration, these are the interests of amenity and public safety. In assessing the impact of signage on amenity, the local characteristics of the area must be taken in account, and in particular, whether it is in keeping with scenic, historic, architectural or cultural features of the area. Considerations regarding public safety are normally limited to the likely impact of advertisements on road traffic and pedestrians.

The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment, it also repeats the regulatory provision that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Saved Local Plan policy LC11 also deals specifically with outdoor advertisements and states that advertisements should (i) be as near as possible to the business or activity concerned, (ii) not result in a proliferation of signs inappropriate to the building or locality, (iii) not pose a hazard to public safety, or unduly harm the amenity of neighbouring properties, (iv) be in proportion and appropriately located relative to the building on which that are displayed and /or to nearby buildings, (v) be of a high standard of design, materials and construction; and (vi) be of a scale, setting and design which do not detract from features of architectural or historic importance or other valued characteristics of the area.

Wider Policy Context

Relevant Core Strategy policies: GSP1, GSP2, GSP3 & L3

Relevant Local Plan policies: LC4, LC5 & LC6

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 and GSP2 the Core Strategy. Similarly, GSP3 of the Core Strategy and LC4 of the Local Plan are consistent with core planning principles in the Framework that require all development in the National Park to be of a high standard of design that is sensitive to the locally distinctive character of its landscape setting

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 set out in the Authority's Development Plan in policy L3 of the Core Strategy and saved Local Plan policies LC5 and LC6.

The Conservation Area Appraisal offers further guidance on Bakewell's designated Conservation Area and the Authority has also recently adopted detailed design guidance on shop fronts.

Assessment

In the first instance, it is clear that the signage does not pose any risk to public safety noting that the Highway Authority does not have any objections to this application. Equally, the signage generally meets the requirements of LC11, which deals specifically with outdoor advertisements, because (i) the signage is as near as possible to the business concerned, (ii) its retention would not result in a proliferation of signs (iii) the signage would not pose a hazard to public safety, or unduly harm the amenity of neighbouring properties, and (iv) because it makes use of the exiting fascia board, the signage can be considered to be in proportion and appropriately located relative to the building on which it is displayed. Therefore, the key issues in the determination of this

application is the poor standard of design of the signage and whether its design would detract from the features of architectural or historic importance or other valued characteristics of the area so as to demonstrably harm the amenities of the local area.

In this case, as quite rightly pointed out in representations, the signage that has now been erected does not meet the requirements of the Authority's adopted detailed design guidance on shop fronts, or reflect the valued characteristics of the Conservation Area, as identified in the recent Conservation Area Appraisal. Amongst other things, this is because of the use of poor quality materials, the colour scheme, the overly long fascia board, and the generally poor detailing of the sign, which results in a rather insipid and somewhat unfortunate frontage that would not appear to be particularly commercially astute.

However, the Authority's Conservation Officer is also correct to say that now the signage has been completed, and the frontage painted white, the signage is not especially conspicuous or unduly prominent in the street scene. Furthermore, the signage and frontage as a whole is somewhat lost within the wide range of retail/commercial frontages along Matlock Street, obscured from some vantage points by the adjacent road signage, and does not unduly detract from the generally busy and vibrant nature of the town centre. Therefore, it is considered that it is difficult to argue that the signage harms the amenities of the local area sufficiently to warrant refusal of the current application in terms of the provisions of the Advertisement Regulations.

Conclusion

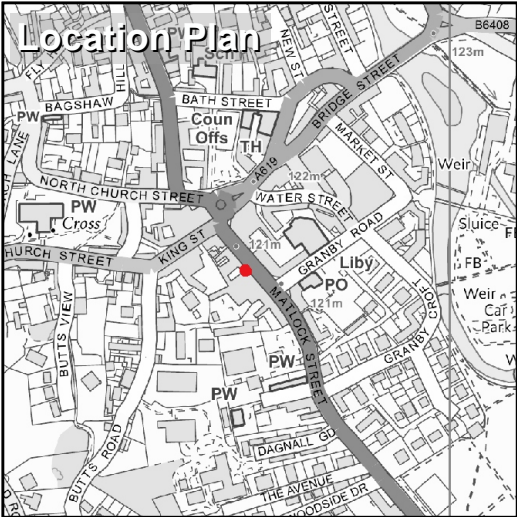
It is therefore concluded that whilst the retention of the signage would not robustly comply with the Authority's design and conservation policies, its adopted guidance on shop fronts or Conservation Area Appraisal insofar as they are relevant to this application, the retention of the signage would result in limited harm to the amenities of the local area. Consequently, the current application is recommended for approval subject to the standard conditions required by the Advertisement Regulations, as 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:	11/09/2015
Item Number:	12
Application No:	NP/DDD/0615/0504
Grid Reference:	421767, 368408

Title: Ice Creams & Dreams
Matlock Street
Bakewell6 Lines Maximum!



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13. LISTED BUILDING CONSENT - NEW SIGNAGE TO SHOP FRONT, ICE CREAMS & DREAMS, MATLOCK STREET, BAKEWELL (NP/DDD/0615/0505 P.2537 421767/368408 30/8/2015/CF)

APPLICANT: JOEL BOND

Site and Surroundings

The current application concerns Ice Creams and Dreams, which is a restaurant that operates from a Grade II listed building on Matlock Street in the centre of Bakewell. The restaurant also lies within Bakewell's Central Shopping Area and the designated Conservation Area.

Proposal

This application now seeks retrospective advertisement consent for the new signage for the premises and for the external white paint finish to the frontage. The new signage was completed after this application was submitted and includes the premises logo above the door on a white background with items sold from the premises such as ice creams and sundaes written in decorative writing either side of the Ice Creams and Dreams logo.

The submitted Design and Access Statement otherwise states that no permanent fixtures to the interior of the Grade II listed building have been required to facilitate the change of use of the premises, and it is said all furniture is free-standing and can simply be removed once this use is finished. In this respect, the current application does not seek Listed Building Consent for any works to the interior of the premises.

However, a parallel application for Advertisement Consent has also been submitted for the new signage that has been erected recently on the frontage of the property. A further application has been submitted for retrospective planning permission for the change of use of the premises from a shop to a restaurant.

RECOMMENDATION:

That the application be APPROVED subject to the following condition:

- 1. The works hereby permitted shall be carried out in complete accordance with the following approved plans: Drawing No. 89215/01 Revision A and Drawing No. 89215/04 Revision A.**

Key Issues

- whether the external works carried out at the premises harm the character of the Grade II listed building or the appearance of its setting, which includes the designated Bakewell Conservation Area.

History

Ice Creams and Dreams has operated from the premises from August 2014 without planning permission and works were carried out to the inside and outside of the building in advance of the necessary Listed Building Consent being sought and obtained. This application now seeks Listed Building Consent for the signage that was erected recently on the frontage of the premises prior to the determination of this application and the paintwork to the frontage. The new sign replaced an earlier unauthorised sign that was erected last year in advance of the premises being opened to the public.

Consultations

External Consultees

Highway Authority – No objections.

District Council – No response to date.

Town Council – object to the current application because the proposed signage is felt to be out of keeping, using inappropriate materials and an unsympathetic colour scheme.

The Town Council also considers that it is regrettable that the design fails to take into account the Detailed Design Guidance Note on Shop Fronts or the 2013 Conservation Area Appraisal. The application appears in contravention of paragraphs 2.1, 4.1, 5.1, and in particular 5.10 and 6.4 of the Shop Fronts Guidance and in contravention of paragraphs 11.9, 11.10, 11.11 and 11.24 (in part) and in particular 11.25 of the Conservation Area Appraisal. As a consequence it is felt that the proposal may adversely affect the Conservation Area.

Internal Consultees

National Park Authority (Conservation Officer) – Recommended that the application ‘as submitted’ be refused. However, the Conservation Officer has now withdrawn this objection having seen the completed signage, on the basis that whilst the signage is poor; the frame around it, and painting the shop windows white makes the fascia less conspicuous by pulling the sign and windows together as a single item.

Representations

Four letters about this application have been received by the Authority: one of which offers general support for the proposals, and one which sets out several issues the authors wish the Authority to take into account in the determination of this application including the design and potential impact of the signage on the surrounding Conservation Area. The two other letters point out the inappropriateness of the signage with particular regard to the quality of materials and its design.

Main Policies

The current application seeks Listed Building Consent for works carried out at the premises rather than for development. The premises also lie within the designated Bakewell Conservation Area. Therefore, the most relevant policies in the Authority’s Development Plan are policy L3 of the Core Strategy and saved Local Plan policies LC5 and LC6.

L3 seeks to safeguard cultural heritage assets of historic significance, and states that development must conserve and where appropriate enhance or reveal the significance of architectural or historic assets and their settings.

Saved Local Plan Policy LC5 sets out criteria to assess applications for development or works which are within designated Conservation Areas, and states that consideration should be given to (i) the form and layout of the area and views into and out of the site; (ii) the scale, height, form and massing of the proposal and existing buildings to which it relates; (iii) locally distinctive design details including traditional frontage patterns, and (iv) the nature and quality of proposed building materials.

LC6 relates to listed buildings and says applications should demonstrate why the proposed works are desirable or necessary.

LC6 also says works which adversely affect the character, scale, proportion, design, detailing of, or materials used, or which would result in loss or irreversible change to original features will not be permitted.

The Conservation Area Appraisal offers further guidance on Bakewell's designated Conservation Area and the Authority has also recently adopted detailed design guidance on shop fronts.

The Authority's adopted policies and design guidance are consistent with the National Planning Policy Framework ('the Framework'), which states that the conservation of heritage assets in a manner appropriate to their significance is a core planning principle 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.

It is also considered that these policies are consistent with the statutory duties placed on the Authority by the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (s.16(2)) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the surrounding Conservation Area (s.72(1)).

Wider Policy Context

Relevant Core Strategy policies: GSP1, GSP2 & GSP3

Relevant Local Plan policies: LC4

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 and GSP2 the Core Strategy. Similarly, GSP3 of the Core Strategy and LC4 of the Local Plan are consistent with core planning principles in the Framework that require all development in the National Park to be of a high standard of design that is sensitive to the locally distinctive character of its landscape setting

Assessment

In this case, the signage that has now been erected does not meet the requirements of the Authority's adopted detailed design guidance, or reflect the valued characteristics of the Conservation Area, as identified in the recent Conservation Area Appraisal. Amongst other things, this is because of the use of poor quality materials, the colour scheme, the overly long fascia board, and the generally poor detailing of the sign, which results in a rather insipid and somewhat unfortunate frontage that would not appear to be particularly commercially astute.

However, the works have not had any significant impact on the fabric of the building because the signage has been erected on a pre-existing fascia board, and both the signage and the paintwork are clearly reversible and have not damaged the building. Moreover, the paintwork has helped to give the frontage of the premises a more coherent appearance and the works taken as a whole are clearly desirable and necessary insofar as commercial premises need to advertise their presence.

It is also considered the Authority's Conservation Officer is correct to say that now the signage has been completed, and the frontage painted white, the signage is not especially conspicuous or unduly prominent in the street scene. Furthermore, the signage and frontage as a whole is somewhat lost within the wide range of retail/commercial frontages along Matlock Street, obscured from some vantage points by the adjacent road signage, and does not unduly detract from the generally busy and vibrant nature of the town centre.

Therefore, it is considered that it is difficult to argue that the signage harms the Grade II listed building or the character and appearance of its setting, which includes the surrounding Conservation Area sufficiently to warrant refusal of the current application even when taking into account the statutory duties placed on the Authority by the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of making a decision on this application.

Conclusion

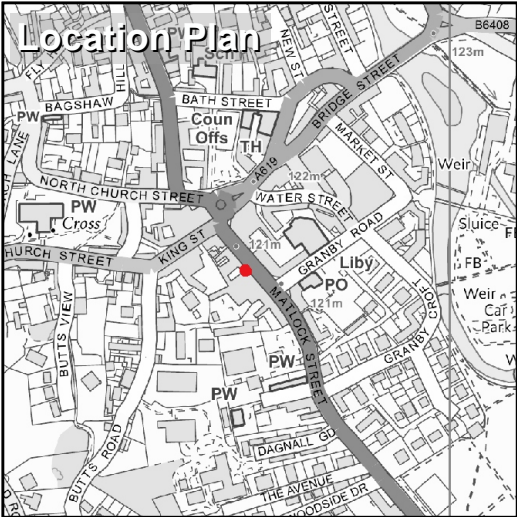
It is therefore concluded that whilst the works to the building do not robustly comply with the Authority's design and conservation policies, its adopted guidance on shop fronts or Conservation Area Appraisal insofar as they are relevant to this application, retention of the paintwork and signage would not harm the Grade II listed building or its setting. Consequently, the current application is recommended for approval subject to a condition requiring compliance with the submitted plans to give clarity to what has been granted Listed Building Consent if this application were to be approved.

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:	11/09/2015	Title: Ice Creams & Dreams Matlock Street Bakewell	 PEAK DISTRICT NATIONAL PARK
Item Number:	13		
Application No:	NP/DDD/0615/0504		
Grid Reference:	421767, 368408		

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14. PROTECTING TREES IN THE NATIONAL PARK – THE USE OF TREE PRESERVATION ORDERS (JRS)

At the Planning Committee in July 2015 it was agreed that the Director of Planning would bring a report to Committee to explain the Authority's practice on the options available to the Authority for protecting trees, particularly where development is proposed. This report sets out the approach that is currently taken and provides Members with a summary of the Tree Preservation Order process.

In practice there are three situations in which a tree or group of trees would have some protection from felling or other significant works, such as topping, lopping and pruning. These are:

- Where there is a Tree Preservation Order (TPO)
- Where the tree is within a designated Conservation Area
- Where there is a specific planning condition which has taken effect following the commencement of a development. There may also be occasions when there is a section 106 agreement which has a similar restriction, but these are not widely used for this purpose.

In addition, the felling of over a certain volume of timber requires a licence from the Forestry Commission (FC) and the felling of trees within Sites of Special Scientific Interest (SSSIs) requires Natural England (NE) consent. NE or FC consent will also generally be needed for trees on land within agri-environment or woodland grant schemes. These are not dealt within this report.

What is a Tree Preservation Order?

This is set out in more detail in the Government's National Planning Practice Guidance (see: <http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-orders/tree-preservation-orders-general>), so what follows is a summary of the relevant parts of that guidance.

A Tree Preservation Order is an order made by a local planning authority to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions.

Owners of protected trees must not carry out, or cause or permit the carrying out of, any of the prohibited activities without the written consent of the local authority. As with owners of unprotected trees, they are responsible for maintaining their trees, with no statutory rules setting out how often or to what standard. The local planning authority cannot require maintenance work to be done to a tree just because it is protected.

What are the relevant laws?

The primary legislation on Tree Preservation Orders is in Part VIII of the Town and Country Planning Act 1990 as amended and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012. The Town and Country Planning (Tree Preservation) (England) Regulations 2012 introduced a single set of procedures for all trees covered by tree preservation orders.

Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. Amenity is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

When granting planning permission authorities have a duty to ensure, whenever appropriate, that planning conditions are used to provide for tree preservation and planting. Orders should be made in respect of trees where it appears necessary in connection with the grant of permission.

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

What might a local authority take into account when assessing amenity value?

When considering whether trees should be protected by an Order, authorities are advised to assess the amenity value of trees in a structured and consistent way, taking into account the following criteria:

Visibility: The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact: Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including size and form; future potential as an amenity; rarity, cultural or historic value; contribution to, and relationship with, the landscape; and contribution to the character or appearance of a conservation area.

Other factors: Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change, but these factors alone would not warrant making an Order.

What does 'expedient' mean in practice?

Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural management. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order.

What trees can be protected?

An Order can be used to protect individual trees, trees within an area, groups of trees or whole woodlands. Protected trees can be of any size or species. Orders covering a woodland will protect the all trees and saplings within the identified area, including those planted or growing naturally after the Order was made.

How are Tree Preservation Orders made?

If a local planning authority makes an Order, it will serve notice on people with an interest in the land, inviting representations about any of the trees covered by the Order. A copy of the Order will also be made available for public inspection. Following consideration of any objections and comments the authorities can decide whether or not to confirm the Order.

The Order must specify the trees or woodlands as being within four categories (individual, area, group and woodland). Any combination of these categories may be used in a single Order. The Order must also include, or have annexed to it, a map giving a clear indication of the position of the protected trees, groups of trees or woodlands. The legislation does not require authorities to describe the trees in the Order with full scientific names or plot them on the map with pinpoint accuracy. But authorities should bear in mind that successful prosecutions for contravening Orders will be difficult where Orders do not show clearly which trees are meant to be protected

The group category should be used to protect groups of trees where the individual category would not be appropriate and the group's overall impact and quality merits protection. The

woodland category's purpose is to safeguard a woodland as a whole. The advice makes it clear that a woodland category TPO should not hinder beneficial woodland management. Whether or not they make an Order, authorities can consider encouraging landowners to bring their woodlands into proper management under the grant schemes run by the Forestry Commission.

The National Park Authority's Tree Officer spends a significant amount of his time providing advice to land owners on the proper management and maintenance of trees and woodlands. A scheme for charging for this advice is currently being considered

When does a Tree Preservation Order come into effect?

An Order comes into effect on the day the authority makes it. This provisional effect lasts for six months, unless the authority first either confirms the Order to provide long-term protection or decides not to confirm it. Before deciding whether to confirm an Order, the local authority must take into account all 'duly made' objections and representations. If an Order is not confirmed after 6 months it will cease to have effect.

Is there a right of appeal against made or confirmed Tree Preservation Orders?

The legislation provides no right of appeal to the Secretary of State against an authority either making or confirming an Order. There is, however, a right of appeal to the Secretary of State following an application to carry out work on trees protected by an Order that is refused, granted subject to conditions, or not determined. The validity of an Order cannot be challenged except by way of application to the High Court on a point of law.

How is an application made to carry out work on trees protected by a Tree Preservation Order?

Apart from limited exceptions, permission must be sought from the local planning authority by submitting a standard application form. Anyone wanting to cut down, top, lop or uproot trees subject to an Order must first apply authority for its consent unless the proposed work is exempt through an exception. Where an exception applies the authority's consent to carry out works is not needed, but notice of those works may need to be given to the Authority.

What are the exceptions relating to trees subject to an Order?

An exception may exempt landowners or their agents from the normal requirement to seek the local planning authority's consent before carrying out work on trees subject to an Order. These exceptions include certain work, including work on the following: on dead trees and branches; on dangerous trees and branches; to comply with an Act of Parliament; to prevent or abate a nuisance; necessary to implement a planning permission; on fruit trees; by or for statutory undertakers; for highway operations; by the Environment Agency and drainage bodies; and for national security purposes.

The Authority's consent is needed for carrying out work on diseased and/or dying trees unless some other exemption applies. One example is work urgently necessary to remove an immediate risk of serious harm. Another example is where government authorities require the destruction of particular trees to tackle a serious plant disease.

The Authority's consent is not required for carrying out work on trees subject to an Order so far as such work is necessary to implement a full planning permission. For example, the Order is overridden if a tree has to be removed to make way for a new building for which full planning permission has been granted. However, the Authority's consent is required for work on trees subject to an Order if:

- development under a planning permission has not been commenced within the relevant time limit and has expired;
- only outline planning permission has been granted; and
- it is not necessary to carry out works on protected trees in order to implement a full planning permission

Applications for consent under an Order may be granted unconditionally, subject to conditions, or refused. There is a right of appeal against the decision.

The Use of TPOs in the Peak District National Park

The Authority does not make extensive use of TPOs; there are currently 88 in place in the National Park, most of them having been made many years ago. The approach taken by the Authority has been to use TPOs as a method of last resort, preferring to work with land owners by providing advice on tree management and conservation. Officers in both the Planning and Conservation teams consider that our advisory work is more effective in generating a sympathetic attitude from tree owners, is less resource-intensive and will provide a source of income through paid-for advice in future.

Conservation Areas

Trees within Conservation Areas also benefit from some protection against felling, topping or lopping. There are currently 109 Conservation Areas in the National Park; these are largely focussed on villages, but some (notably Edale and Eyam) cover large areas of countryside beyond the village boundary.

If a tree in a Conservation Area is not already covered by a TPO, written notice must be given to the Authority of any proposed work at least six weeks before the work starts. This is a Section 211 notice and it gives the Authority an opportunity to consider protecting the tree with a TPO. Normal TPO procedures apply if a tree in a Conservation Area is already protected by a TPO.

There are some exemptions to this requirement. Consent is not required for works to a tree in a Conservation Area if it is less than 7.5 centimetres in diameter, measured 1.5 metres above the ground (or 10 centimetres if thinning to help the growth of other trees).

Use of Planning Conditions

Planning conditions are frequently used by the Authority as a means of securing the retention of existing trees on sites during development and for a period following completion of the development. If there is a planning condition on a permission, this only comes into effect once the permission has been lawfully commenced. Following this any work to a protected tree must be in accordance with the condition or as otherwise agreed with the Authority. Failure to comply with the condition can lead to the service of a Breach of Condition Notice, against which there is no right of appeal and which is subject to prosecution in the Magistrates' court.

The difficulty which can arise with a reliance on this approach is that a developer may remove or otherwise top, lop or prune a tree which is covered by a condition before the planning permission is implemented. If the tree is not protected by other means (a TPO or being located in a Conservation Area), then the Authority would have no control over this work and a tree or trees which were considered to be worthy of retention could be removed or damaged.

Whilst this is a risk, in practice there have been no occasions in recent years where this has actually happened in the National Park. In those cases where trees on a site have been identified as being worthy of retention officers have worked with the applicant or their agent to agree a scheme for retention and management. If officers were to become aware that an important tree that was not otherwise protected was under threat because of a proposed development, the use of a Tree Preservation Order would be considered, but officers do not recommend the use of TPOs as standard/routine measure in all cases where the retention of trees is desirable.

Having regard to the advice in the NPPG, the Authority needs to consider whether it is expedient to serve an Order (see above). It is also necessary to consider the resources that would be required to serve a TPO in all those cases where a condition requiring the retention of trees is currently used. Whilst the TPO process can be made as efficient as possible, it would usually be

necessary for the Tree Officer to inspect the tree or trees in question and for an order to be drafted and issued by the Legal Team. Any order could be subject to appeal. Given the current level of resources in these teams (the Authority now has two part-time Tree Officers) and the future limitations on resources and budgets, this approach would not be sustainable. Consequently, officers consider that Tree Preservation Orders should be used as a means of last resort when there is a clear threat to a tree or trees which are of amenity value and that the current approach of providing advice to land owners has been effective and an efficient use of limited resources.

Finally, in response to Members' interest in this subject, the Member Planning Training sessions on 25 September and 18 October will include a presentation from and discussion with Dave Frost, the Authority's Tree Officer.

RECOMMENDATION: That the report be noted

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

1. APPEALS LODGED

No new appeals lodged during this month.

2. APPEALS WITHDRAWN

No appeals withdrawn during this month.

3. APPEALS DECIDED

There were 5 appeals decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/0914/1014 3007996	Use of yard for parking 2 lorries, in addition to retention of use of yard for agricultural purposes at Five Acres Farm, Narrow Gate Lane, Wardlow, SK17 8RP	Written Representations	Allowed with conditions	Committee

The Inspector in allowing the Appeal, felt that the proposed parking of 2 commercial vehicles would be largely screened from distant views by existing buildings and elevated land, and that the introduction of the commercial vehicles would not appear unduly conspicuous within the farm setting, as there were already vehicles of a similar type often present in connection with agricultural activities, however the Inspector in one of his conditions has stated that there should be no more than 2 commercial vehicles parked on the site at any one time, nor should there be any parking of commercial vehicles outside the area to protect the character and appearance of the landscape, so it would be in accord with Policies L1, T4 and E2 of the Core Strategy, and the provisions of the National Planning Policy Framework.

NP/DDD/0115/0001 3011473	Siting of two shepherd's huts at far end of field for use as room only accommodation. Existing concrete stable forecourt to be utilised as parking for two cars. Change of use of land from agricultural to commercial at Land off The Lodge, Tideswell	Written Representations	Dismissed	Delegated
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The Inspector felt that the proposal would not represent sustainable recreational and tourism development with the National Park, and also concluded that because of its prominent position, permanence and paraphernalia associated with the proposed use, the development would detract unacceptably from the valued characteristics of this site, undermining the manner in which it sits in its surroundings and so failing to conserve the Park's landscape, cultural heritage and scenic beauty. As such it would also conflict with Policies GSP1, GSP3, L1 and RT3 in the Core Strategy and LC4 and LR3 of the Local Plan. The Appeal was therefore dismissed.

11/0222 Enforcement 3000787	Erection of building; and change of use of the land to use for storage purposes at Land on Stanedge Road, Bakewell	Written Representations	Dismissed	Delegated
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The Inspector dismissed the appeal as he felt that the development which had been carried out, was materially different to the 1991 scheme when planning permission had been granted, so making the development as a whole unlawful. The Inspector also felt that the appeal building was a significant structure which had eroded the openness and rural character of the area and that the scenic beauty of the landscape and National Park had been harmed and that the building needed to be removed in order to remedy the injury to the amenity.

NP/DDD/0914/0997 3001876	Six number one bedroomed flats at Endcliffe Court, Ashford Road, Bakewell, DE45 1GT	Informal Hearing	Allowed with Conditions	Committee
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The Inspector felt that the proposed development would be consistent with the principles of sustainable development. Whilst the proposal would be contrary to the Development Plan, he considered its compliance with the Framework and the benefits that the proposal provided outweighed this in this particular case. The Inspector allowed the Appeal.

NP/DDD/0814/0917 3009008	Change of use of agricultural land for the proposed implement store, static stables and menage at land at Eastmoor, Baslow, DE45 1SR	Written Representations	Dismissed	Delegated
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The Inspector dismissed the appeal as she felt that the proposal would have been visibly prominent from the road and would appear intrusive within the natural landscape. Although landscaping was proposed, it was felt that it would not have been sufficient to screen the development. The site would have also been prominent from other vantage points within the landscape, and although the site was some distance from the village, it would have adversely impacted on views from nearby roads, and would not have been in keeping with the open character and appearance of the surrounding area. The proposal would have also conflicted with Core Strategy GSP1, GSP3 and L1 as well as conflicting with Local Plan LC4, LC13 and LR7 and the National Planning Policy Framework.

4. **RECOMMENDATION:**

That the report be received.